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KEIZER PLANNING COMMISSION MEETING AGENDA
Wednesday, March 9, 2022 @ 6:00 p.m.
Keizer Civic Center

- 1. CALL TO ORDER**
- 2. APPROVAL OF MINUTES – February 19, 2022**
- 3. APPEARANCE OF INTERESTED CITIZENS**
This time is made available for those who wish to speak about an issue that is not on the agenda.
- 4. KDC and COMPREHENSIVE PLAN Update Recommendations – Draft Language**
- 5. NEW-OLD BUSINESS/STAFF REPORT**
- 6. COUNCIL LIAISON REPORT**
- 7. COUNCIL REPRESENTATIVE: Ron Bersin, March 21**
- 8. NEXT MEETING ~ April 13, 2022**
- 9. ADJOURN**



**KEIZER PLANNING COMMISSION
MEETING MINUTES
Wednesday, February 9, 2022 @ 6:00 pm
Keizer Civic Center**

CALL TO ORDER

Chair Matt Lawyer called the meeting to order at 6:00 pm.

ROLL CALL:

Present:

Matt Lawyer, Chair
Jeremy Grenz, Vice Chair
Francisco Saldivar (6:10)
Ron Bersin
Sarah Hutches
Jane Herb
Mo Avishan

Council Liaison Present:

Councilor Juran

Staff Present:

Shane Witham, Planning Director
Dina Horner, Assistant Planner

APPROVAL OF MINUTES: Commissioner Grenz moved for approval of the January 2022 Minutes. Commissioner Herb seconded. Motion passed as follows: Lawyer, Grenz, Bersin, Herb and Hutches in favor with Avishan abstaining and Saldivar absent at time of vote.

APPEARANCE OF INTERESTED CITIZENS: None

NEW/OLD BUSINESS: House Bill 2001 and Senate Bill 458, Code Update

Recommendations: Angelo Consultants gave a slide presentation focusing on the project status, Middle Housing Draft #1-Code Amendments/Revisions, Middle Housing Draft #2-Code Amendments related to Senate Bill 458, what Keizer must, may, and cannot require; Code updates related to definitions, procedures, a new section, submittal requirements, review procedure, criteria and final plat approval, expedited land division criteria and submittal requirements, and the next steps.

Discussion took place regarding frontage improvements, considering 'fee in lieu' instead of requiring frontage improvements at the time of development, requiring formation of an HOA in order to assure maintenance of a 'child' lot set aside as a common area, middle housing land divisions appeals (not going to LUBA), the 100-foot notice requirement, hearings officer appeal timing, establishing sections for middle housing land divisions and expedited land divisions. Commissioners reviewed what Keizer MAY require, timing mechanisms, mechanisms to ensure that what is proposed to be built is actually built, conditions of approval, policy questions and legal questions.

Director Witham indicated that he would work with the consultant and come back with a bulleted list and staff recommendations. He indicated that the packet would be large

and urged Commissioners to review it thoroughly and call/email him prior to the meeting so that questions can be addressed and clarifications made.

STAFF REPORT: Director Witham reported that building permits have been issued for a mixed use development on Cherry.

COUNCIL LIAISON REPORT: Councilor Juran had nothing to report.

COUNCIL REPRESENTATIVE: Mo Avisham will report to Council on February 22.

ADJOURN: The meeting adjourned at 7:16 p.m.

Next Meeting:
Wednesday, March 9, 2022

Minutes approved: _____

TO: PLANNING COMMISSION

**FROM: SHANE WITHAM
PLANNING DIRECTOR**

DATE: March 1, 2022

SUBJECT: House Bill 2001 – Draft Amendments to KDC and Comprehensive Plan

ATTACHMENTS:

- **Final Middle Housing Code Updates Cover Memo**
- **KDC Sections 1.200, 2.102, 2.103, 2.104, 2.105, 2.107, 2.130, 2.301, 2.303, 2.314, 2.315, 2.404, 2.432, 3.101, 3.115, 3.116**
- **Comprehensive Plan Section: Residential Development Goals, Objectives and Policies**

BACKGROUND:

For the past several months, we have been going through the process of identifying changes needed to our Development Code and Comprehensive plan to implement the requirements of HB2001 and SB458. Planning Commission has functioned as a “technical advisory committee” of sorts throughout this process which included auditing the existing code language, identifying policy issues to address, and recommending approaches to be taken to successfully complete this project.

Attached is a memo from Angelo Planning Group summarizing revisions that have been made to address some of the key policy issues identified by Planning Commission. In addition, proposed draft amendments to individual sections of the Keizer Development Code and Comprehensive Plan are attached. The draft amendments are formatted in a redline version for your review and input. Angelo Planning Group (APG) will be presenting at Planning Commission to provide an overview of the draft code language, and will be available to answer questions you may have.

While Planning Commission is not making a formal recommendation on the proposed language at this time (since this is not a public hearing), staff is asking for Commissioner’s input, questions, and general consensus in preparation of the final draft version that will be prepared for next month’s public hearing.



MEMORANDUM

Final Middle Housing Code Updates Cover Memo City of Keizer

DATE February 23, 2022
TO Shane Witham and Dina Horner, City of Keizer
Sean Edging and Nicole Mardell, DLCD
FROM Matt Hastie and Brandon Crawford, Angelo Planning Group

Overview

The purpose of this memo is to summarize the revisions for both drafts of the Keizer Middle Housing Code Updates. The draft Code updates were divided between HB 2001 amendments and SB 458 amendments. The revisions to both drafts are largely based on feedback from the Planning Commission and DLCD, as well as staff recommendations. This is the final phase of draft Code updates before the amendments go to public hearings before the Planning Commission and City Council. For further background on the Code Update project, HB 2001, and SB 458, please see memos for the first two phases of Code Updates.

Lot Sizes and Parking for Quadplexes

The current minimum lot size for quadplexes in the RH and MU zones is 6,000 square feet. Therefore, the initial recommendation was to keep the same minimum lot size of 6,000 square feet for quadplexes. However, the State does not allow cities to require more than three off-street parking spaces for quadplex lots that are below 7,000 square feet. The City wishes to require at least four spaces for quadplexes for every zone, which is consistent with other middle housing types (one space per unit). Therefore, we recommend increasing the quadplex minimum lot size to 7,000 square feet for the RH and MU zones, which will enable the City to require a minimum of four off-street parking spaces for quadplexes in those zones.

Staff noted that this lot size increase will not actually result in larger lot sizes for quadplexes, as the current maximum density standard would prohibit quadplexes from being on lots that are less than approximately 7,200 square feet for these zones. Because HB 2001 requires cities to waive maximum density for middle housing, a minimum lot size of 7,000 square feet for quadplexes ultimately results in a slight decrease in allowed lot sizes for this housing type across all zones.

Eliminate Zero-Side Yard Dwelling Standards

The purpose of the Zero-Side Yard dwelling requirements and standards are to regulate the townhouses and provide flexibility for single-family dwellings to connect to another unit on the shared lot line. Because the recommended Code Updates will expand opportunities for middle

housing development and conversions, including for townhouses, staff recommends removing standards for zero-side yard dwellings. The HB 2001 and SB 458 updates meet the same intentions of the Zero-Side Yard provisions.

Cottage Cluster Standards

Several additional amendments are recommended for the City's Cottage Cluster development and design standards. Most of the revisions pertain to updating provisions to meet clear and objective standards that are either consistent with Middle Housing Model Code standards or minimum compliance requirements in OAR 660-046.

Revisions were also made to require a maximum of one cluster and common area per cottage cluster development, which enables the City to allow a maximum of up to 8 total cottage units. Cities can set a maximum number of clusters/common areas, and a maximum of no less than 8 units per cluster/common area. Cities cannot, however, directly set a limit on the number of cottage units unless it is tied to a limit for clusters/common areas (i.e., one cluster/common area with 8 units). We also recommend the City requires a minimum of three cottages for cottage cluster developments. Lastly, other revisions were made to ensure cottage cluster design standards are clear and objective and do not exceed the design standards established in the Model Code.

Detached Plexes Recommendation

City staff recommends allowing duplexes, triplexes, and quadplexes only as attached forms of housing, which is the standard definition required by HB 2001. Although opinions on this issue were mixed, a majority of Planning Commission and survey participants did not support the policy option to allow detached plexes. Although the proposed amendments will not allow for detached plexes, property owners would still likely have options available to either convert their property to a cottage cluster or a more conventional attached plex.

Allowing detached plexes may also undermine the City's ability to support development of cottage clusters, as it could provide an avenue for developers to circumvent standards required for cottage cluster development. The City hopes cottage clusters combined with Middle Housing Land Divisions will provide more affordable homeownership opportunities, given their relatively small unit sizes.

SB 458 Update Revisions

The primary revision for the SB 458 updates previously reviewed by the Planning Commission relates to platting and building permit procedures. The initial recommendation was to require a certificate of occupancy before a Middle Housing Land Division (MHL) could be approved, however it is unlikely the State would allow that approach. An alternative to ensure the resulting child lots will be developed and necessary improvements will be constructed is to require building permit issuance as a condition of approval for the final plat. In addition, we recommend a condition of approval that separate utility connections and necessary improvements are either guaranteed or constructed prior to issuance of a certificate of occupancy.

The recommended updates for Expedited Land Divisions (ELD) were separated from the MHLD section by creating a new chapter for ELDs. The separate ELD chapter includes the requirements from State statute and the provisions are organized in a similar format to the MHLD chapter.

Additional Code Graphics Options

The project scope includes an option for the City to include graphics that illustrate the various middle housing types and middle housing land division procedures. Code graphics can be a useful resource to supplement complex code provisions or building types. Potential Code graphics for the City to consider include:

- Illustrations of design features for SFD and middle housing to supplement KDC 2.314
- General graphic for each middle housing type (KDC 1.200)
- Graphic that illustrates middle housing conversions (KDC 2.314)
- SB 458 – parent lot vs. child lot distinction (KDC 1.200)
- SB 458 – graphics to illustrate SB 458 procedures (e.g., flow chart with graphics showing building permit stage -> preliminary plat -> COAs for utilities and improvements -> Final Plat)

1.200 DEFINITIONS

1.200.01 General Provisions

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire Keizer Development Code (general), and those terms that are applicable to specific Sections (specific). Terms used in specific Sections are identified as follows:

[Adult]	Adult Entertainment Business; Section 2.418
[Flood]	Floodplain Overlay Zone; Section 2.122
[Greenway]	Greenway Management Overlay Zone; Section 2.123
[Historic]	Historic Resources; Section 2.127
[RV Park]	Recreational Vehicle Spaces and Park; Section 2.412
[Signs]	Signs; Section 2.308

- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

1.200.02 Grammatical Interpretation.

Words used in the masculine or feminine include all genders. Words used in the present tense include the future, and the singular includes the plural. The word "shall" is mandatory. Where terms or words are not defined, they shall have their ordinary accepted meanings within the context of their use. The contemporary edition of Webster's Third New International Dictionary of the English Language (principal copyright 1961) shall be considered as providing accepted meanings. (12/19)

1.200.03 Diagrams

Diagrams are provided for terms or phrases in order to provide an illustrative example. (5/98)

1.200.04 Definitions.

The following words and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this Section:

Access: The way or means by which pedestrians and vehicles shall have ingress and egress to property. (5/98)

Accessory Dwelling: An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. (1/19)

Access Easement:

A narrow, private, limited use roadway, which provides access to a public street for properties that do not have usable public street frontage. (11/16)

Accessory Structure: A detached, subordinate building or portion of a main building, the use of which is incidental to the main building or use of the land, but does not include dwellings or living quarters. (5/98)

Accessory Use: A use incidental and subordinate to the main use of the parcel, lot or building. (5/98)

Adjacent: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent." (5/98)

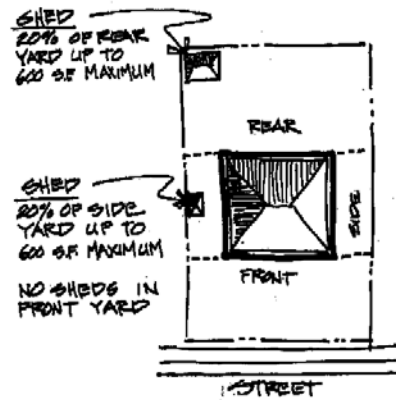
Administrative Decision: A decision made by applying the existing standards contained in this Ordinance and without a public hearing. (5/98)

Adult entertainment business [Adult]: A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. (5/98)

Alteration [Historical]: A change, addition, or modification to the exterior of a building. (5/98)

Alteration or Altered [Sign]: Any change in the size, shape, method of illumination, position, location, construction, or supporting structure of a sign. A change in sign copy or sign face shall not be considered an alteration. (5/98)

Alteration, Structural: Any change in the exterior dimensions of a building, or, a change which would affect a supporting member of a building, such as a bearing wall, column, beam, or girder. (5/98)



Accessory Structure

Appeal: A request for a review of a decision authority's action on an application. (5/98)

Appeal [Flood]: A request for a review of the interpretation of any provision of this ordinance or a request for a variance. (12/20)

Applicant: The property owner of record or contract purchaser. (5/98)

Approved: Means approved by the Community Development Director, Hearings Officer, Planning Commission or City Council having the authority to grant such approval. (5/98)

Architectural Front: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural front of a building is opposite the architectural rear. The architectural front is typically the façade with the main point of entry into the building and may include doorways, stairs, windows, and other architectural features typically found on a front of the residential building. It may be oriented towards a street or towards an internal parking lot. (6/07)

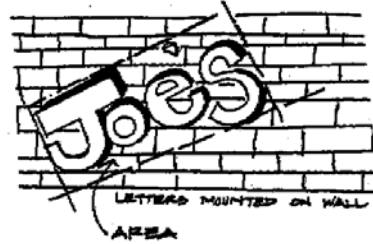
Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building. The architectural rear is typically the side of the building that may include such features as porches, patios or other features for use of either individual or multiple units. (6/07)

Architectural Side: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural side of a building is perpendicular to both the architectural front and rear. The architectural side is typically the façade without any significant architectural features found on either the front or rear of the building. (6/07)

Area: The total area circumscribed by the boundaries of a lot or parcel, except that:

1. When the legal instrument creating the property shows the boundary extending into a public street right-of-way, then for purposes of computing the lot or parcel area shall be the street right-of-way line, or if the right-of-way line cannot be determined, a line running parallel to and 30 feet from the center of the traveled portion of the street. (5/98)
2. Private access easements, and the access strips to flag-lots, shall not be included when calculating the area of a lot or parcel. (5/98)

Area [Sign]: The area of a sign shall be the entire area within any type of border, which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a parallelogram or a triangle of the smallest size sufficient to cover the entire message of the sign and computing the area of the parallelogram or a triangle. For the purpose of computing the number of signs, all writing included within such a border shall be considered one sign, except for multi-faced signs on a single sign structure, which shall be counted as one sign per structure. The area of multi-faced signs shall be calculated by including only one-half the total area of all sign faces. (5/98)



Sign Area

Attached Dwellings:

~~Two or more dwelling units on separate properties that share a common wall for a full story that adjoins enclosed habitable space on each side. Attached dwellings shall be joined along a common wall for no less than one story for a distance of at least 10 feet. (01/02)~~

Automobile, Recreational Vehicle or Trailer Sales: A lot used for display, sale, or rental of new or used automobiles, recreational vehicles or trailers and where repair work is limited to minor, incidental repairs. (5/98)

Auto-oriented development: Development that is designed to accommodate customers who use automobiles to travel to the site. This type of development typically provides more than the minimum required number of parking spaces. Buildings entrances tend to emphasize providing convenient access to parking areas. Other typical characteristics are drive-through facilities, multiple driveways, and a low lot coverage percentages. (12/19)

Awning [Sign]: A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)

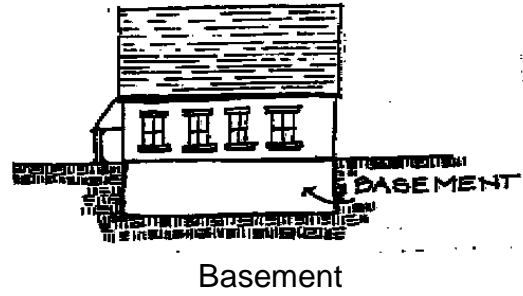


Sign Awning

Base Flood [Flood]: The flood having a one percent chance of being equaled or exceeded in any given year. (12/20)

Base Flood Elevation (BFE) [Flood]: The elevation to which floodwater is anticipated to rise during the base flood. (12/20)

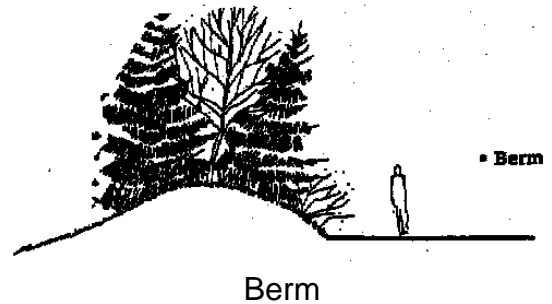
Basement: That habitable portion of a building between floor and ceiling which is all below, or partly below and partly above, grade, but so located that for all exterior walls the average vertical distance from grade to the floor below is equal to or greater than the vertical distance from grade to ceiling. If such portion of a building is not a basement, then it shall be considered a story. (5/98)



Basement [Flood]: Any area of the building having its floor subgrade (below ground level) on all sides. (12/20)

Bed and Breakfast Establishment: A structure designed and occupied as a residence and in which sleeping rooms are provided on a daily or weekly basis with a morning meal provided. (5/98)

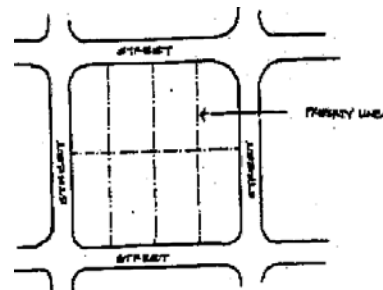
Berm: A linear mound of soil. (5/98)



Bicycle Facilities: Improvements which provide for the needs of cyclists, including bicycle paths, bicycle routes and bicycle parking. (5/98)

Biomass Facility: An electric generating facility that burns wood, agricultural products, other plant or animal waste or material solid waste as fuel to produce steam which is converted to electricity. This definition also includes a gasification, methane fermentation, or alcohol fuel production facility. (5/98)

Block: A parcel of land bounded by 3 or more through streets. (5/98)



Building: A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles shall not be considered buildings. (5/98)

Building Coverage: The portion of a lot or parcel covered or occupied by buildings or other structures. (5/98)

Building Face [Sign]: The single wall surface of a building facing a given direction. (5/98)

Building Frontage [Sign]: The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot. A service station may use the longest side of an overhanging canopy for building frontage. (5/98)



Building Face & Frontage

Building Height: The vertical distance from the average elevation of the finished grade to the highest point of the structure. By definition, building height does not include architectural and building features exempt from height restrictions. (5/98)



Building Height

Building, Main: A building within which is conducted the principal use of the property. (5/98)

Building Official: An individual empowered by the City to administer and enforce the Uniform Building Code (UBC). (5/98)

Building Plane: The plane of a building wall that extended from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. The plane does not include roof area. (12/18)

Cabana: A stationary structure with two or more walls, used in conjunction with a manufactured home to provide additional living space and meant to be moved with the manufactured home. (5/98)

Canopy Sign [Sign]: A sign hanging from a canopy or eave, at an angle to the adjacent wall. (5/98)



Canopy Sign

Carpool: A group of two or more commuters, including the driver, who share the ride to and from work or other destinations. (5/98)

Carport: A structure consisting of a roof and supports for covering a parking space and of which not more than one side shall be enclosed by a wall or storage cabinet. (5/98)

Cemetery: Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium, crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery. (5/98)

Change of Use: A change from one type of use of a building or land to another type of use. (5/98)

Change of Use [Greenway]: Making a different use of the land than that which existed on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use. (5/98)

Child Foster Home: Any home maintained by a person who has under the care of the person in such home any child under the age of 18 years not related to the person by blood or marriage and unattended by the parent or guardian for the purpose of providing such child's care, food and lodging. This use must have a current certificate of approval issued by the State of Oregon (6/99)

Church: See House of Worship. (5/98)

City: The City of Keizer, Oregon. (5/98)

Clinic: A facility operated by a group of physicians, dentists, or other licensed health practitioners on an out-patient basis and not involving overnight housing of patients. (5/98)

Club: An organization, group, or association supported by the members, the purpose of which is to render a service primarily for members and their guests, but shall not include any organization, group, or association the chief activity of which is to render a service customarily carried on as a business for profit. (5/98)

Commission: The Planning Commission of Keizer, Oregon. (5/98)

Common Open Space: An area, feature, building or other facility within a development intended for the use by the residents of the development. (5/98)

Community [Flood]: The city limits of the City of Keizer. (12/20)

Community Building: A publicly owned and operated facility used for meetings, recreation, or education. (5/98)

Comprehensive Plan: The officially adopted City of Keizer Comprehensive Plan, as amended. (5/98)

Conditional Use: A use, which is permitted in a particular zone or elsewhere in this ordinance only after review and approval as a conditional use, including non-conforming" conditional uses. (5/98)

Condominium: A building or group of buildings, broken into separate units with each unit being separately owned, while the parcel on which the building(s) is located is held in a separate ownership. Condominiums are subject to the provisions of ORS 94.004 to 94.480, and 94.991. (5/98)

Conforming: In compliance with the regulations of the Code. (5/98)

Construct [Sign]: Build, erect, attach, hang, place, suspend, paint in new or different word, affix, or otherwise bring into being. (5/98)

Corner Lot: See "Lot, Corner." (5/98)

Council: The City Council of Keizer, Oregon. (5/98)

Critical Facility [Flood]: A facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste. (12/20)

Day Care Facility: An establishment or place, not a part of a public school system, in which are commonly received 3 or more children, not of common parentage, under the age of 14 years, for a period not exceeding 12 hours per day for the purpose of being given board, care, or training apart from their parents or guardians. (5/98)

Decision: The formal act by which the Community Development Director, Hearings Officer, Planning Commission or City Council makes its final disposition of a land use action. (5/98)

Demolish [Historical]: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a resource. (9/18)

Density: The number of dwellings units per gross acre. (5/98)

Develop: To construct or alter a structure; or, to make alterations or improvements to land for the purpose of enhancing its value. (5/98)

Development: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (5/98)

Development [Flood]: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. (12/20)

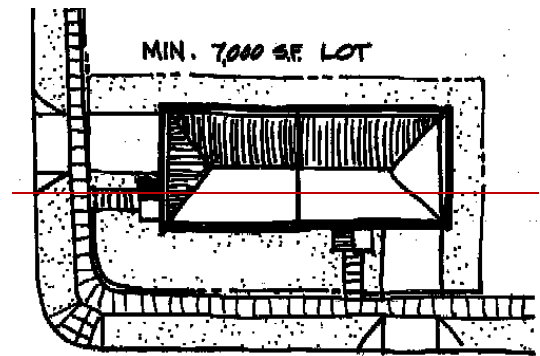
Dormitory: A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

Driveway: A private way used by vehicles and pedestrians to gain access from a public access or right-of-way onto a lot or parcel of land. (5/98)

Drop Station: Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere. (5/98)

Duplex: See: "Dwelling, Two-Household Family (Duplex)." (5/98)

Dwelling, Cottage Cluster: A grouping of no less than four detached buildings per acre on a lot designed exclusively for the occupancy of separate households living independently of each other in each detached building, or "cottage". Each building shall have a footprint of less than 900 square feet, and the buildings must be oriented around a common courtyard.



Duplex

Dwelling, Four-Household (Quadplex): A building on a single parcel or lot containing 4 dwelling units designed exclusively for occupancy by 4 households living independently of each other.

Dwelling Unit: One or more rooms designed for occupancy by one family and not having more than one cooking facility. (5/98)

Dwelling, Multi-Household (Multi-Family): A building on a single parcel or lot containing 3 5 or more dwelling units designed for occupancy by 3 5 or more households families living independently of each other. (5/98)

Dwelling, Single-Household (Single Family Detached): A detached building containing one dwelling unit designed exclusively for occupancy by 1 household family. (5/98)

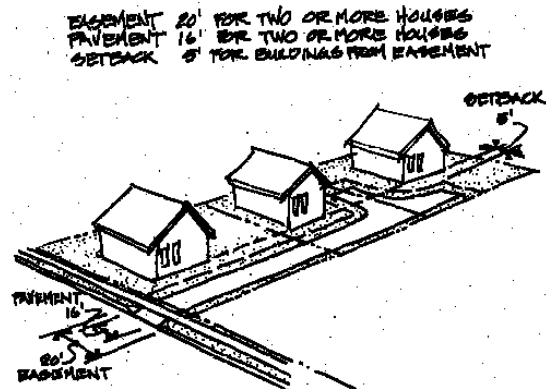
Dwelling, Three-Household (Triplex): A building on a single parcel or lot containing 3 dwelling units designed exclusively for occupancy by 3 households living independently of each other.

Dwelling, Two-Household Family (Duplex): A detached building on a single parcel or lot containing 2 dwelling units designed exclusively for occupancy by 2 households families living independently of each other. (5/98)

Dwelling, Townhouse: A building on a single parcel or lot containing 1 dwelling unit designed exclusively for occupancy by 1 household that is part of a row of two or more attached dwellings and shares at least one common wall with an adjacent dwelling. A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel. (5/98)

Dwelling, Middle Housing: Refers to housing types required under House Bill 2001 (2019) and OAR 660-046. These housing types include duplexes, triplexes, quadplexes, townhouses, and cottage clusters.

Easement: A grant of right to use an area of land for a specific purpose. (5/98)



Employees: All persons, including proprietors, performing work on a premise. (5/98)

Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows. (5/98)

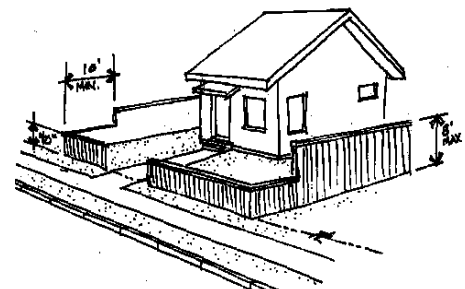
Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than 5 unrelated individuals, living together as a single housekeeping unit. (5/98)

Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

Farming: The use of land for purposes defined in ORS Chapter 215. (5/98)

Federal Emergency Management Agency (FEMA) [Flood]: The federal organization responsible for administering the National Flood Insurance Program. (5/98)

Fence: An unroofed barrier or an unroofed enclosing structure or obstruction constructed of any materials including but not limited to, wire, wood, cement, brick, and plastic. (5/98)



Fence, Sight Obscuring: A fence arranged or constructed to obstruct vision. (5/98)

Fill [Flood]: The placement of any material on the land for the purposes of increasing its elevation in relation to that which exists. Fill material includes, but is not limited to, the following: soil, rock, concrete, bricks, wood stumps, wood, glass, garbage, plastics, metal, etc. (5/98)

Final Decision: A decision made in accordance with, and pursuant to, the provisions of this ordinance, or decisions made by the Land Use Board of Appeals or the Courts, after the applicable appeal periods have expired. (5/98)

Finish Ground Level [Sign]: The average elevation of the ground (excluding mounds or berms, etc. located only in the immediate area of the sign) adjoining the structure or building upon which the sign is erected, or the curb height of the closest street, which ever is the lowest. (5/98)

Flag Lot: See "Lot, Flag." (5/98)

Flashing Sign [Sign]: A sign any part of which pulsates or blinks on and off, except time and temperature signs and message signs allowed by conditional use. (5/98)

Flood or Flooding [Flood]:

- (a) A general and temporary condition of partial or complete inundation of normally dry land areas from: (12/20)
 - (1) The overflow of inland or tidal waters. (12/20)
 - (2) The unusual and rapid accumulation or runoff of surface waters from any source. (12/20)
 - (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. (12/20)
- (b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition. (12/20)

Flood Insurance Rate Map (FIRM) [Flood]: The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM). (12/20)

Flood Insurance Study (FIS) [Flood]: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. (12/20)

Floodplain Management [Flood]: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to

emergency preparedness plans, flood control works, and floodplain management regulations. (12/20)

Floodproofing [Flood]: A combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents. (12/20)

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as "Regulatory Floodway." (12/20)

Floor Area: The sum of the gross horizontal areas of the several floors of a building, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings, but not including:

1. Attic space providing headroom of less than seven feet;
2. Basement, if the floor above is less than six feet above grade;
3. Uncovered steps or fire escapes;
4. Private garages, carports, or porches;
5. Accessory water towers or cooling towers;
6. Off-street parking or loading spaces. (5/98)

Forest Use: The use of land for the production of trees; the processing of forest products; open space; water sheds; wildlife and fisheries habitat; vegetative soil stabilization; air and water quality maintenance; outdoor recreational activities or related support services; wilderness; or, livestock grazing. (5/98)

Free-Standing Sign [Sign]: A sign supported by one or more uprights, poles or braces placed in or upon the ground, or a sign supported by any structure primarily for the display and support of the sign. (5/98)



Free-Standing Sign

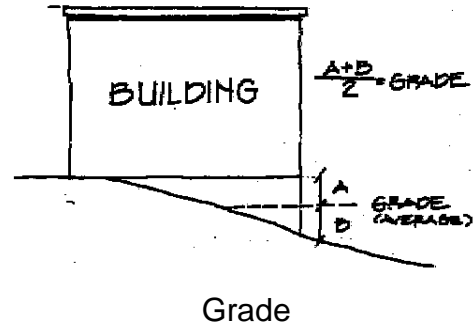
Frontage: That portion of a lot or parcel which abuts a public street. (5/98)

Front Lot Line: See "Lot Line, Front." (5/98)

Functionally Dependent Use [Flood]: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities. (12/20)

Garage: A building, or portion of a building, used for the storage or parking of a vehicle. (5/98)

Grade: The average elevation of the finished ground at the centers of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation opposite the center of the wall shall constitute the ground elevation. (5/98)



Group Living: Characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people who do not meet the definition of Household Living. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents including those for dining, social and recreational and laundry. Group Living is differentiated into two subcategories based on whether residents receive personal care, training and/or treatment.

- a. Room and board facilities where no personal care, training and/or treatment is provided include examples such as dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.
- b. Long-term facilities where some level of care is provided includes examples such as hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

Exceptions include: (1) Lodging where tenancy may be arranged for periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing or mass shelters. (2) Facilities for people who are under judicial detainment and are under the supervision of sworn officers are included in the Detention Facilities category. (12/19)

Habitable Space: A room or space in a structure for living, sleeping, eating, or cooking. Bathrooms, toilet compartments, closets, halls, storage or utility space, and similar areas, are not considered habitable space. (5/98)

Hearings Action: Those actions where opportunity for a public hearing of a land use action is provided by this Ordinance. (5/98)

Hearings Officer: The person(s) so designated by the Council to conduct a quasi-judicial public hearing for certain land use actions. (5/98)

Highest Adjacent Grade [Flood]: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure. (12/20)

Historic Structure: Any structure that is: (9/18)

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (9/18)
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (9/18)
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or(9/18)
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (9/18)
 - a. By an approved state program as determined by the Secretary of the Interior or (9/18)
 - b. Directly by the Secretary of the Interior in states without approved programs. (9/18)

Home Occupation: A business or professional activity engaged in by a resident of a dwelling unit as a secondary use of the residence, and in conformance with the provisions of the Ordinance. Such term does not include the lease or rental of a dwelling unit, the rental of guest rooms on the same premises, or the operation of a day care facility. (5/98)

Hotel: Any building in which lodging is provided to guests for compensation and in which no provision is made for cooking in individual rooms. (5/98)

Household Living: Characterized by the occupancy of a residential dwelling unit by a household. Tenancy is arranged on a month-to-month basis or for a longer period. Uses where tenancy may be arranged for a shorter period (i.e., less than one month) are not considered residential; they are considered to be a form of transient lodging (Retail Sales And Service and Community Service use categories). Apartment complexes that have accessory services such as food service, dining rooms, and housekeeping are included as Household Living, as are Single Room Occupancy housing (SROs) when at least two thirds of the units are rented on a monthly basis and meals are prepared by the residents.

Examples include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, other structures with self-contained dwelling units, and SROs depending on the number of units rented on a monthly basis and meal preparation.

Exceptions include: (1) Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales And Service category. (2) SROs that contain programs

which include common dining are classified as Group Living. (3) Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses. (4) In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter. (12/19)

House of Worship: A church, synagogue, temple, mosque, or other permanently located building primarily used for religious worship. A house of worship may also include accessory buildings for related religious activities and a residence. (5/98)

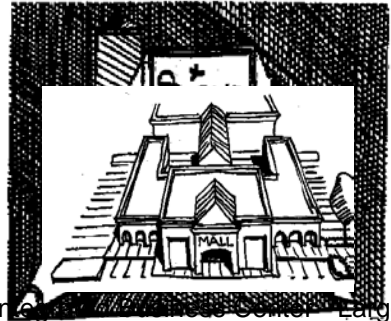
Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

Indirect Illumination [Sign]: A source of illumination directed toward such sign so that the beam of light falls upon the exterior surface of the sign. (5/98)

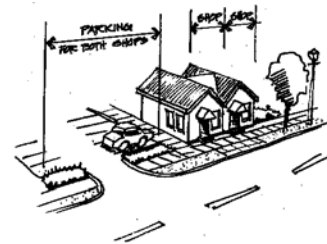
Integrated Business Center [Sign]: A group of two or more businesses which are planned or designed as a center, and share a common off-street parking area or access, whether or not the businesses, buildings or land are under common ownership. (5/98)

Intensification [Greenway]: Any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

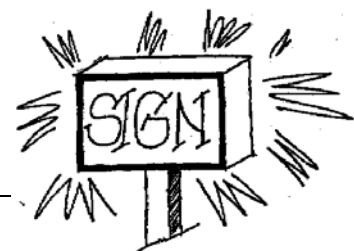
Internal Illumination [Sign]: A source of illumination from within a sign. (5/98)



Indirect Illumination



Integrated Business Center - Small



Internal Illumination

Joint Use Sign [Sign]: When two or more businesses combine part or all of their total allowed sign area into free-standing sign for each common frontage of such business. (5/98)

Junk: The term "junk" regardless of value, includes but is not be limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used



Joint Use Sign

fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
4. "Waste tire" means a tire that is not longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)

Junk Yard: The use of more than 200 square feet of the area of any lot for the storage of salvage materials, including scrap metals or other scrap materials, or for the dismantling or "wrecking" of automobiles or other vehicles or machinery, whether or not such uses are conducted as a business for profit or otherwise. (5/98)

Kennel: Any lot or premises on which four or more dogs and/or cats over the age of four months are kept for sale, lease, boarding, or training. (5/98)

Land Division: Any partition or subdivision of a lot or parcel. (5/98)

Land Use Action: An amendment to the City of Keizer Comprehensive Plan or this Ordinance, or a decision on a zone change, variance, conditional use, partitioning or subdivision, or administrative permits, including appeals from any of the foregoing decisions. Issuance of a building permit is not a land use action. (5/98)

Landscaped: Areas primarily devoted to the planting and preservation of trees, shrubs, lawn and other organic ground cover, together with other natural or artificial supplements such as watercourses, ponds, fountains, decorative lighting, benches, arbors, gazebos, bridges, rock or stone arrangements, pathways sculpture, trellises, and screens. (5/98)

Legislative Action: A land use action involving amendments to the Comprehensive Plan, the text of this Ordinance, or an amendment to the Comprehensive Plan map or Zoning map involving more than 5 separate property ownerships. (5/98)

Letter of Map Change (LOMC) [Flood]: Means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of LOMCs: (12/20)

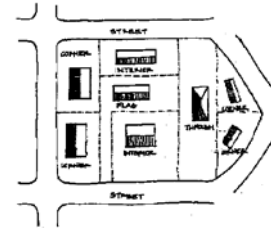
1. Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood. (12/20)
2. Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)
3. Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway. (12/20)
4. Letter of Map Amendment (LOMA): An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area. (12/20)
5. Letter of Map Revision (LOMR): A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report. (12/20)
6. Letter of Map Revision based on Fill (LOMR-F): A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway. (12/20)
7. PMR: A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)

Livestock: Domestic animals of types customarily raised or kept on farms for profit or food. (5/98)

Loading Space: An off-street space or berth on the same lot with a building, or group of buildings, used for the parking of a vehicle while loading or unloading merchandise, materials or passengers. Loading space excludes fire lanes, as they are not considered useable space for loading and unloading. (5/98)

Lot: A unit of land created by a subdivision as defined in ORS 92.010 in compliance with all applicable zoning, subdivision ordinances; or created by deed or land sales contract if there were no applicable zoning, subdivision or partitioning ordinances, exclusive of units of land created solely to establish a separate tax account. Such lots may consist of:

1. Single lot of record;
2. Portion of a lot of record; or
3. Combination of complete lots of record and portions of lots of record. (5/98)



Lot Types

Lot Area: The total area of a lot, measured in a horizontal plane within the lot boundary lines, and exclusive of public and private roads and easements of access to other property. For flag-shaped lots, the access strip shall not be included in lot area for the purposes of minimum lot area requirements of this Ordinance. (5/98)

Lot, Corner: A lot abutting on two intersecting streets, other than an alley or private access easement, where the angle of intersecting streets is no greater than 135 degrees. (5/98)

Lot Coverage: Area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area shall not be included in calculating lot coverage. (12/19)

Lot Depth: The horizontal distance measured from the midpoint of the front lot line to the midpoint of the rear lot line. (5/98)

Lot, Flag: A lot or parcel of land with access by a relatively narrow strip of land between the major portion of the parcel and the point of public access to the parcel, all of which is in the same ownership. (5/98)

Lot, Frontage: The distance between the two side lot lines measured at the minimum front setback line, parallel to the street line. (5/98)

Lot, Interior: A lot other than a corner lot. (5/98)

Lot Line, Front:

A lot line abutting a public street, private street, or access easement. In the case of a corner lot, through lot or a lot where vehicular access is provided off an alley and there is no frontage on a public or private street, the front line is based on the structure's orientation and at least two of the following factors:

- a. Location of the front door;
- b. Location of the driveway (when accessed off a public or access easement); and/or
- c. Legal street address.

For flag lots and lots with access from an easement, the Zoning Administrator shall have the authority to designate another line as the front lot line in which case it shall be clearly noted on the final plat. (01/02)

Lot Line, Rear: A property line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line ten (10) feet in length within the lot, parallel to and at a maximum distance from the front line. (5/98)

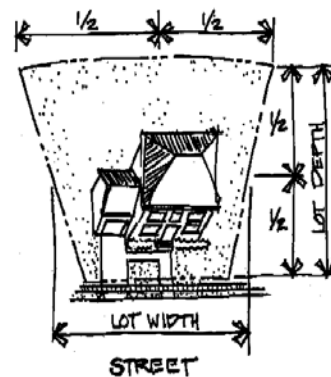
Lot Line, Side: Any property line which is not a front or rear lot line. (5/98)

Lot of Record: A lawfully created lot or parcel established by plat, deed, or contract as duly recorded in Marion County property records. (5/98)

Lot, Through: An interior lot having frontage on two streets. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. (6/07)

Lot Width: The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line. (5/98)

Lowest Floor [Flood]: 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 ordinance. (5/98)



Lot Width and Depth

Main Entrance: The principle building entrance intended for the use by the general public, employees or residences. A main entrance door may not be a door that is locked during normal business hours. This entrance is designated the address bearing entrance for the purpose of Emergency Responders. (5/98)

Major Public Improvement [Historical]: The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property on a resource site, except for the repair or maintenance of existing public improvements. (9/18)

Manufactured Home: A home, a structure with a Department of Housing and Urban Development label certifying that the structure is constructed in accordance with the National Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5401 et seq.), as amended August 22, 1981 and constructed after June 15, 1976. (5/98)

Manufactured Dwelling [Flood]: 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.

The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home". (12/20)

Manufactured Dwelling Park or Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured dwelling lots for rent or sale. (12/20)

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance. (5/98)

Marijuana Grow Site: A Marijuana Grow Site that is registered by the Oregon Health Authority Under ORS 475.304 or applicable state law at a specific location used by a grower to produce marijuana for medical use by specific qualifying patients. (10/14)

Marijuana Processor: A Marijuana Processor means a person who processes marijuana items in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Producer: A Marijuana Producer means a person who produces marijuana in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Retailer: A Marijuana Retailer is a person who sells marijuana items to a consumer in this state and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Marijuana Wholesaler: A Marijuana Wholesaler means a person who purchases marijuana items in this state for resale to a person other than a consumer and is licensed by the Oregon Liquor Control Commission under applicable state law. (1/16)

Master Plan: A presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions. (5/98)

Mean sea level [Flood]: For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced. (5/98)

Medical Marijuana Facility or Facilities: A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 or other applicable state law and that sells, distributes, transmits, gives, dispenses or otherwise provides

Medical Marijuana to qualifying patients. *In addition, as allowed by state law and applicable regulation only, "early sales" of recreational marijuana is permitted.**
*(THIS AMENDMENT SUNSETS ON DECEMBER 31, 2016 AND IS OF NO FORCE OR EFFECT AFTER SUCH DATE). (10/15)

Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

Middle Housing Child Lot: A unit of land created from the division of a middle housing parent lot through a middle housing land division for the purpose of having a single dwelling unit per newly created lot or parcel.

Middle Housing Land Division: A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2) and the partition or subdivision is processed in accordance with the provisions of ORS Chapter 92 and KDC 3.202. The lot or parcel that is the subject of the land division is referred to as the middle housing parent lot; a lot created by the division is referred to as a middle housing child lot.

Middle Housing Parent Lot: A lot or parcel that is developed, or proposed to be developed, with middle housing, and which may therefore be further divided through a middle housing land division to create middle housing child lots.

Mini-Storage Warehouse: An area or areas located within an enclosed building or structure used only in connection with the storage of personal property. (5/98)

Mobile Food Vendor: A non-permanent use that typically is a truck, van, or trailer which have their wheels intact and have been outfitted to prepare and serve food. (9/16)

Modular or Prefabricated Home: A dwelling unit whose components are assembled and brought to the site and erected. The dwelling unit is intended and designed to be placed upon a permanent foundation and substantial construction is needed before it is complete and ready for permanent occupancy. Modular or prefabricated homes are regulated by the Uniform Building Code (UBC). (5/98)

Motel: A building or group of buildings on the same lot containing rooms designed for lodging, with or without cooking facilities, which are available for rent and in which each lodging unit has a separate entrance from the building exterior. The term includes auto courts, tourist courts, tourist homes, and motor lodges. (5/98)

Multi-faced Sign [Sign]: A sign which has 2 or more identical sign faces, contained in a single sign structure. (5/98)



Multi-Faced Sign

Multi-family Dwelling [Sign]: A residential structure or complex of structures which include 3 or more separate dwelling units, whether rented or owned by the occupants. (5/98)

Mural [Sign]: An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure, or, inside the window of a structure. (5/98)

Natural Register Resource: Buildings, structures, object, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966 (PL 89-665; 16 U.S.C. 470). (9/18)

Neighborhood Activity Center: A use, or combination of uses, which is a common destination or focal point for community activities, including primary and secondary schools, neighborhood parks and playgrounds and shopping centers. (5/98)

Neighborhood Association: An association recognized by the City Council as being a Neighborhood Association in accordance with the Neighborhood Association Ordinance. (5/98)

New Construction: Structures for which construction was initiated on or after the effective date of this Ordinance. (5/98)

New Construction [Flood]: Structure(s) for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the City of Keizer and includes any subsequent improvements to such structures. (12/20)

Nonconforming Sign [Sign]: Any sign which lawfully exists prior to the effective date of this chapter but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (5/98)

Non-Conforming Structure or Use: A lawfully existing structure or use at the time this Ordinance, or any amendments, becomes effective, which does not conform to the requirements of the zone in which it is located. (5/98)

Notification Area: An area bounded by a line, parallel to the boundary of a subject lot. As used in this section "subject lot" includes not only the lot that is the subject of the proceeding for which notice is required, but also includes any contiguous lot in which any applicant or owner of the subject lot has either sole, joint, or common ownership, or an option to purchase, in whatever form. In the event that the application does not apply to the entire lot, the boundary of the notification area shall be measured from the lot line, not the boundary of the portion of the lot. (5/98)

Notification List: A certified list prepared by a Title Company, the Marion County Assessor's Office or the City which includes the names and addresses of all property owners within the notification area as shown in the County Assessor's records. (5/98)

Nudity or nude [Adult]: Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola and where such opaque material does not simulate the organ covered. (5/98)

Nursing Home: A home, place or institution which operates and maintains facilities providing convalescent and/or nursing care for period exceeding 24 hours. Convalescent care may include, but is not limited to, the procedures commonly employed in the nursing and caring for the aged and includes rest homes and convalescent homes, but does not include a boarding home for the aged, a retirement home, hotel, hospital, or a chiropractic facility licensed under ORS. (5/98)

Official Zoning Map: The map which indicates the zones in the City of Keizer. (5/98)

Original Jurisdiction: The authority and responsibility for rendering the first decision in a land use proceeding. (5/98)

Owner: The owner of record of real property as shown on the latest tax rolls or deed records of the county, or a person who is purchasing a parcel or property under written contract. (5/98)

Owner [Sign]: As used in these regulations, "owner" means owner or lessee of the sign. If the owner or lessee of the sign cannot be determined, then "owner" means owner or purchaser of the land on which the sign is placed. (5/98)

Parcel: A unit of land that is created by a partitioning of land. (5/98)

Parking Lot or Area: An open area, building or structure, other than a street or alley, used for the parking of automobiles and other motor vehicles and available for use by persons patronizing a particular building, establishment or area. (5/98)

Parking Space: A designated space in a parking lot or area for the parking of one motor vehicle. (5/98)

Partial Harvesting of Timber [Greenway]: A timber harvest that leaves at least 25 percent of the trees at least 6 inches DBH standing beyond the vegetative fringe. (5/98)

Partition: To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. "Partition" does not include:

1. Divisions of land resulting from lien foreclosures, divisions of land resulting from contracts for the sale of real property, and divisions of land resulting from the creation of cemetery lots; or,
2. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by

the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance; or,

3. A sale or grant by a person to a public agency or public body for state highway, county road, or other right-of-way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(q) to (s) and 215.283 (2)(p) to (r). (5/98)

Pedestrian Circulation System: Pedestrian connection(s) between building entrance(s) of the proposed development and adjacent street(s), the parking area, and the existing or future development on adjacent properties. (5/98)

Pedestrian Facilities: Improvements which provide for public pedestrian foot traffic including sidewalks, walkways, crosswalks and other improvements, such as lighting or benches, which provide safe, convenient and attractive walking conditions. (5/98)

Pedestrian Scale Lighting: Light standards or placement no greater than 14 feet in height located along walkways. (5/98)

Permit (noun): Any action granting permission to do an act or to engage in activity where such permission is required by this Ordinance. (5/98)

Permitted Use: Those uses permitted in a zone that are allowed without obtaining a conditional use permit. (5/98)

Person: Every natural person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit. (5/98)

Pet: A domestic animal customarily kept, and cared for, by the occupants of a dwelling for personal pleasure, and which are not raised for food, fur, or monetary gain. Typically, dogs, cats, birds and other small mammals and reptiles, but not including fowl, herd animals, pigs, goats or horses of any type or breed. (5/98)

Place of Public Assembly: Structure or place where 50 or more people gather which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity. (5/98)

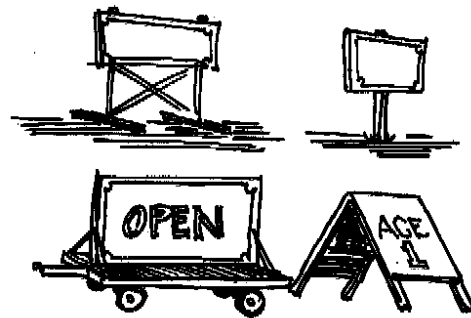
Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

Planned Unit Development: A type of development of a site which, as a single project, is based on a design which incorporates all elements of land, structures and uses in conformance with the applicable standards of this Ordinance. (5/98)

Planning Commission: The Planning Commission of Keizer, Oregon. (5/98)

Plat: The final map which is a diagram, drawing, re-plat or other writing containing all the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision or partition. (5/98)

Portable Sign [Sign]: Any sign that is not originally designed to be permanently affixed to a building, structure, or the ground. A sign originally designed, regardless of its current modification, to be moved from place to place. These signs primarily include, but are not limited to, A-frame or sandwich board signs, signs attached to wood or metal frames and designed to be self supporting and movable, and also including trailer reader boards. Portable signs are not to be considered temporary signs as defined and used in this chapter. (5/98)



Portable Signs

Primary Building Façade:

Primary building façade means the side of a building that faces the street and has a main pedestrian entrance from the street. (01/02)

Professional Office: An office occupied by an accountant, architect, attorney-at-law, engineer, surveyor, city or regional planner, insurance agent, real estate broker, landscape architect, or practitioner of the human healing arts, or other professional business similar in type, scale and character. (5/98)

Property Line Adjustment: The realignment of a common boundary between two or more abutting lots or parcels which does not involve the creation of a new lot or parcel. (6/16)

Projecting Signs [Sign]: A sign the face of which is not parallel to the wall on which it is mounted, projecting more than 12 inches from a structure. (5/98)



Projecting Sign

Public Facilities and Services: Projects, activities, and facilities which are necessary for the public health, safety, and welfare. These may include, but are not limited to, water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas. (5/98)

Quasi-Judicial Review: A decision affecting land use within the City which requires the interpretation and/or amendment of existing standards or maps contained in this Ordinance. (5/98)

Ramada: A stationary structure having a roof extending over a manufactured home, which may also extend over a patio or parking space and is used principally for protection from the elements. (5/98)

Real Estate Sign [Sign]: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

Rear Lot Line: See "Lot Line, Rear." (5/98)

Recreational Vehicle [RV Park]: A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. (5/98)

Recreational vehicle includes:

1. **Camping Trailer**: A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)
2. **Motor Home**: A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)
3. **Travel Trailer**: A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)
4. **Truck Camper**: A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck. (5/98)
5. **Boat**, licensed or unlicensed, including trailer. (5/98)
6. **All-terrain vehicle (ATV)**. (5/98)

Recreational Vehicle [Flood]: A vehicle which is:

1. Built on a single chassis; (12/20)
2. 400 square feet or less when measured at the largest horizontal projection; (12/20)
3. Designed to be self-propelled or permanently towable by a light duty truck; and (12/20)
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. (12/20)

Recreational Vehicle Park [RV Park]: Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)

Recreational Vehicle Space [RV Park]: The area under a parked and occupied recreational vehicle. (5/98)

Recycling Depot: A area used for the collection, sorting, and temporary storage of non-putrescible waste and discarded materials which are taken elsewhere to be re-used or recycled. This definition does not include drop stations. (5/98)

Repair: The reconstruction or renewal of any part of an existing building for the purpose of its maintenance. The word "repair" or "repairs" shall not include structural changes. (5/98)

Residential Facility: A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to and resident of the residential facility. (5/98)

Residential Home: A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility. (5/98)

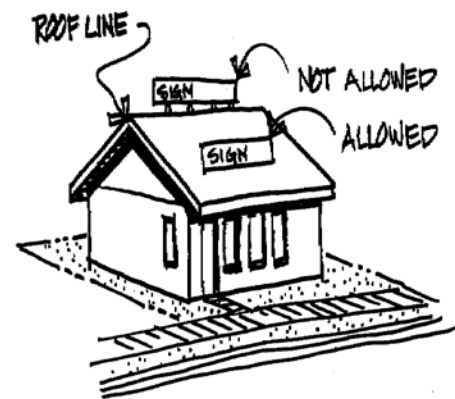
Resource [Historical]: A site, object, building, or structure designated by the Council under Section 2.127.04. (9/18)

Retail Trade: The process of selling to the consumer for direct consumption and not for resale. (5/98)

Right-of-Way: The full length and width of a public street or way, planned or constructed. (5/98)

Roof Line [Sign]: Either the eaves of the roof or the top of the parapet, at the exterior wall. A "mansard roof" is below the top of a parapet and is considered a wall for sign purposes. (5/98)

Roof Sign [Sign]: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)



Roof Line & Roof Sign

Rooming and Boarding House: A residential building or portion thereof with guest rooms, providing lodging, or lodging and meals, for 3 or more persons for compensation. (5/98)

Rotating/Revolving Sign [Sign]: A sign, all or a portion of which, moves in some manner. (5/98)

School, Elementary, Middle School, or High School: An institution, public or parochial, offering instruction in the several branches of learning and study, in accordance with the rules and regulations of the State Department of Education. (5/98)

School, Trade or Commercial: A building where the instruction is given to pupils for a fee, which fee is the principal reason for the existence of the school. (5/98)

Scrap and Waste Materials Establishment: An business that is maintained, operated or used for storing, keeping, buying or selling old or scrap copper; brass, rope, rags, batteries, paper, rubber, or debris; waste or junked, dismantled, wrecked, scrapped, or ruined motor vehicles or motor vehicle parts (except wrecking yards), iron, steel, or other old scrap metal or non-metal materials. Scrap and waste materials establishments does not include drop stations, solid waste transfer stations, or recycling depot. (5/98)

Semi-Public Use: A structure or use intended for a public purpose by a non-profit organization. (5/98)

Serial additions, alterations or expansions: Two or more additions, alterations or expansions to the existing building gross floor area and/or impervious surface area within a 3-year time period. (12/03)

Service Station: A site and associated buildings designed for the supplying of motor fuel, oil, lubrication and accessories to motor vehicles, but excluding major repair and overhaul. "Major repair and overhaul", as used in this definition, shall be considered to include such activities at painting, bodywork, steam cleaning, tire recapping, and major engine or transmission overhaul or repair involving the removal of a cylinder head or crankcase. (5/98)

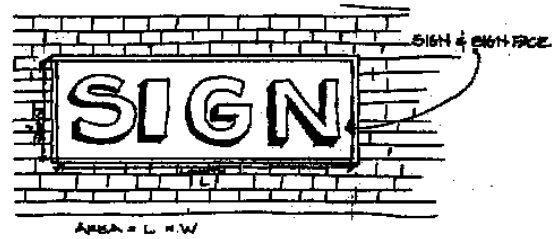
Setback: The distance between a specified lot line and the foundation or exterior wall of a building or structure. (5/98)

Shallow Flooding Area [Flood]: A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow. (12/20)

Side Lot Line: See "Lot Line, Side." (5/98)

Sign [Sign]: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol or trademark; flag, including banner or pennant; or any other device, figure or similar thing which is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building or structure or device; and is used to announce, direct attention to, or advertise; and is visible from any public right-of-way. (5/98)

Sign Face [Sign]: Surface of a sign containing the message. The sign face shall be measured as set forth in Section 15.10(2). (5/98)



Sign Face

Sign Height [Sign]: The distance from the finish ground level, to the top of the sign or the highest portion of the sign structure or frame, whichever is greater. (5/98)

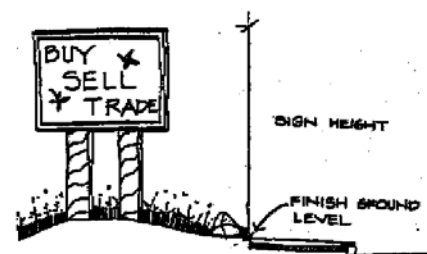
Sign Structure [Sign]: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

Site, Development, or Complex: A group of structures or other development that is functionally or conceptually integrated, regardless of the ownership pattern of the development or underlying land. (5/98)

Solid Waste Transfer Station: A fixed or mobile facility, used as an adjunct to collection vehicle(s), resource recovery facility, disposal site between the collection of the waste/solid waste and disposal site, including but not limited to, another vehicle, a concrete slab, pit, building, hopper, railroad gondola or barge. The term does not include a self-propelled compactor type solid waste collection vehicle into which scooters, pick-ups, small packers or other satellite collection vehicles dump collected solid waste for transport to a transfer, disposal, landfill or resource recovery site or facility. (5/98)

Space, Manufactured Home: An area or lot reserved exclusively for the use of a manufactured home occupant. This definition excludes individual lots within a subdivision. (5/98)

Special Flood Hazard Area [Flood]: The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard". (12/20)



Sign Height

Special Permitted Use: A use which is a permitted use in a particular zone subject to compliance with the applicable standards of Section 2.400. (5/98)

Specified sexual activities [Adult]: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a

printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)

Standard Industrial Classification (SIC): The document so entitled, published in 1987 by the Office Management and Budget, and used in this Ordinance to identify land uses. (5/98)

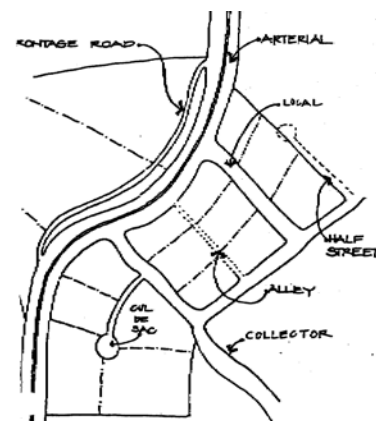
Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

Start of Construction [Flood]: Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building. (12/20)

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the top-most story shall be that portion of a building included between the upper surface of the top-most floor and the ceiling or roof above. Any basement, as defined herein, that is habitable shall be deemed a story for the purpose of administering all fire, life, safety codes including the Uniform Fire Code. (5/98)

Street: The entire width between the boundary lines of every way of travel which provides for ingress and egress for vehicular and pedestrian traffic and the placement of utilities to one or more lots, parcels, areas, or tracts of land. Streets shall follow the locally adopted street designations. A private way created to provide ingress and egress to land in conjunction with the use of such land for forestry, mining, or agricultural purposes is excluded from this definition. (5/98)

1. Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of



Street Types

properties fronting on another street. (5/98)

2. Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City. (5/98)
3. Collector: A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties. (5/98)
4. Cul-de-sac (dead-end): A short street with one end open to traffic and the other terminated by a vehicle turn-around. (5/98)
5. Half Street: 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 of development. (5/98)
6. Frontage Road, Marginal Access Road: A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (5/98)
7. Local Street: A street intended primarily for access to abutting properties, but protected from through traffic. (5/98)
8. Private Access Easement: A right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots. (5/98)

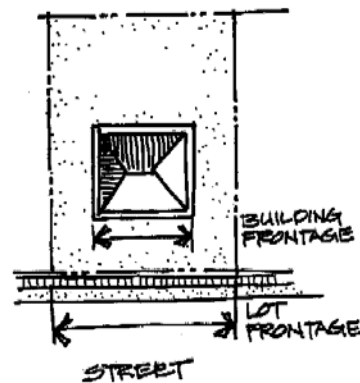
Street Frontage [Sign]: That portion of a property which abuts a paved street right-of-way and measured by the lineal distance of the property adjacent to such right-of-way. (5/98)

Structural Alteration: Any change to the supporting members of a structure, including foundation bearing walls or partitions, columns, beams or girders, or any structural change in the roof or in the exterior walls. (5/98)

Structure: That which is built or constructed, an edifice or building of any kind, or a piece of work artificially built up or composed of parts joined together in some definite manner. (5/98)

Structure [Flood]: A walled and roofed building, including a gas or liquid storage tank, that are principally above ground, as well as a manufactured dwelling. (12/20)

Subdivide: To divide an area or tract of land into four or more parcels within a 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



Street & Building Frontage

single ownership as shown on the tax roll for the year preceding the division of property.
(5/98)

Subdivision: All divisions of property which create four or more lots in a single calendar year. (5/98)

Subject Property: The lot or parcel that is the location of the proposed use or structure.
(5/98)

Substantial Damage [Flood]: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
(12/20)

Substantial Improvement [Flood]: Any reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the “start of construction” of the improvement. This term includes structures which has incurred “substantial damage”, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local building code enforcement official and which are the minimum necessary to assure safe living conditions, or (12/20)
2. Any alteration of a “historic structure”, provided, the alteration will not preclude the structure's continued designation as a “historic structure”. (12/20)

Substantial or significant portion [Adult]: More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance. (5/98)

Temporary Business: A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (12/03)

Temporary Sign [Sign]. A sign not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, or paper banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. (5/98)

Temporary Use: A primary, secondary, or accessory use that occurs on a lot for less than 6 months in any calendar year, or a lesser period as prescribed by this Ordinance.
(5/98)

Trailer (Travel or Vacation): See Recreational Vehicle. (5/98)

Transit Facilities: Transit related improvements including, but not limited to, bus pullouts, shelters, waiting areas, information and directional signs, benches and lighting. (5/98)

Transit Route: An existing or planned route for public intra-city or intra-urban transit service in the local or regional transit plan. Transit routes do not include temporary routes or routes which are planned to be replaced or relocated in the relevant plan. Transit routes are also referred to as transit streets and transit corridors. (5/98)

Transit Stop: Improvements and facilities at selected points along transit routes for passenger pick-up, drop-off, and waiting. Facilities and improvements may include shelters, benches, pavement, sign structures and other improvements to provide security, protection from the weather and access to nearby services. (5/98)

Transit Street: All streets designated by the adopted Transportation Plan as a major or minor arterial street plus any street used as an existing bus route. (5/98)

Transmission Facility: High voltage power lines and related support structures used to convey electricity from a power generator facility to electric substations along a line or corridor. (5/98)

Transmission Towers: A single structure and related unoccupied buildings transmitting or relaying electronic signals to the surrounding area or along a communication corridor including radio and television transmitters and microwave relay station. (5/98)

Travel Trailer Parks: Recreational Vehicle Park. (5/98)

Urban Growth Boundary: An adopted boundary around the City which defines the area in which the City expects to grow, where public facilities will be extended, and where joint planning responsibilities are exercised with Marion County. (5/98)

Uniform Building Code (UBC): The code of building design and construction standards adopted by the City of Keizer. (5/98)

Use: The purpose for which land or a structure is designed, arranged or intended, or, for which it is occupied or maintained. (5/98)

Utility: See "Public Facilities and Services." (5/98)

Vanpool: A group from 5 to 15 commuters, including the driver, who share the ride to and from work or other destinations on a regularly scheduled basis. (5/98)

Variance [Flood]: A grant of relief by The City of Keizer from the terms of a flood plain management regulation. (12/20)

Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

Vehicle: For purpose of this Ordinance vehicle shall have the same meaning as the definition in the rules and regulations of the Oregon Department of Transportation Driver and Motor Vehicle Division. (5/98)

Veterinary Clinic: A facility designed to contain treatment and temporary care facilities for domestic animals, including both pets and farm animals, under the direction of a licensed veterinarian. (5/98)

Violation [Flood]: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided. (12/20)

Vision Clearance Area: A triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. 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 lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the face of the curb and extend at right angles the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (5/98)



Wall Sign [Sign]: A sign attached to, erected against or painted on a wall of a building or structure, with the exposed face of the sign in a plane approximately parallel to the face of said wall and not projecting more than 12 inches. A sign painted on an awning in which the face of the sign is approximately parallel to and within 3.5 feet of the wall shall also be considered a wall sign. (5/98)

Warehouse: A place for the safekeeping of goods and materials for an industrial or commercial enterprise (also see "Mini-Storage Warehouse"). (5/98)

Water-Dependent [Greenway]: A use or activity which can be carried out only on, in or adjacent to water areas because the use requires access to the water body for water-borne transportation, recreation, energy production, or source of water. (5/98)

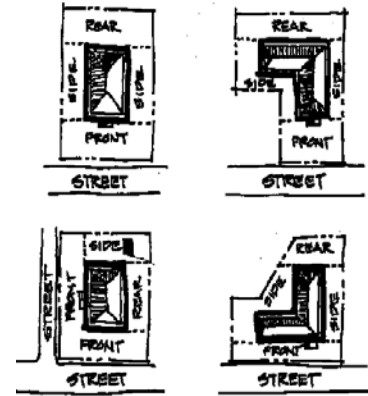
Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water,

would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

Watercourse [Flood]: A natural or artificial channel in which a flow of water occurs either continually or intermittently in identified floodplain. (5/98)

Wholesale Trade: The bulk sale of goods for resale to a person other than the direct consumer. (5/98)

Wrecking Yard: Property used for the business of buying, selling or dealing in vehicles and parts for the purpose of wrecking, dismantling, disassembling and offering for sale a used vehicle or components, and is licensed under the laws of the State for that purpose. "Vehicles" include all means of transportation that are registered with the Department of Motor Vehicles. (5/98)



Yards

Yard, Front: A yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front lot line and a line parallel to the nearest point of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Yard, Rear: A yard extending across the full width of the lot between the most rear portion of a main building and the rear lot line; but for determining the depth of the required rear yard, it shall be measured horizontally from the nearest point of the rear lot line; or, if the rear lot line adjoins an alley, then from the centerline of the alley, toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Yard, Side: A yard, between the main building and side lot line, extending from the front yard, or front lot line where no front yard is required, to the rear yard. The width of the required side yard shall be measured horizontally from the nearest point of the side lot line toward the nearest part of the foundation of the main building; but no structures may encroach on any easement. (12/19)

Zero Lot Line Wall:

Zero lot line wall means any exposed building wall that is constructed along the lot line as part of a zero lot line development and is visible from the public right-of-way or access easement. This definition includes any building wall that may be part of a zero lot line development and set off the property line but closer to the property line than would normally be required by yard or setback requirements of the zone. (01/02)

Zero Side Yard Dwelling Unit: An attached or detached dwelling unit constructed contiguous to a side lot



Zero Side Yard Dwelling Unit

2.102 SINGLE FAMILY RESIDENTIAL (RS)

2.102.01 Purpose

The purpose of the RS (Single Family Residential) zone is to allow development of single family homes on individual lots provided with urban services at low urban densities. This zone also allows duplexes, triplexes, quadplexes, townhouses, and cottage cluster housing. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (5/98)

2.102.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Ordinance, are permitted in the RS zone:

- A. **Detached single family dwelling ~~on a lot.~~** (5/98)
- B. **Residential homes.** (5/98)
- C. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home** for five or fewer children. (6/99)
- F. **Duplexes, triplexes, quadplexes, townhouses, and cottage clusters.**

2.102.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in this Ordinance and special development requirements, are permitted in the RS zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities (Section 2.305).** (Ordinance No. is 2009-586, 5/09)
- F. **The following special uses subject to the applicable standards in Section 2.400.** (5/98)

1. ~~Duplex on a corner lot (Section 2.403).~~ (5/98)
2. **Shared housing Facilities** (Section 2.403). (5/98)
3. ~~Zero side yard dwelling units (Section 2.404).~~ (5/98)
4. **Home occupations** (Section 2.407). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substation** (Section 2.426) (5/98)
11. **Wireless Telecommunication Facilities (Section 2.427)** (5/98)
12. **Manufactured home parks** (Section 2.405). (5/98)
13. **Public Water Supply** (Section 2.430) (06/10)

2.102.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit. Development of the site may also require compliance with development standards in Section 2.4. (5/98)

- A. **Elementary schools** (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreation facilities; and other public or semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Use of a mobile home as a temporary hardship dwelling** (Section 2.406) (5/98)
- G. **Child foster home** for six, seven or eight children, providing such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

H. Transit Station (Section 2.429). (5/09)

~~I. Cottage Cluster Development with or without the creation of any new lots (Section 2.432). (6/14)~~

2.102.05 Dimensional Standards

The following dimensional standards shall be the minimum requirements for all development in the RS Zone except for modifications permitted under Section 2.202, General Exceptions or as required in Section 2.4. (5/98)

A. Minimum Lot Dimension and Height Requirements

DIMENSION	<u>Residential Uses-Single family detached and duplex</u>	<u>Triplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Non-Residential Uses
Lot Size	4000 square feet (1)	<u>5000 square feet (1)</u>	<u>7000 square feet (1)</u>	<u>1500 square feet</u>	(2)
Average	40 feet	<u>40 feet</u>	<u>40 feet</u>	<u>20 feet (5)</u>	None
Average	70 feet	<u>70 feet</u>	<u>70 feet</u>	<u>70 feet</u>	None
Maximum Height	35 feet	<u>35 feet</u>	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	(3)

- ~~(1) Newly created lots or parcels less than 5000 square foot in area shall be limited to zero lot line dwellings (2.404)-(5/98)~~
- (2) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (3) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)
- (4) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.
- (5) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements

SETBACKS	Residential Uses	Non-Residential Uses
Front (5)	10 feet	20 feet
Side	5 feet (1)	10 feet
Rear	(2)	20 feet
Street-side (3)	10 feet	20 feet
Garage Entrance (4)	20 feet	20 feet

- ~~(1) Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)~~
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (10/15)
- (6) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

- C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.102.06 Development Standards

All development in the RS Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings homes, duplexes, triplexes, quadplexes, and townhouses shall comply with the design standards in Section 2.314. (5/98)

2. Residential structures with ~~five~~ **four** or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per for single family detached or 25 units per acre for townhouses. The maximum density does not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/16)
- ~~J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)~~
- K. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.103 LIMITED DENSITY RESIDENTIAL (RL)

2.103.01 Purpose

The RL (LIMITED DENSITY RESIDENTIAL) zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. RL zones are located in areas designated Medium Density Residential, and, Medium and High Density Residential in the Comprehensive Plan and provided with urban services. RL zones will generally abut a collector or arterial street so that traffic is not required to travel through lower density residential neighborhoods. (01/02)

2.103.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RL zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. ~~**Buildings with two or more dwelling units**~~ **Multi-family dwellings**. (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)
- H. **Duplexes, triplexes, quadplexes, townhouses, and cottage clusters.**

2.103.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RL zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

E. The following special uses subject to the applicable standards in Section 2.4:

1. **Shared housing facilities** (Section 2.403). (5/98)
- ~~2. **Zero side yard dwelling units** (Section 2.404). (5/98)~~
3. **Home occupations** (Section 2.407). (5/98)
4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **House of Worship** (Section 2.423). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
12. **Manufactured home parks** (Section 2.405). (5/98)
- ~~13. **Cottage Cluster Development without the creation of any new lots** (Section 2.432). (06/14)~~

2.103.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Rooming and boarding houses** (702). (5/98)

G. **Water supply** (494). (5/98)

H. **Child foster home** for six, seven or eight children, providing such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes. (6/99)

~~I. **Cottage Cluster Development** with the creation of new lots (Section 2.432). (6/14)~~

2.103.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>Detached and Duplex</u>	<u>Triplex Duplex</u>	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Multi-Family	Non-Residential
Lot Size	4000 sq. ft. (1)(2)	7000 <u>5000</u> sq. ft.	<u>7000 square feet</u>	<u>1500 square feet</u>	10000 sq. ft. (3)	(4)
Average Width	40 feet	50 <u>40</u> feet	<u>40 feet</u>	<u>20 feet</u>	50 feet	None
Average Depth	70 feet	80 <u>70</u> feet	<u>70 feet</u>	<u>70 feet</u>	80 feet	None
Maximum Height	35 feet	35 feet	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	35 feet	(5)

- ~~(1) Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)~~
- ~~(2) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)~~
- (3) Multi-family development must comply with the density standard in Section 2.103.06.I. (5/98)
- (4) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (5) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)
- (6) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

B. Minimum Yard Setback Requirements

SETBACKS	Single Family, <u>Duplex,</u> <u>triplex,</u> <u>quadplex,</u> <u>cottage</u> <u>cluster</u>	Duplex	Multi-Family	Non-Residential
Front	10 feet (5)	10 feet (5)	10 feet	20 feet
Side	5 feet (1)	5 feet	10 feet	10 feet
Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, triplex, quadplex, townhouse cottage cluster, or multi-family building; 20 feet for a 2-story single family home, duplex, triplex, quadplex, townhouse, cottage cluster, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to property lines.* (6/07)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (10/15)
- (6) If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

2.103.06 Development Standards

All development in the RL Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RL zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings, homes, duplexes, triplexes, quadplexes, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four five or more attached dwelling units, including Cottage Cluster Development, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75% Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and 25 units per acre for townhouses. (5/98)

2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)
3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters.

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

The RM (MEDIUM DENSITY RESIDENTIAL) zone is primarily intended for multiple family development on a parcel, or attached dwellings on separate lots, at medium residential densities. Other uses compatible with residential development are also appropriate. RM zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan. They are suited to locations near commercial areas and along collector and arterial streets where limited access is necessary so that traffic is not required to travel on local streets through lower density residential areas. (5/98)

2.104.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance, are permitted in the RM zone:

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. ~~**Buildings with two or more dwelling units**~~ **Multi-family dwellings.** (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)
- H. Duplexes, triplexes, quadplexes, townhouses, and cottage clusters.**

2.104.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities (Section 2.305).** (5/09)

- F. The following special uses subject to the applicable standards in Section 2.4:
1. **Shared housing facilities** (Section 2.403). (5/98)
 - ~~2. **Zero side yard dwelling units** (Section 2.404). (5/98)~~
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Bed and breakfast establishments** (Section 2.408). (5/98)
 5. **Residential sales offices** (Section 2.409). (5/98)
 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 7. **House of Worship** (Section 2.423). (5/98)
 8. **Boat and RV storage area** (Section 2.411). (5/98)
 9. **Manufactured home parks** (Section 2.405). (5/98)
 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 11. **Accessory commercial uses** (Section 2.416). (5/98)
 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
 13. **Electrical substation** (Section 2.426). (5/98)
 14. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
 - ~~15. **Cottage Cluster Development without the creation of any new lot** (Section 2.432) (6/14)~~

2.104.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)

F. **Water supply** (494). (5/98)

G. **Child foster home** for six, seven or eight children, provided such home:

1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
2. Be located on a lot of no less than 16,000 square feet;
3. The lot shall be located on an arterial or major collector street;
4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes.(6/99)

H. **Transit Station** (Section 2.429). (5/09)

I. **Residential Care Facilities** for more than 15 residents or uses noted in SIC 805 (Nursing and Personal Care Facilities) (Section 2.431) (6/11)

~~J. **Cottage Cluster Development with the creation of new lots** (Section 2.432). (6/14)~~

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family <u>Detached and Duplex</u>	Duplex Triplex	<u>Quadplex and cottage cluster</u>	<u>Townhouse</u>	Multi-Family	Non- Residential
Lot Size	4,000 sq. ft. (1)(2)	6,000 <u>5,000</u> sq. ft.	<u>7,000 square feet (1)</u>	<u>1,500 square feet</u>	9,000 sq. ft. (3)	(4)
Average Width	40 feet	40 <u>50</u> feet	<u>40 feet</u>	<u>20 feet</u>	50 feet	None
Average Depth	70 feet	70 <u>80</u> feet	<u>70 feet</u>	<u>70 feet</u>	80 feet	None
Maximum Height	35 feet	35 feet	<u>Quad: 35 feet</u> <u>Cottages: 25 feet</u>	<u>35 feet</u>	35 feet	(5)

- (1) ~~— Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404).~~ (5/98)
- (2) ~~— A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet.~~ (5/98)
- (3) Multi-family development must comply with the density standard in Section 2.104.06.I. (5/98)
- (4) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (5) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)
- (6) If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non- Residential
Front	10 feet (5)	10 feet (5)	10 feet	20 feet
Side	(1)	5 feet	10 feet	10 feet

Rear	(2)	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) Townhouses may have zero-side yard setbacks for interior lot lines. Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, triplex, quadplex, townhouse, cottage cluster, or multi-family building; 20 feet for a 2-story single family home, duplex, triplex, quadplex, townhouse, cottage cluster, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines. (06/07)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (10/15)
- (6) If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.104.06 Development Standards

All development in the RM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)

- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
1. Single family detached dwellings, homes duplexes, triplexes, quadplexes, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 2. Residential structures with four or more attached dwelling units; ~~including Cottage Cluster Development~~, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and multi-family, and 25 units per acre for townhouses. (5/98)
 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre for single family detached and 25 units per acre for townhouses. (5/98)
 3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters.

- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.105 HIGH DENSITY RESIDENTIAL (RH)

2.105.01 Purpose

The RH (HIGH DENSITY RESIDENTIAL) zone is specifically intended for multiple family dwellings on a parcel at high residential densities. Other uses compatible with residential development are also appropriate. RH zones are located in areas designated Medium and High Density Residential in the Comprehensive Plan and will generally have direct access to a collector or arterial street. RH zoned land is also suited to locations adjacent to commercial or industrial uses and is generally buffered from, or not located adjacent to, single-family residential areas. (5/98)

2.105.02 Permitted Uses

The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the RH zone:

- A. **Any combination of dwellings**, attached or detached. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home for five or fewer children**. (6/99)

2.105.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the RM zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 - ~~1. **Zero side yard dwelling** units (Section 2.404). (5/98)~~
 - 2. **Home occupations** (Section 2.407). (5/98)
 - 3. **Bed and breakfast** establishments (Section 2.408). (5/98)

4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **Boat and RV storage area** (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Accessory commercial uses** (Section 2.416). (5/98)
10. **Recreational vehicle storage space** (Section 2.413). (5/98)
11. **Electrical substation** (Section 2.426). (5/98)
12. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)
- ~~13. **Cottage Cluster Development** without the creation of any new lots (Section 2.432). (6/14)~~

2.105.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, providing such home:
 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
 2. Be located on a lot of no less than 16,000 square feet; The lot shall be located on an arterial or major collector street;

3. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
4. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
5. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
6. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
7. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

All child foster homes shall meet all applicable laws and regulations, including, but not limited to, applicable building codes.^(6/99)

~~H. Cottage Cluster Development with the creation of new lots (Section 2.432).^(6/14)~~

2.105.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential <u>(Except quadplex and townhouse)</u>	<u>Quadplex</u>	<u>Townhouse</u>	Non-Residential
Lot Size	6,000 sq. ft. (1)	<u>7,000 sq. ft.</u>	<u>1,500 sq. ft.</u>	(2)
Average Width	50 feet	<u>50 feet</u>	<u>20 feet</u>	None
Average Depth	80 feet	<u>80 feet</u>	<u>80 feet</u>	None
Maximum Height	(3)	<u>(3)</u>	<u>(3)</u>	(3)

- (1) *Multi-family development must comply with the density standard in Section 2.105.06.I. (06/07)*
- (2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (3) *No limit except for cottage cluster (25 feet) - Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)*
- (4) *If a duplex, triplex, quadplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.*

B. Minimum Yard Setback Requirements

SETBACKS	Residential	Non-Residential
Front	10 feet	20 feet
Side	10 feet <u>(1)</u>	10 feet
Rear	<u>(42)</u>	20 feet
Street-side <u>(23)</u>	10 feet	20 feet
Garage entrance <u>(34)</u>	20 feet <u>(34)</u>	20 feet <u>(34)</u>

- (1) Townhouses may have zero-side yard setbacks for interior lot lines
- (2) *The rear yard setback shall be as follows: 14 feet for a story building, and 20 feet for a two story building. Setbacks are to be measured from the architectural rear of the building regardless of the building orientation to the property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- 5 If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.

2.105.06 Development Standards

All development in the RH Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RH zone shall comply with the following standards: (5/98)
 - 1. Single family detached dwellings, homes duplexes, triplexes, quadplexes, and townhouses shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with ~~four~~ five or more attached dwelling units, ~~including cottage cluster development~~, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (5/98)
- I. **Density:** The minimum development density shall be 16 units per acre; there shall be no maximum density. (5/98)

2.107 MIXED USE (MU)

2.107.01 Purpose

The Mixed Use (MU) zone promotes development that combines differing uses (permitted or special permitted) in a single building or complex. This zone will allow increased development on busier streets without fostering a strip commercial appearance. The zone encourages the formation of neighborhood "nodes" of activity where residential and commercial uses mix in a harmonious manner. This development type will support transit use, provide a buffer between busy streets and residential neighborhoods, and provide new housing opportunities in the City. (4/08)

The Mixed Use zone is intended to include a variety of uses identified in this section in relative close proximity to each other as compared to a traditional zone district in which differing uses are segregated. Vertical mixed use is a building in which significant amounts of differing uses are located in the same building with different uses on different floors. While mixed use development is primarily intended to consist of retail or other businesses on the ground floor with housing or office uses on upper stories it is not required that every building within a mixed use area is developed with different uses within it. Clusters of residential and commercial uses around landscaping features or parking areas will also occur. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. (4/08)

The Mixed Use zone is suitable for the Medium Density Residential, Medium-High Density Residential and Mixed Use Comprehensive Plan designations. (5/98)

2.107.02 Permitted Uses

The following uses, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the MU zone:

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)

F. **Public or private utility substation**, but excluding electrical substation. (5/98)

G. **Landscape counseling and planning (078)**. (5/98)

H. **Transportation, Utilities and Communication**. (5/98)

1. **Travel agency (4722)**. (5/98)

2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)

3. **Public utility** structures and buildings. (5/98)

4. Transit Facilities (Section 2.305). (5/09)

I. **Retail Trade:**

Except as allowed under Section 2.107.05.B, the following retail uses shall be limited to buildings of 10,000 square feet or less:

1. **General merchandise stores (53)**. (4/08)

2. **Food stores (54)**. (4/08)

3. **Apparel and accessory stores (56)**. (4/08)

4. **Home furnishing, appliance and equipment stores (57)**. (4/08)

5. **Eating and drinking places (58)**. (4/08)

6. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (4/08)

7. Uses listed in 2.107.02.I. through 7 if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (10/15)

J. **Business, Professional and Social Services:** The following business and professional and service oriented uses are allowed:

1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)

2. **Hotels, motels and lodging facilities (701)**. (5/98)

3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial laundries (7218). (5/98)

4. **Business services (73) BUT EXCLUDING** disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)
 5. **Watch, clock and jewelry repair (763).** (5/98)
 6. **Recreational or athletic clubs.** (5/98)
 7. **Health services (80) BUT EXCLUDING** hospitals (806). (5/98)
 8. **Legal services (81).** (5/98)
 9. **Miscellaneous services (89).** (5/98)
 10. **Community or neighborhood clubs.** (5/98)
 11. **Parking lots.** (5/98)
 12. **Pet Grooming** (6/01)
 13. **Veterinary Services (Section 2.414)** (6/15)
- K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the MU zone:

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities (Section 2.403).** (5/98)
 2. ~~**Zero side yard dwelling units (Section 2.404).**~~ (5/98)
 3. **Home occupations (Section 2.407).** (5/98)
 4. **Bed and breakfast establishments (Section 2.408).** (5/98)
 5. **Residential sales offices (Section 2.409).** (5/98)

6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage** area (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
- ~~12. **Cottage Cluster Development without the creation of any new lots** (Section 2.432). (6/14)~~
13. **Mobile Food Vendor** (Section 2.434). (7/17)

2.107.04 Conditional Uses

The following uses may be permitted subject to obtaining a conditional use permit:

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (5/09)
- ~~C. **Cottage Cluster Development with the creation of new lots** (Section 2.432). (6/14)~~

2.107.05 Use Restrictions

- A. The following uses are not permitted: (4/08)
 1. Farm Use. (5/98)
 2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
 3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (4/08)
 4. Camping or over-night in parking lots. (4/08)
 5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)
- B. Retail uses as set forth in Section 2.107.02(l) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (4/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (4/08)
 2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (4/08)
 3. In addition to the requirements in Section 2.315.06, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (10/15)
 4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (4/08)
 5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (4/08)
 6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (4/08)
 7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (4/08)
 8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (4/08)
- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (4/08)

- D. Larger Format Stores.
1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet (“Larger Format Stores”) require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, “non-retail” shall mean uses other than those listed in Section 2.107.02(I). (4/08)
 2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (4/08)
 3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (4/08)
- E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (10/18)
- F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan or Master Plan Amendment requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (10/18)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (4/08)
1. Pedestrian Access, Safety and Comfort (4/08)
 - a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (4/08)
 - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (4/08)

- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (4/08)
 - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (4/08)
 - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (4/08)
 - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)
2. Vehicular Movement (4/08)
- a. Encourage traffic to enter and exit the development at locations in a safe manner. (4/08)
3. Crime Prevention and Security (4/08)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (4/08)

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (4/08)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (4/08)

- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (4/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (4/08)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

4. Reduced Parking (4/08)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (4/08)

5. Creating and Protecting Public Spaces (4/08)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (4/08)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (4/08)

6. Human Scaled Building Design (4/08)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (4/08)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

In addition, the provisions within Section 3.113 apply. (10/18)

H. Proposals to develop properties in RCOD are subject to use regulations in Section 2.130. (12/19)

2.107.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements^[BC1]

DIMENSION	Single Family and Duplex	Triplex	Duplex Cottage Cluster or Multi-Family	Quadplex	Townhouse	Commercial	Mixed U
Lot Size	4,000 sq. ft. (1)	5,000 sq. ft. (1)	6,000 sq. ft. (2)	7,000 sq. ft.	1,500 sq. ft.	None (3)	
Average Width	40 feet	40 feet	40 50 feet	40 feet	20 feet	None	
Average Depth	70 feet	70 feet	70 80 feet	70 feet	70 feet	None	
Maximum Height	35 feet	35 feet	MF: 50 feet Cottages: 25 feet	35 feet	35 feet	50 feet	

~~(1) — A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)~~

- (2) Multi-family development must comply with the density standard in Section 2.107.07.1 (06/07)
- (3) Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)
- (4) Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (4/08)

B. Minimum Yard Setback Requirements (12/19)

SETBACKS (4)	Single Family or Duplex, <u>Triplex,</u> <u>Quadplex,</u> <u>Townhouse, or</u> <u>Cottage</u> <u>Cluster</u>	Multi-Family	Commercial	Mixed Use
Front	10 feet (6)	10 feet	10 feet	10 feet
Side	5 feet (1)	10 feet	(3)	(3)
Rear	(2)	(2)	(3)	(3)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet	20 feet	20 feet	20 feet

- (1) Townhouses may have zero-side yard setbacks for interior lot Zero-side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, triplex, quadplex, townhouse, cottage cluster, or multi-family building; 20 feet for a 2-story single family home, duplex, triplex, quadplex, townhouse, cottage cluster, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines.* (06/07)
- (3) *The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone.* (5/98)
- (4) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)

- (5) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (6) *The minimum front setback from an access easement shall be ten (10) feet. (10/15)*
- (7) *If a duplex, triplex, fourplex, or cottage cluster has been divided by a middle housing land division, the development standards that are applicable to the lot shall apply to the middle housing parent lot, not to the middle housing child lot.*

C. Proposals to develop properties in RCOD are subject to dimensional standards in Section 2.130. (12/19)

2.107.07 Development Standards

All development in the MU Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
 - 1. Single family homes detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage clusters shall comply with the design standards in Section 2.314. (5/98)
 - 2. Residential structures with four five or more attached dwelling units: including Cottage Cluster Developments, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/14)
 - 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)

- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	15%
Mixed commercial and residential development:	20%
Residential development:	25%

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

Commercial development:	85%
Mixed commercial and residential development:	80%
Residential development <u>(Except Cottage Clusters)</u> :	75%

I. **Density:**

- 1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre for single family detached and 25 units per acre for townhouses, except there shall be no maximum density for duplexes, triplexes, quadplexes, and cottage clusters, and there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

~~The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (05/98)~~

- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

2.130 RIVER-CHERRY OVERLAY DISTRICT (RCOD)

2.130.01 Purpose

The purpose of the River-Cherry Overlay District (RCOD) is to implement the land use principles of the Keizer Revitalization Plan, dated November 18, 2019. The RCOD is intended to promote efficient use of land and urban services; create a mixture of land uses that encourages employment and housing options in close proximity to one another; and encourage pedestrian-oriented development. This zone is intended to be accessible to pedestrians and bicyclists, as well as people using automobiles. (12/19)

2.130.02 Boundaries of the River-Cherry Overlay District

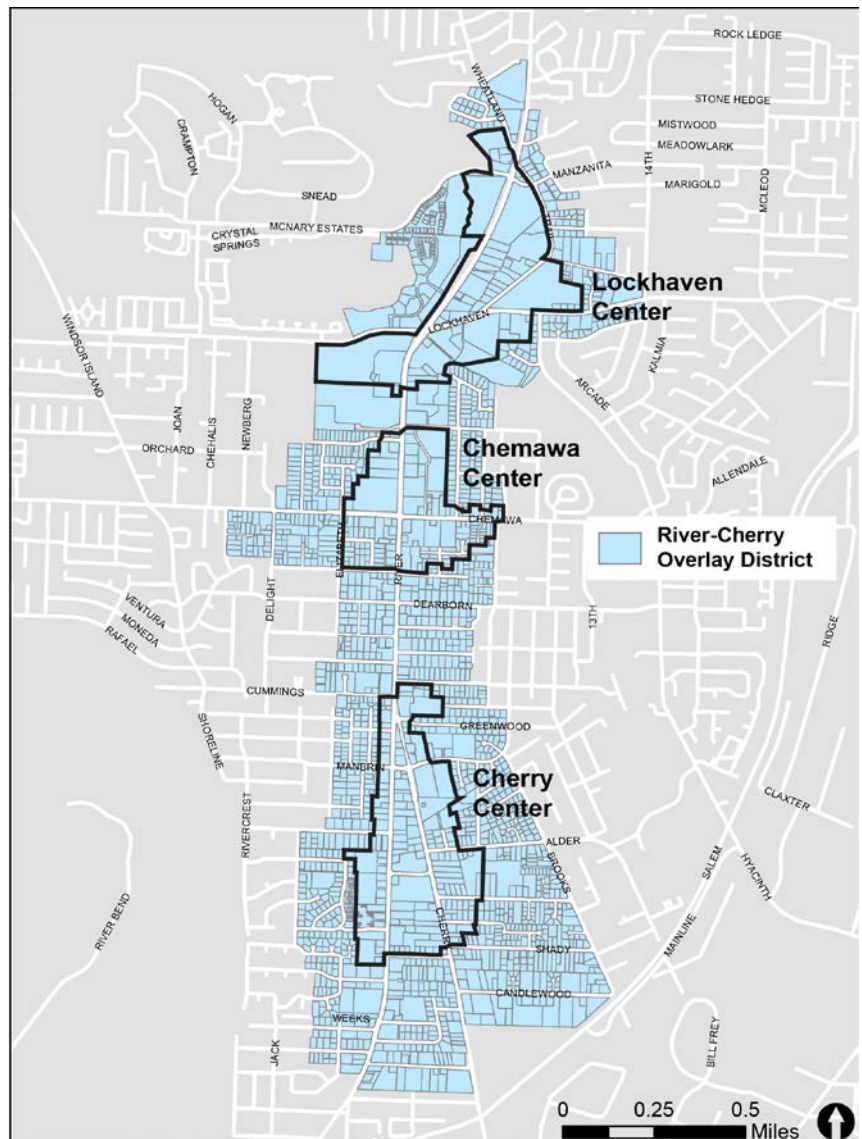
The boundaries of the RCOD, and boundaries of the three Centers sub-districts, are shown in Figure 2.130.02-1. (12/19)

Figure 2.130.02-1: River-Cherry Overlay District (RCOD)

2.130.03 Applicability

A. The provisions of this Section shall apply to all lands located within the boundaries of the RCOD illustrated in Figure 2.130.02-1. The three Centers sub-districts of the RCOD are illustrated in Figure 2.130.02-1 and are established as follows: (12/19)

1. Lockhaven Center – Extends from approximately McNary Heights Drive N at the north to Rose Park Lane NE at the south; and from approximately Lakefair Place N at the west



to Crestwood Court NE at the east. The intersection of River Road N and Lockhaven Drive N is intended to be the center of activity within Lockhaven Center. (12/19)

2. Chemawa Center – Extends from approximately Claggett Street NE at the north to James Street NE at the south; and from approximately Elizabeth Street N at the west to Bailey Road NE at the east. The intersection of River Road N and Chemawa Road N is intended to be the center of activity within Chemawa Center. (12/19)
3. Cherry Center – Extends from approximately Dietz Avenue NE at the north to Bever Drive NE at the south; and from approximately 3rd Avenue N at the west to Partridge Lane NE at the east. The intersection of River Road N and Cherry Avenue NE and Sam Orcutt Way is intended to be the center of activity within Cherry Center. (12/19)

B. The provisions of the RCOD shall apply as follows.

1. They shall apply to all new construction or major renovation, where “major renovation” is defined as construction valued at 25% or more of the assessed value of the existing structure and parcel of land on which it is located, unless otherwise specified by the provisions in this Section, and with the following exceptions. (12/19)
 - a. Interior remodels which do not change the exterior of the building or increase its floor area or building footprint. (12/19)
 - b. Replacement of equipment needed to operate an existing use, such as but not limited to commercial kitchen equipment, HVAC equipment, plumbing or electrical fixtures. (12/19)
 - c. Maintenance required to maintain the structural integrity of the building such as but not limited to replacement of a roof. (12/19)
2. Applications for new construction or major renovation in the RCOD are subject to City review as provided in KDC Section 3.101, and to the standards and guidelines in Sections 2.130.04 through 2.130.10. (12/19)

C. The RCOD replaces selected development standards in the underlying zoning districts, as set forth in Section 2.130.05. (12/19)

2.130.04 Uses

A. Permitted Uses

1. The uses in Table 2.130.04-1 are permitted in the Mixed Use (MU) zone within the RCOD. All other zones remain unchanged. (12/19)
2. Uses that are identified as permitted in the MU zone (Section 2.107.02 through 2.107.04) are permitted in the MU zone within the RCOD, EXCLUDING commercial parking lots that are surface lots. (12/19)
3. Uses that are not listed in Table 2.130.04-1 and that the Zoning Administrator determines to be similar to the uses in Table 2.130.04-1 or consistent with the RCOD Purpose statement (Section 2.130.01) are permitted. (12/19)

Table 2.130.04-1: Uses Permitted in the RCOD (12/19)

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Residential		
Household Living	P/S	Such as buildings with one or more dwelling units. Special Use provisions apply to shared housing facilities (Sections 2.403 and 2.130.05.C), zero-side yard dwelling units (Section 2.404) , cottage clusters (Section 2.432) , and home occupations (Section 2.407).
Group living	P/S	Such as residential homes and facilities. Special Use provisions apply to nursing and personal care facilities (Section 2.431).
Commercial		
Commercial Lodging	P/S	Such as hotels and motels. Special Use provisions apply to bed and breakfast establishments (Section 2.408).
Commercial Recreation and Entertainment	P	Such as athletic clubs and movie theaters.

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Commercial Parking	P	Only parking structures.
Day Care Facility	P	
Durable Goods Sales	P	Such as home improvement, home furnishing, and appliance stores.
Eating and Drinking Establishments	P	
Health Care Offices	P	
Marijuana Facilities	S	Such as medical marijuana facilities and marijuana retailers. Special Use provisions apply (Section 2.433).
Offices	P/S	Such as finance, legal, and other professional businesses. Special use provisions apply to veterinary services (Section 2.414)
Retail Sales and Services	P/S	Such as food, apparel, hardware, and auto supply stores. Special Use provisions apply to used merchandise stores (Section 2.417), mobile food vendors (Section 2.434), funeral services (Section 2.415), and adult entertainment businesses (Section 2.418). Additional development standards apply to auto-oriented sales and services in RCOD Centers (Section 2.130.09(B)(4)).
Quick Vehicle Servicing	C	Such as gasoline service stations. Service stations consistent with Section 2.110.04.C are Conditional Uses. Additional development standards apply to auto-oriented services in RCOD Centers (Section 2.130.09(B)(4)).

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Industrial		
Light Manufacturing	C	Craft industries are Conditional Uses subject to the provisions in Section 2.421.
Institutional		
Assembly Facilities	P/S	Such as social and civic organizations. Special Use provisions apply to places of worship (Section 2.423).
Community Services	P	Such as public administration buildings.
Educational and Research Facilities	P	Such as schools, vocational schools, educational services, and laboratories.
Medical Centers	P	Such as clusters of health care offices, surgicenters or day surgery facilities (not a hospital).
Infrastructure/Utilities		
Parks and Open Space	P	Such as parks, plazas, playgrounds, and community clubs.
Public Safety Facilities	P/C	Such as police stations. Fire and ambulance stations are Conditional Uses subject to general Conditional Use criteria in Section 3.103.03.
Public Utility Structures	P/S	Such as substations. Special Use provisions apply to electrical substation (Section 2.426).

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
Transportation Facilities	S/C	Special Use provisions apply to transit facilities (stops) (Section 2.305). Transit stations (centers) are Conditional Uses subject to the provisions in Section 2.429.
Wireless Communications Facilities	S	Special Use provisions apply (Section 2.427).

B. Prohibited Uses

The following uses are prohibited in the Mixed Use zone of the RCOD. This prohibition does not apply to any legally established use as of the date of the adoption of this Ordinance. (12/19)

1. Farm uses. (12/19)
2. Rendering, processing, and/or cleaning of food products for wholesale use. (12/19)
3. Outdoor storage or display whose impacts are not mitigated for consistent with Section 2.107.05.B.7. (12/19)
4. Camping and overnight parking in parking lots. (12/19)
5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)

2.130.05 Dimensional and Development Standards

The following subsections indicate dimensional standards and development standards required in the RCOD. These standards supplement, and in some cases replace, the development standards in the underlying zoning districts. Standards and requirements in underlying zoning districts shall apply wherever there is no conflicting standard with the RCOD. Where the standards set forth in this Section conflict with standards in the underlying zoning districts, the RCOD development standards set forth in this Section shall control. (12/19)

Section 2.130.09 provides dimensional and development standards for Centers. For properties located within Centers, the standards of Section 2.130.09 shall supersede the standards of this section. (12/19)

A. Dimensional Standards

1. Minimum Lot Dimension Requirements (12/19)

Table 2.130.05-1: Minimum Lot Size and Average Width Standards, by Development Type

Zone	Dimension	Single Family Attached Townhouse	Single Family Detached and Duplex	Triplex Duplex	Quadplex and Cottage Cluster	Multi-Family
MU	Lot Size	2,000 <u>1,500</u> sq. ft.	3,000 sq. ft.	4,000 <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	None (use density only)
	Average Width	20 feet	30 feet	40 <u>30</u> feet	<u>30 feet</u>	(defer to underlying zone)
RM	Lot Size	2,500 <u>1,500</u> sq. ft.	3,000 sq. ft.	4,000 <u>5,000</u> sq. ft.	<u>7,000 sq. ft.</u>	None (use density only)
	Average Width	25 <u>20</u> feet	30 feet	40 <u>30</u> feet	<u>30 feet</u>	(defer to underlying zone)
RS	Lot Size	3,000 <u>1,500</u> sq. ft.	3,500 sq. ft.	5,000 sq. ft. (1)	<u>7,000 sq. ft.</u>	N/A
	Average Width	30 <u>20</u> feet	35 feet	50 <u>35</u> feet (1)	<u>35 feet</u>	N/A

(1) Duplexes are only permitted on corner lots, per Sections 2.102.03 and 2.403.

B. Development Standards

1. Minimum Landscaping and Maximum Lot Coverage

The minimum landscaping and maximum lot coverage standards are provided in the following table. Minimum landscaping for a property shall include all required yards. Landscaped areas shall be landscaped as provided in Sections 2.309 and 2.130.06. Maximum lot coverage shall include all buildings, accessory structures, and paved parking areas. (12/19)

Table 2.130.05-2: Minimum Landscaping and Maximum Lot Coverage Standards

Zone	Minimum Landscaping	Maximum Lot Coverage <u>(1)</u>
MU	Commercial: 10% Mixed Use: 15% Residential: 15%	Commercial: 90% Mixed Use: 85% Residential: 85%
RM	15%	85%
RS	15%	85%

(1) Lot coverage standards do not apply to cottage cluster development.

2. Residential Density

The minimum and maximum density for subdivisions, partitions, multi-family or any residential development shall be as follows: (12/19)

Table 2.130.05-3: Minimum and Maximum Residential Density Standards

Zone	Minimum Density (1)	Maximum Density (1)
MU	12 units per acre (2)	28 units per acre (4)
RM	8 or 10 units per acre (3)	14 or 24 units per acre (3)(4) <u>25 units per acre for townhouses</u>
RS	6 units per acre	10 units per acre (4) <u>25 units per acre for townhouses</u>

- (1) Accessory residential housing units are included in the minimum density calculations but are not included in the maximum density calculations. (7/21)
- (2) There shall be no minimum residential density requirement for multi-family development within a mixed use building.
- (3) For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 10 units per acre; the maximum density shall be 24 units per acre.
- (4) Maximum density does not apply to duplexes, triplexes, quadplexes, or cottage cluster housing.

3. Off-Street Automobile Parking Requirements(12/19)

a. Applicability (12/19)

- i. The provisions of this Section shall apply to new development or redevelopment in the RCOD, as defined in Section 2.130.03. (12/19)
- ii. A change in the use of a building or structure from one permitted use to another permitted use shall not require additional parking spaces otherwise required for new development or redevelopment under the provisions of Section 2.130.05.3.b or of Section 2.303. (12/19)

b. Off-Street Automobile Parking Requirements^(12/19)

Off-street parking shall be provided in the amount not less or more than the minimum and maximum amounts listed below.
(12/19)

Table 2.130.05-4: Minimum and Maximum Off-Street Parking Requirements

LAND USE ACTIVITY	SPACES REQUIRED
Recreation Facility	Minimum: 1 space per 300 square feet Maximum: 1 space per 133 square feet
Personal Services	Minimum: 1 space per 400 square feet Maximum: 1 space per 233 square feet
Retail	Minimum: 1 space per 400 square feet Maximum: 1 space per 200 square feet
Eating/Drinking Establishment	Minimum: 1 space per 200 square feet Maximum: 1 space per 83 square feet
Single Family, <u>and Duplex, Triplex, Quadplex, Townhouse, Cottage Cluster</u>	Minimum: 1 per dwelling unit Maximum: 3 spaces per dwelling
Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot ^(7/21)	Minimum: 2 per dwelling unit Maximum: 3 per dwelling unit
Multi-family types	Minimums: 1 space per 1 bedroom unit or studio OR 1.25 spaces per 2 bedroom unit OR 1.5 spaces per 3 or more bedroom units Maximums: 1.5 space per 1.5 bedroom unit or studio OR 2.25 spaces per 2 bedroom unit + 1.5 spaces for every 10 additional units OR 2.25 spaces per 3 or more bedroom units + 1.5 spaces for every 10 additional units

All other land use activities shall be subject to the parking requirements of Section 2.303.06.A. ^(12/19)

- c. Allowances for parking reduction in Section 2.303.06.B and parking increase 2.303.06.C shall apply in the RCOD. Within designated Centers, additional reductions to required off-street parking may also be provided per Section 2.130.09.B.2. (12/19)

4. Flexibility for Mixed Use Development(12/19)

The following provisions are intended to provide additional flexibility for mixed use development within the RCOD. These provisions shall apply if an applicant wishes to consolidate one or more parcels zoned Mixed Use (MU) with one or more adjacent and contiguous residentially-zoned parcels. The residentially-zoned portions of the consolidated site may develop with any use permitted in the MU zone, provided the following requirements are met: (12/19)

- a. One new housing unit shall be provided for each existing housing unit that is displaced by the redevelopment of the site. (12/19)
- b. Buffering and screening shall be provided between any multi-family, mixed use, or non-residential uses developed on-site and any adjacent residentially-zoned parcel, pursuant to KDC Section 2.309.05. (12/19)

C. Standards for Accessory Residential Housing(12/19)

Accessory residential housing in the RCOD is subject to the following development standards. Where the standards set forth in this Subsection conflict with standards in Section 2.403 (Shared Housing Facilities), the standards set forth in this Subsection shall control. (12/19)

- 1. Number of Dwelling Units. Up to two (2) accessory housing units are permitted per lot. If two units are proposed, one (1) of the units shall be attached. If one unit is proposed, that unit may be attached to, or detached from the primary residence. (12/19)
- 2. Parking. No additional parking is required for the accessory housing unit. Existing parking required for the primary residence must be maintained or replaced on-site following development of accessory housing units. (12/19)

2.130.06 Landscaping Standards

The following subsections indicate landscaping standards required in the RCOD. These standards supplement, and in some cases replace, the landscaping standards in KDC Section 2.309. Where the standards set forth in this Section conflict with standards Section 2.309, the RCOD development standards set forth in this Section shall control. (12/19)

A. Purpose

The purpose of the landscaping standards in this Section is to provide enhanced landscape design for sites within the RCOD, in order to create attractive street frontages that enhance the appearance of the district and provide a pleasant experience for pedestrians. The purpose is also to balance the reduced requirements for minimum landscaped area in the district, per Section 2.130.05.B.1. Landscaping standards in the RS zone remain unchanged. (12/19)

B. Landscape Standards

1. All front yards and all side yards abutting a street either shall be landscaped according to the following standards or shall be occupied by pedestrian amenities (e.g., plaza, outdoor seating, outdoor eating areas). (12/19)
 - a. All street-facing facades shall have landscaping along their foundation. (12/19)
 - b. The landscaped area shall be at least 3 feet wide. (12/19)
 - c. An evergreen shrub meeting the planting standards of Section 2.309.06.H shall be planted for every 3 lineal feet of foundation. (12/19)
 - d. Where landscaped areas in front yards and in side yards abutting a street are a minimum of 10 feet wide, trees shall be planted for every 30 lineal feet of building foundation. (12/19)
 - e. Groundcover meeting the planting standards of Section 2.309.06.I shall be planted in the remainder of the landscaped area. (12/19)
 - f. Plants approved by the Zoning Administrator or on City-approved lists shall be used. (12/19)
 - g. Exceptions. These standards do not apply to properties with front yard setbacks that are less than 10 feet. (12/19)

2. The following planting standards shall apply to all required landscape areas except for front yards or side yards abutting a street, as provided in subsection 1. (12/19)
 - a. Trees – A minimum of one (1) tree shall be planted for every 500 square feet of required landscape area. Evergreen trees shall have a minimum height of 6 feet and deciduous trees shall have a minimum caliper of 2 inches and a minimum height of 8 feet at the time of planting. (12/19)
 - b. Shrubs – One (1) evergreen shrub having a minimum mature height of 4 feet shall be provided for every 75 square feet of required landscape area. (12/19)
 - c. Ground cover – Ground cover meeting the standards of Section 2.309.06.I shall be planted in the landscaped area not occupied by required trees or shrubs. (12/19)
 - d. Plants approved by the Zoning Administrator or on City-approved lists shall be used. (12/19)
 - e. Rock, bark, or similar landscape cover materials may be used for up to 25% of the required landscape area. Hardscape treatments may be substituted upon approval of the Zoning Administrator. (12/19)

2.130.07 Access Standards

- A. Purpose

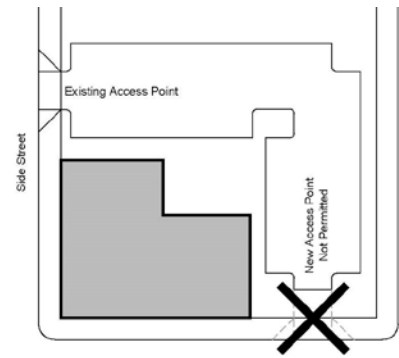
The purpose of managing access points onto public streets, especially onto collectors and arterials, is to reduce conflicts between users of the transportation system, to increase safety, to aid in the flow and mobility of traffic by all modes, and to create a more welcoming pedestrian environment. (12/19)
- B. Applicability

In addition to the general applicability standards established in 2.130.03(B), the provisions of this Section shall apply to development when a site's number of parking spaces will increase by more than 15% of the existing number of parking spaces or more than 20% of a site's existing parking area will be reconstructed. (12/19)
- C. Access Standards

Street functional classifications and spacing standards referred to in the following provisions are established in the currently adopted City of Keizer Transportation System Plan. (12/19)

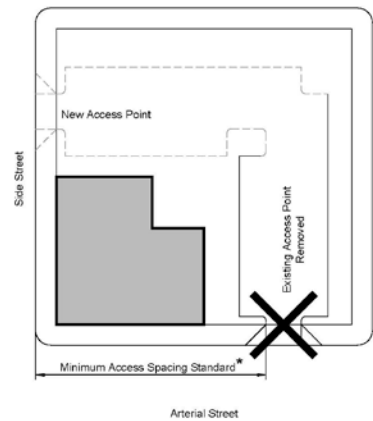
1. Standard A – A property fronts an arterial and a side street, which is not classified as an arterial, and has its existing access point on the side street. The access point on the side street shall be maintained and a new access point on the arterial is not permitted. (12/19)

Figure 2.130.07-1: Access Standard A



2. Standard B – A property has a single existing access point on an arterial street and also fronts a side street that is not an arterial or an alley. If the existing access point has substandard spacing from the nearest intersection or driveway, the existing access point shall be closed and a new access point on the side street shall be established. (12/19)

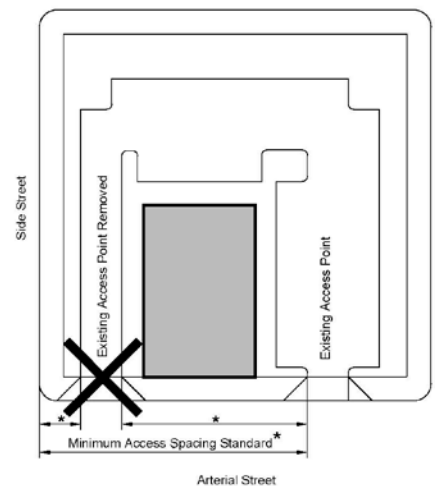
Figure 2.130.07-2: Access Standard B



* Substandard spacing could potentially exist:
 1) Between access points (driveways) on a site and street intersections.
 2) Between access points (driveways) on a site and between adjacent driveways.

3. Standard C – A property has two or more existing access points on an arterial. All access points with substandard spacing shall be closed, while a minimum of one access point may be maintained. If all existing access points have substandard spacing from the nearest intersection or driveway, the access point with spacing that is closest to meeting spacing standards shall be maintained. (12/19)

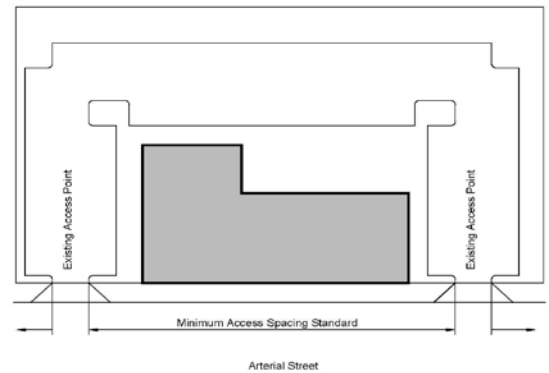
Figure 2.130.07-3: Access Standard C



* Substandard spacing could potentially exist:
 1) Between access points (driveways) on a site with multiple driveways on a frontage.
 2) Between access points (driveways) on a site and street intersections.
 3) Between access points (driveways) on a site and access points (driveways) on neighboring sites.

4. Standard D – A property has one or more access points on an arterial and all access points have sufficient spacing from the nearest intersection or driveway. The access points may be maintained. (12/19)

Figure 2.130.07-4: Access Standard D



5. Exceptions. Where there are safety or traffic operations issues identified in a traffic impact analysis prepared consistent with Section 2.301.04, which are the result of substandard access spacing, the Public Works Director may require one or more of the following: (12/19)
 - a. A limit on the number, location, and/or turning movements of existing and new proposed connections to a City street. (12/19)
 - b. A driveway to extend to one or more edges of a parcel to allow for future extension and inter-parcel circulation as adjacent properties develop. (12/19)
 - c. A recorded access easement for future joint use of the approach and driveway as the adjacent property(ies) develop(s). (12/19)

2.130.08 Master Plans in Lockhaven Center

Development within the Lockhaven Center may be subject to Master Plan approval as provided in Section 3.114 and this Section 2.130.(12/19)

2.130.09 Dimensional and Development Standards in Centers

The following subsections indicate dimensional standards and development standards required within designated Centers in the RCOD. These standards supplement, and in some cases replace, the general standards for the RCOD provided in Section 2.130.05, as well as in the underlying zoning districts. Where the standards set forth in this Section conflict with standards in Section 2.130.05 or in the underlying zoning districts, the standards of this Section shall control. (12/19)

A. Dimensional Standards in Centers

1. Minimum and Maximum Front Yard Setback Requirements (12/19)

- a. The following front yard setback standards apply to multi-family, commercial, and mixed use development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within designated Centers: (12/19)

Table 2.130.09-1: Front Yard Setback Standards in Centers

Zone	Front Setbacks	Multi-Family	Commercial or Mixed Use
MU	Minimum	0 feet/6 feet (1)	0 feet/6 feet (1)
	Maximum	10 feet (2)	10 feet (2)
RM	Minimum	5 feet (3)	N/A

- (1) A 0-foot setback is permitted on properties fronting River Road where right-of-way has already been provided or dedicated, consistent with the adopted 84-foot right-of-way width for arterials identified in the Keizer Transportation System Plan standards. Where such right-of-way is not already provided or dedicated, a minimum 6-foot setback is required. (12/19)
- (2) The maximum setback may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk. The pedestrian open space must meet the standards of Section 2.130.10.E. (12/19)
- (3) Non-residential development in the RM zone shall be subject to the same minimum and maximum setback standards as multi-family development. (12/19)

- b. Properties not subject to the setback standards listed in subsection a of this section are subject to the setback standards of the underlying base zone. (12/19)

B. Development Standards in Centers

1. Minimum Landscaping and Maximum Lot Coverage in Centers(12/19)

The minimum landscaping and maximum lot coverage standards for properties located in designated Centers are provided in the following table. Minimum landscaping for a property shall include all required yards. Landscaped areas shall be landscaped as provided in KDC Sections 2.309 and 2.130.06. Maximum lot coverage shall include all buildings, including accessory structures consistent with the definition of lot coverage. (12/19)

Table 2.130.09-2: Minimum Landscaping and Maximum Lot Coverage Standards in Centers (12/19)

Zone	Minimum Landscaping	Maximum Lot Coverage
MU	Commercial: 5% Mixed Use: 10% Residential: 10%	Commercial: 95% Mixed Use: 90% Residential: 90%
RM	10%	90%
RS	10%	90%

2. Reductions to Minimum Parking in Centers

Within designated Centers, the number of minimum required parking spaces provided in Sections 2.130.05.B.3.b and 2.303 may be reduced by up to a total of 25% if the applicant can demonstrate the following:
(12/19)

- a. The site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots are provided or will be provided as part of the development of the site. Allow up to a 20% reduction to the standard number of automobile parking spaces based on the level of amenities provided. This reduced parking allowance shall replace, not supplement, the 10% allowance provided in KDC Section 2.303.06.B. (12/19)
- b. A transportation demand management (TDM) plan is in place that will demonstrably reduce parking demand. The parking reduction percentage shall be determined by the Zoning Administrator based on the TDM plan. (12/19)
- c. Residential uses are targeted to populations with demonstrably lower parking needs (e.g., low-income households, seniors, etc.) OR the site is developed with affordable housing reserved for those earning incomes at or below 80% of the area median income (AMI). Allow up to a 10% reduction to the number of automobile parking spaces. (12/19)
- d. The site has dedicated parking spaces for carpool or vanpool vehicles. Allow up to a 5% reduction to the standard number of automobile parking spaces. (12/19)
- e. The site has at least 15% of its dedicated parking spaces for motorcycles, scooters, or electric carts. Allow up to a 20%

reduction in the minimum required dimensions for up to 5% of the parking spaces. (12/19)

- f. Pursuant to Section 2.107, applications for sites in the MU zone may also request a reduction to or waiver of parking standards based on a parking impact study. (12/19)
- g. An EV charging station is provided. Allow up to a 5% reduction. (12/19)
- h. Use of shared parking facilities on one or more lots. This provision is not subject to the 25% maximum reduction. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking spaces on one or more lots when the peak hours of operation of the uses do not overlap, subject to the following: (12/19)
 - i. The shared parking facility(ies) shall contain the same number of vehicle parking spaces required by the use which requires the greatest amount of parking per Sections 2.130.05.B.3.b and 2.303; (12/19)
 - ii. Satisfactory legal evidence shall be presented to the Zoning Administrator in the form of deeds, leases or contracts to establish the shared use and be recorded with the Marion County Records Office against all properties involved; (12/19)
 - iii. Shared parking spaces must be within 300 feet of the uses, structures or parcels sharing such parking. (12/19)
 - iv. If a shared use arrangement is subsequently terminated, or if the uses change, the requirements of the KDC shall apply to each use separately. (12/19)

3. Parking in Mixed Use Projects in Centers (12/19)

- a. Mixed use projects shall include either uses that are contained in a single building (vertical mixed use) or in a group of single-purpose buildings that share a single parking facility (horizontal mixed use). (12/19)
- b. The required minimum vehicle parking shall be determined using the following factors. (12/19)
 - i. Uses above the ground floor. The minimum parking requirement shall be 50% of what is required for the use pursuant to Section 2.303. (12/19)

- ii. Ground floor uses with peak hours of operation that do not overlap. The minimum parking requirement is determined by the number of spaces needed for the area of use with the highest peak demand. (12/19)
 - iii. Ground floor uses with overlapping peak hours of operation shall be calculated in the aggregate. (12/19)
 - c. Primary use, i.e., that with the largest parking demand within the development, at 100% of the minimum vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
 - d. Secondary use, i.e., that with the second largest parking demand within the development, at 90% of the vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
 - e. Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Sections 2.130.05.B.3.b and 2.303. (12/19)
4. Standards for Auto-Oriented Uses and Development (12/19)
- a. Applicability. The standards of this subsection apply to auto-oriented uses and development on properties fronting River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within Centers. For the purposes of this subsection, “auto-oriented uses and development” refers to the following uses: (12/19)
 - i. Gasoline service stations (Section 2.419). (12/19)
 - ii. Drive-Through windows or car service associated with eating and drinking places. (12/19)
 - iii. Vehicle sales and secondary repair (Section 2.420). (12/19)
 - iv. Public utility structures and buildings. (12/19)
 - v. Recreational vehicle parks (Section 2.412). (12/19)
 - vi. Structured automobile parking not associated with an allowed use. (12/19)
 - vii. Automotive Dealers. (12/19)
 - viii. Automotive rental and leasing, without drivers. (12/19)
 - ix. Automotive repair shops (Section 2.420). (12/19)

- x. Automotive services, except repair (Section 2.420). (12/19)
 - xi. Utilities - secondary truck parking and material storage yard. (12/19)
- b. Auto-oriented uses and development in Centers may be permitted subject to obtaining a Conditional Use Permit. Applicants must demonstrate how the proposed development either limits or mitigates the safety and aesthetic impacts of the auto-oriented use on the pedestrian environment. Possible strategies to limit/mitigate impacts include increased setbacks, provision of pedestrian-oriented amenities, screening and buffering from the right-of-way and from adjacent residential uses, and access management and control measures. These strategies shall be consistent with screening and other requirements in existing special use standards that address limiting and mitigating impacts. (12/19)

2.130.10 Urban Design Standards in Centers

- A. Purpose
The purpose of the urban design standards for Centers is to create pedestrian-oriented places that serve as the centers of commercial and civic activity and as destinations for residents and visitors in the River Road / Cherry Avenue Corridor. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable for people walking, contain a variety of activities and services, are easy to navigate on foot, and provide open areas and amenities for gathering and resting. The regulations for Centers modify the regulations of the overall River-Cherry Overlay District and of the underlying base zones to ensure pedestrian-oriented land uses and design. (12/19)
- B. Applicability
The following standards apply to multi-family, mixed use, and non-residential development on properties, except as noted below. Some standards only apply to properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue, as provided in each applicable subsection below. Outside of the centers in the RCOD, Section 2.315 applies. (12/19)
- C. Building Entry Orientation & Design
The following Building Entry Orientation & Design standards apply to development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)
- 1. Orientation (12/19)
 - a. All buildings shall have at least one primary entrance facing the street, where facing means positioned at an angle of 45 degrees or less. (12/19)

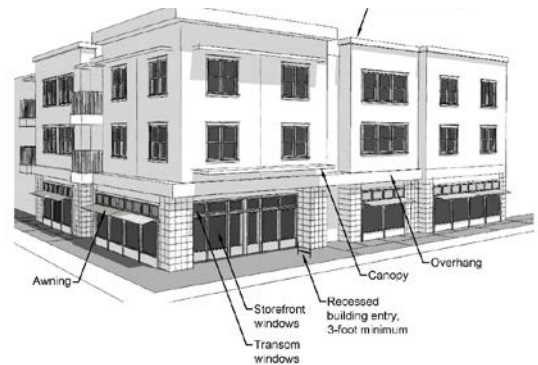
- b. For the purposes of this section, the “primary building entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee or resident entrance. Where there are multiple buildings on a lot, all buildings shall comply with this standard. (12/19)

2. Walkway. All primary entrances to a building must be connected to the sidewalk by a direct and continuous walkway. A direct walkway follows a route that does not deviate unnecessarily from a straight line and it does not involve a significant amount of out-of-direction travel. Walkway materials and dimensions shall be consistent with pedestrian circulation standards in Section 2.315.06.A. (12/19)

3. Entry Design (12/19)

Figure 2.130.10.C-1: Building Entry

- a. Primary building entrances shall provide weather protection for pedestrians and must be architecturally emphasized, subject to the following standards: (12/19)



- i. Non-residential and mixed use buildings must comply with at least two (2) of the following: (12/19)
 - a) Recessed entrances. If recessed, primary entrances shall be recessed a minimum of 3 feet into the building façade. (12/19)
 - b) Awnings, canopies, or overhangs. These may be used to provide weather protection and a visual element and meet height, projection, and materials standards in Sections 2.312 and 2.315. Awnings and canopies must also meet the standards of Section 2.130.10.L.4. (12/19)
 - c) Architectural features. Primary entrances may be reinforced with architectural features such as increased heights of entrance areas and doors, articulated parapets, transom windows above the doors, sidelights beside the doors, and/or windows (glass) in the doors. (12/19)

- d) Decorative features. Entries may be reinforced through the use of decorative exterior light fixtures (i.e., wall sconces) or other decorative features. (12/19)
 - e) Columns, piers, or pilasters that extend at least six (6) inches from the building may be used to frame and highlight entrances. (12/19)
- ii. Multi-family residential buildings must provide weather protection over the primary building entrance and over entrances to all ground floor units. Weather protection may be provided using awnings, canopies, building overhangs such as eaves extending over front doors, covered front porches, or inset front doors. Awnings, canopies, and overhangs are subject to height, projection, and materials standards in Sections 2.312 and 2.315. (12/19)

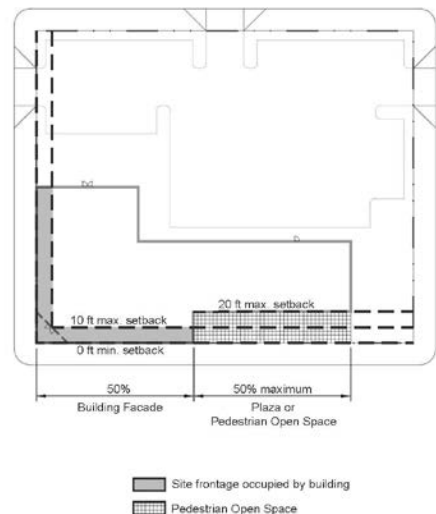
D. Corner Entrances and Features

Non-residential and mixed use buildings on corner lots are encouraged to have corner entrances. Where a corner entrance is not provided, the building design shall provide an architectural element or detailing (e.g., tower, beveled/chamfered corner, art, special trim). (12/19)

E. Pedestrian Open Space

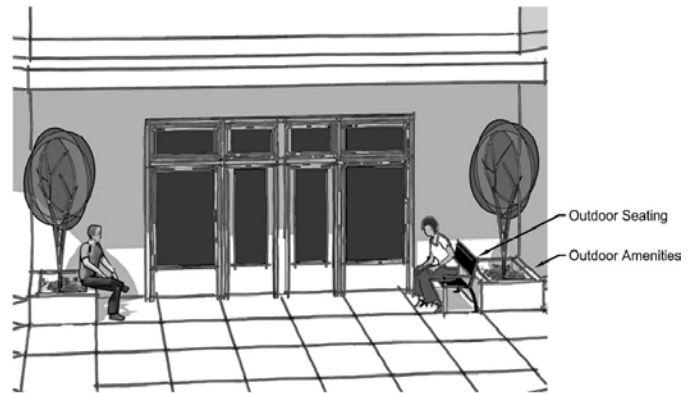
1. Pursuant to Section 2.130.09.A.1, the maximum setback for properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk. (12/19)

Figure 2.130.10.D-1: Pedestrian Open Space (Plan View)



2. The pedestrian open space must include at least one type of outdoor seating from the list in subsection a below, and a total of at least two pedestrian amenities from the lists in subsections a or b. (12/19)
 - a. Outdoor seating: benches, tables and chairs, or seat walls. (12/19)
 - b. Other amenities: fountains, drinking fountains, landscape planters, bollards, shade structures, or public art. (12/19)

Figure 2.130.10.D-2: Pedestrian Open Space Amenities



3. Pedestrian open space shall not be entirely paved, and shall include pedestrian amenities as listed in Subsection 2 above. (12/19)

F. Parking Location

1. Parking or vehicle circulation areas shall not be located within a required front yard setback or within a required side yard setback abutting River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue. (12/19)
2. Parking or vehicle circulation areas shall be limited to 50 percent of the street frontage abutting River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue. (12/19)

G. Parking Perimeter Landscaping

1. Where surface parking or vehicular circulation areas are located adjacent to the right-of-way, perimeter landscaping with a minimum width of 5 feet and a minimum height of 2.5 feet shall be provided. Perimeter landscaping shall include trees spaced not more than 30 feet on center, and shall include a mix of shrubs and ground cover and/or a landscaped swale for stormwater management. (12/19)

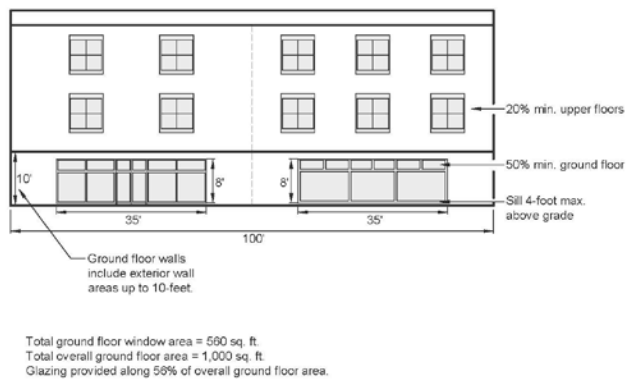
2. The buffering and screening requirements for parking areas in KDC Section 2.309.05.A.5 shall not apply within Centers, except for parking areas abutting residential zones. (12/19)

H. Window Coverage

Window coverage standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

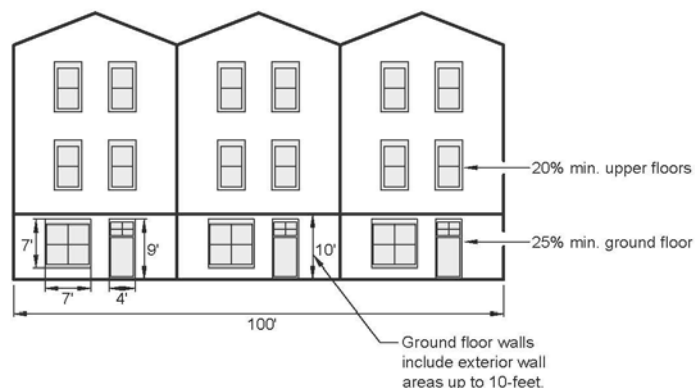
1. Non-residential or mixed use buildings are subject to the following standards: (12/19)
 - a. Ground floor windows. A minimum of 50% of the ground floor wall area of non-residential or mixed-use buildings shall contain windows, display areas, or doorway openings. Windows, display areas, or doorway openings used to meet this standard shall comply with the following provisions: (12/19)
 - i. Required window areas shall be either windows that allow views into working areas or lobbies, pedestrian entrances, or display windows. (12/19)
 - ii. Windows used to meet this standard shall have a visible transmittance (VT) of 0.6 or higher. (12/19)
 - iii. The sill or lower edge of a window, display area, or doorway used to meet this standard shall be no more than four feet above grade. Where interior floor levels prohibit such placement, the sill or lower edge must be raised to allow it to be no more than two feet above the finished floor level, up to a maximum height of six feet above grade. (12/19)
 - b. Upper floor windows. For buildings with more than one story, a minimum of 20% of the upper floor wall area of non-residential or mixed-use buildings shall contain windows. (12/19)

Figure 2.130.10.H-1: Window Coverage for Mixed-Use Buildings



2. Multi-family residential buildings are subject to the following standards: (12/19)
 - a. Ground floor windows. A minimum of 25% of the ground floor wall area of multi-family residential buildings shall contain windows. (12/19)
 - b. Upper floor windows. A minimum of 20% of the upper floor wall area of multi-family residential buildings shall contain windows. (12/19)

Figure 2.130.10.H-2: Window Coverage for Multi-Family Residential Buildings



Total ground floor window + door area = 255 sq. ft.
 Total overall ground floor area = 1,000 sq. ft.
 Glazing provided along 25% of overall ground floor area.

3. For all building facades subject to the window coverage standards of this section, ground floor walls shall include all exterior wall areas up to 10 feet above the finished grade of the entire width of the street-facing elevation. Upper floor wall area shall include all exterior wall areas above 10 feet above the finished grade. (12/19)

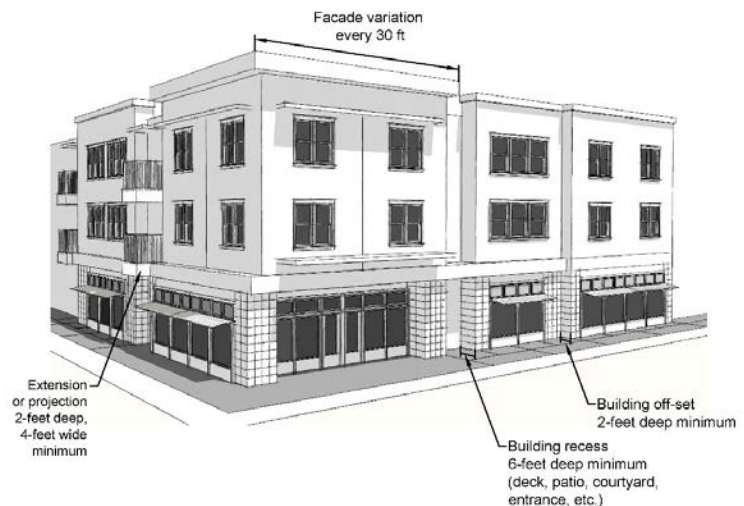
I. Façade Variation and Detailing

The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. Facades shall avoid large expanses of uninterrupted building surfaces in areas which are visible to the public by incorporating features listed in I.2 below to vary the look of the facade at intervals not to exceed 30 feet. (12/19)
2. Each facade subject to this standard shall provide at least two (2) of the following features in order to meet the façade variation and detailing standard: (12/19)

- a. Variation in building materials between primary materials and trim materials established in Section 2.315.06.B.4, where at least 65% of each building façade consists of primary materials; (12/19)
- b. Building off-set of at least two (2) feet; (12/19)
- c. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of six (6) feet; (12/19)
- d. Extension or projection (e.g., floor area, deck, patio, porch, roof over a porch, entrance, or similar feature) that projects a minimum of two (2) feet and runs horizontally for a minimum length of four (4) feet; (12/19)
- e. Other similar façade variations approved by the Zoning Administrator. (12/19)

Figure 2.130.10.I-1: Façade Variation and Detailing



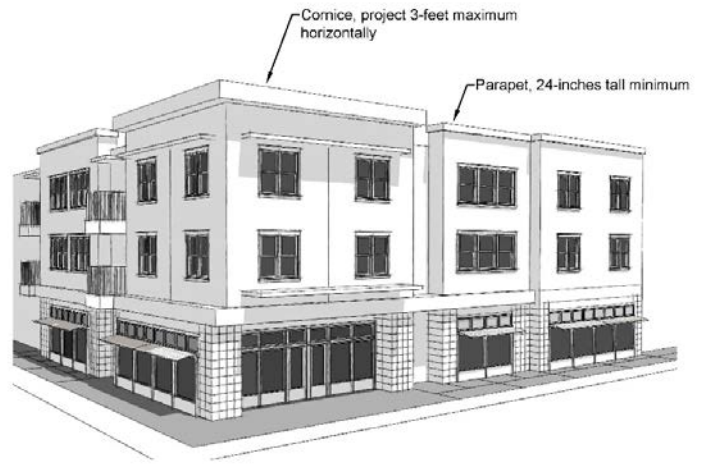
J. Roof Forms

The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. Roof forms may be flat or sloped. Requirements for chosen roof forms are as follows: (12/19)

1. 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: (12/19)
 - a. Cornices shall project horizontally a maximum of 3 feet. (12/19)
 - b. Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing. (12/19)

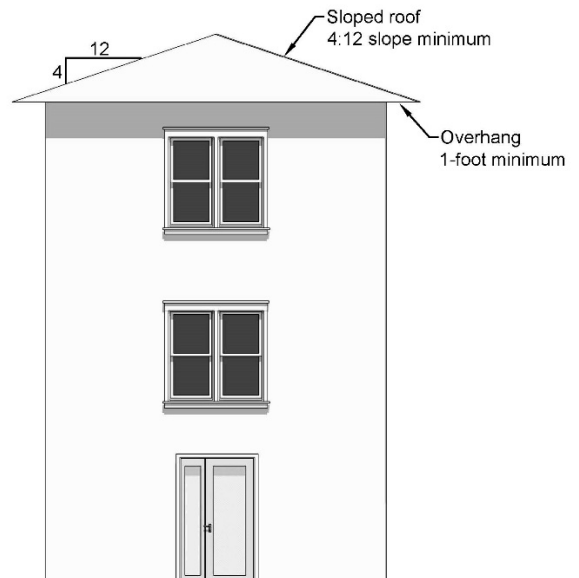
- c. Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area. (12/19)

Figure 2.130.10.J-1: Flat Roof Forms



- 2. Sloped roofs must meet all of the following requirements: (12/19)
 - a. All sloped roofs shall provide a minimum 1-foot overhang. (12/19)
 - b. All sloped roofs must have a minimum slope of 4:12 (12/19)

Figure 2.130.10.J-2: Sloped Roof Forms

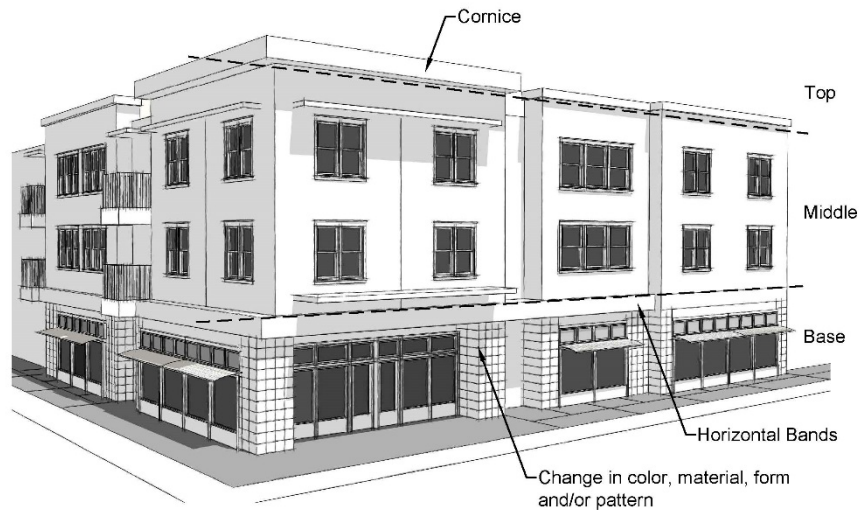


K. Base, Middle, and Top of Building

The following standards apply to building facades of non-residential and mixed use buildings facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

1. All buildings with two (2) stories or more shall have a clear and distinct base, middle and top to break up vertical mass. (12/19)
2. All facades subject to this standard 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: (12/19)
 - a. 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 inch from the building face. (12/19)
 - b. 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. (12/19)

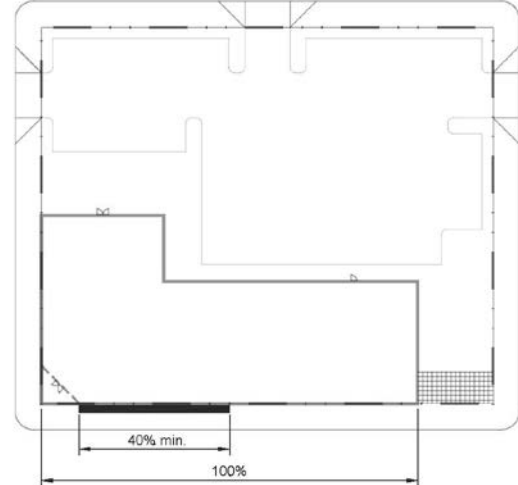
Figure 2.130.10.K-1: Building Base, Middle, and Top



L. Weather Protection for Non-Residential or Mixed Use Buildings

Figure 2.130.10.L-1: Weather Protection

Weather protection for pedestrians shall be provided along a minimum of 40% of a building frontage facing River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue, subject to the following provisions and consistent with Section 2.130.10.C.3: (12/19)



40% Minimum of building frontage facing River Road, Lockhaven Drive, Chemawa Road, or Cherry Avenue
Weather Protection

1. Weather protection may be provided by awnings, canopies, arcades, colonnades, recessed entries, or combination of these elements. (12/19)
2. Vertical clearance from the weather protection element to the sidewalk must be between 9 to 12 feet. (12/19)
3. Recessed entries must be recessed a minimum of 4 feet from the building façade. (12/19)
4. Awnings and canopies shall project a minimum of 5 feet from the building façade, or a minimum of 4 feet for a recessed building entry, and shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings and canopies of corrugated fiberglass or polycarbonate roofing shall be prohibited. Awnings and canopies shall not be back lit. (12/19)

M. Building Materials

Buildings shall be subject to the Materials and Texture standards of Section 2.315.06.B.4, as modified by the following requirements. (12/19)

1. The following exterior materials or finishes are prohibited within designated Centers: (12/19)
 - a. Vinyl siding. (12/19)
 - b. T-111 or similar sheet materials. (12/19)
 - c. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry);

foundation material may be skim-coated concrete block where the foundation material is not revealed for more than 3 feet. (12/19)

2. Each building façade facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue shall include a minimum of two (2) types of exterior materials, each with an area of at least 20% of the façade. Brick or masonry (except CMU) may be used singly and applied to the entirety of the façade. (12/19)

N. Screening of Mechanical Equipment (12/19)

1. **Building Walls** (12/19)
 - a. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way, it shall be screened from view by a sight obscuring fence, wall, landscape screen, or combination of screening methods. (12/19)
 - b. Standpipes, meters, vaults, and similar equipment need not be screened but such equipment shall be placed on a side or rear building elevation except where the applicant can demonstrate that such locations are not physically or financially feasible. (12/19)
2. **Rooftop Mechanical Equipment.** Rooftop mechanical units shall be set back or screened behind a parapet wall so that they are not visible from any public right-of-way. Where the applicant demonstrates that such placement and screening is not physically or financially feasible, the Zoning Administrator may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any. Solar panels are exempt from this standard. (12/19)
3. **Ground-Mounted Mechanical Equipment.** Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. (12/19)

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to:

- A. Carry out the Comprehensive Plan and adopted planning documents such as the Transportation System Plan, with respect to development standards and policies. (11/09)
- B. Insure that natural features of the landscape, such as land forms, natural drainage-ways, trees and wooded areas, are preserved as much as possible and protected during construction. (11/09)
- C. Promote energy conservation and efficiency in development through site planning and landscaping. (11/09)
- D. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (11/09)
- E. Encourage quality development that contributes to the needs and character of the community. (5/98)

2.301.02 Application of Standards

- A. Application. The standards governing development as set forth in Section 2.3, the applicable zone district, and/or within Section 2.4 as applicable shall apply to partitions; subdivisions; planned unit developments; commercial and industrial development; public and non-commercial development; single family dwellings, duplexes and multi-family structures. (11/09)
- B. Phasing. Phasing or delay of improvements may be authorized as allowed by this section. When it is determined by the City that the strict application of the requirements outlined in the table below is impractical or not feasible then consideration may be given for delaying or phasing the required public facilities improvements. Phasing may be considered when: (11/09)
 - 1. lack of connecting facilities exists; (11/09)
 - 2. any plans that the city may have for future public facilities improvements that may justify phasing or delaying so that the project may be incorporated into the city's improvement plans; (11/09)
 - 3. other engineering factors that may justify that the improvements should be delayed exist. (11/09)

If a delay or phasing is allowed it is not to be considered as a modification of the required improvements or that the improvements are to be eliminated. The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to construct the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit. (11/09)

2.301.03 Public Facility Improvement Requirements

Standards for the provision and utilization of public facilities or services available within the City of Keizer shall apply to all land developments in accordance with the following table. No development permit, including building permit, shall be approved or issued unless the following improvements are provided prior to occupancy or operation, or unless future provision is assured in accordance with Subsection 2.310.05.D or 2.310.06.P as applicable. (11/09)

Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVEMENT	WATER HOOK-UP (PF-1)	SEWER HOOK-UP (PF-6)	STORM DRAIN (PF-7)	STREET LIGHTS (PF-8)
Single Family Dwelling, Duplex, <u>Triplex,</u> <u>Quadplex,</u> <u>Townhouse,</u> <u>Cottage</u> <u>Cluster</u>	No (unless required by U.F.C.)	PF-3	Yes	Yes	Yes	No
Multi- Family Dwellings	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	PF-2	Yes and PF -5	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	PF-2	PF-5	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	PF-2	PF-4 and PF-5	Yes	Yes	Yes	Yes

Footnotes to Public Facilities Improvement Requirements Table

Legend: No = Not required Yes = Required

PF – Public Facility

PF-1 An approved potable water supply capable of supplying both domestic water supply and also meeting the required fire flow for fire protection shall be provided prior to the start of combustible construction. (11/09)

PF-2. Fire Hydrants shall meet the requirements as set forth in the Uniform Fire Code. (11/09)

PF-3. Street Improvements for Single Family Dwellings, Duplexes, Triplexes, Quadplexes, Townhouses, and Cottage Clusters: New single family dwellings, duplexes, triplexes, quadplexes, townhouses, or cottage clusters that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works. Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases the improvements shall be done to Department of Public Works standards. (11/09)

PF-4. As specified in Section 2.310. (11/09)

PF-5. If a Traffic Impact Analysis (TIA) is required pursuant to Section 2.301.04 the City will require improvement (s) as recommended in such TIA, in addition to those specified in the Public Facilities Improvement Requirements Table as set above. (11/09)

PF-6 Connection to municipal sanitary sewer system shall be required unless property is within a zone district which allows the option of using an on-site septic system. (11/09)

PF-7 New developments and expansion shall connect into an approved storm drainage system or shall provide on-site storm drainage facilities in a system meeting city approval. (11/09)

PF-8 Generally, street lights are not required of partitions but are for subdivisions. Street lights for other developments will be required on a case by case basis. (11/09)

MFD = Multi-family dwelling (3 or more units)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.301.04 Traffic Impact Analysis (TIA)

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study. (07/09)
- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a development application, when the following conditions apply: (11/09)
1. The development application involves one or more of the following actions:
 - a. A change in zoning or a plan amendment designation; or
 - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
 - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
 - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
 - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles

entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or

- 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

D. Traffic Impact Analysis Requirements. (11/09)

1. Preparation. A Traffic Impact Analysis shall be prepared by a professional engineer. The traffic analysis will be paid for by the applicant.
2. Transportation Planning Rule Compliance. See Section 3.111.05 Transportation Planning Rule Compliance.
3. Pre-application Conference. The applicant will meet with Keizer Public Works prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the proposed development is adjacent to or otherwise affects a State roadway. (6/14)

E. Approval Criteria. (11/09)

1. Criteria. When a Traffic Impact Analysis is required, approval of the development proposal requires satisfaction of the following criteria:
 - a. The Traffic Impact Analysis was prepared by a professional engineer; and
 - b. If the proposed development shall cause one or more of the effects in Section 2.301.04.C, above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Analysis shall include mitigation measures that meet the City's Level-of-Service and Volume/Capacity standards and are satisfactory to the City Engineer, and ODOT when applicable; and
 - c. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:

- 1) Have the least negative impact on all applicable transportation facilities; and
- 2) Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; and
- 3) Make the most efficient use of land and public facilities as practicable; and
- 4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- 5) Otherwise comply with applicable requirements of the City of Keizer Development Code.

F. Conditions of Approval. The City may deny, approve, or approve a development proposal with appropriate conditions.

1. Where the existing transportation system will be impacted by the proposed development, dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways may be required to ensure that the transportation system is adequate to handle the additional burden caused by the proposed use.
2. Where the existing transportation system is shown to be burdened by the proposed use, improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

2.303 OFF-STREET PARKING AND LOADING

2.303.01 Purpose

The purpose of this Section is to provide standards to ensure adequate areas for the parking, maneuvering, loading and unloading of vehicles and bicycles for all land uses in the City of Keizer. (12/15)

2.303.02 Scope

The provisions of this Section shall apply to the following types of development: (5/98)

- A. New Building. Any new building or structure erected after the effective date of this Ordinance. (5/98)
- B. Expansion. The construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure. (5/98)
- C. Change in Use. A change in the use of a building or structure which would require additional parking spaces or off-street loading areas under the provisions of this Section. (5/98)

2.303.03 General Provisions Off-Street Parking and Loading

- A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. (5/98)
- B. Additional Parking Required Prior to Occupancy. Should the owner or occupant of any lot or building change the use to which the lot or building is used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (07/06)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The Zoning Administrator shall have the authority to make adjustments based on parking demand analysis prepared by an applicant. (07/06)

- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)
- E. Use of Parking Spaces. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons or employees only, and shall not be used for storage of vehicles or materials including solid waste collection containers. Garages for single family and duplex dwelling units shall not be counted in determining required parking spaces. (5/98)
- F. Drainage. All new parking areas and expansion of existing parking areas shall provide a storm drainage system to dispose of runoff generated by the impervious surface. Provisions shall be made for the appropriate on-site collection, storage, conveyance, and treatment of drainage water. All development shall be designed and constructed to prevent sheet flow of such water onto sidewalks, public rights of way, and abutting properties. The drainage system shall be approved by Keizer Public Works Department prior to construction and shall be constructed in accordance with the city's storm water management regulations. (9/17)

2.303.04 Location and Use Provisions

Off-street parking and loading areas shall be provided on the same lot with the main building or structure or use except that: (5/98)

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. Tandem parking (stacking no more than two cars end to end in a private drive way) shall be an acceptable method of meeting parking requirements. (9/17)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. (12/15)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones. (07/06)

- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)
 2. Vehicles parked outdoors in a residential zone may be parked in a driveway, as regulated herein, and must be located within the front yard meeting the requirements for required parking in this Section. (9/17)
 3. Vehicles parked on a lot in a residential zone shall be for the personal use of the occupants of the dwelling. One vehicle used in conjunction with a home occupation or other employment may be parked on the lot provided it complies with the provisions in Section 2.407.G. (12/11)
 4. A parking plan must be approved for all development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots.
- E. Yard Parking Restrictions. No parking of vehicles, trailers, boats, or recreational vehicles shall be allowed in a front yard except on a driveway. (12/15)
- F. Storage Restrictions. Side and rear yards may be used for storage and parking of vehicles, trailers, boats, and recreational vehicles. Storage and parking areas shall be screened by a six foot high fence, wall, or hedge. Storage and parking areas shall be either durable hard surface or gravel surface consistent with the requirements in Section 2.413 (Recreational Vehicle Storage – Single Family Homes). The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (12/15)
- G. All vehicles are subject to the regulations prohibiting illicit discharge, as governed by applicable City regulations. (9/17)

2.303.05 Joint Use

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Zoning Administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (07/06)

2.303.06 Off-Street Automobile Parking Requirements

Off-street parking shall be provided in the amount not less than listed below. (9/17)

A. Parking Requirements

LAND USE ACTIVITY	SPACES REQUIRED *Square footage = Gross floor area. (12/15) *Totals shall be rounded up to the next whole number
Single Family and Duplex	2 per dwelling unit
<u>Duplex, Triplex, Quadplex, Townhouse, and Cottage Cluster</u>	<u>1 per dwelling</u>
Single family dwellings having their access via an access easement, on a street restricting on-street parking, or a flag lot	3 per dwelling unit
Multi-family types	1 space per 1 bedroom unit + 1 additional space for every 10 units OR 1.5 spaces per 2 or more bedroom units + 1 additional space for every 10 units
Hotel, motel, Bed and Breakfast	1 space per guest room
Club, lodge	Combination of uses being conducted: hotel, restaurant, etc.
Hospital	1 space per 2 beds
Nursing home, convalescent home, Memory care	1 space per 3 beds
Senior living facility, assisted living facility	To be determined through review process
Health service, medical or doctor's office, non-profit shelter providing emergency housing and associate services	1 space per 350 square feet
House of worship, auditorium, stadium, theater	1 per 4 seats or every 8 feet of bench length
Park, special event	As determined through conditional use/master plan or city council review
Elementary, middle school	2 spaces per classroom – In addition, 1 space per 350 sq. ft. of administrative office

High school	1 space per classroom – In addition, 1 space per 10 students and 1 space per 350 sq. ft. of administrative office
Family Daycare provider, Day care facility	In addition to required single family parking: 1 space for up to 12 children 2 spaces for more than 12 children
Preschool, nursery	1 space per each employee plus 1 space per room
Bowling alley, skating rink, community center, recreation facility	1 space per 200 square feet
Golf Course	4 spaces per green
Tennis courts, racquetball courts	2 spaces per court
Retail store	1 space per 300 square feet
Personal Service	1 space per 350 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture, home furnishing, major equipment), home appliance, television, electronic equipment	1 space per 900 square feet
Dry cleaner	1 space per 1,000 square feet
Laundromat	1 space per 300 square feet
Bank, credit union	1 space per 400 square feet
Office used for real estate, lawyer, insurance brokers	1 space per 500 square feet
General Office (non-medical)	1 space per 500 square feet
Eating and drinking establishment	1 space per 125 square feet
Wholesale establishment	1 space per 2,000 square feet
Government offices open to the public	1 space per 500 square feet
Wireless telecommunication facility	1 space per facility
Industrial, manufacturing, processing	1 space per 1,000 square feet
Warehousing and storage terminals	1 space per 2,000 square feet

B. Parking Reduction

The number of minimum required parking spaces may be reduced by up to 10% if the site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, are provided or will be provided as part of the development of the site. (12/15)

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50% unless a property owner provides a parking demand analysis which documents that a greater amount is necessary to serve the needs of those who will use the parking facility and is accepted by the Community Development Director. (12/15)

2.303.07 Standards for Disabled Person Parking Spaces

Disabled Person Parking Spaces shall comply with the requirements of the building code and ODOT standards. (5/98)

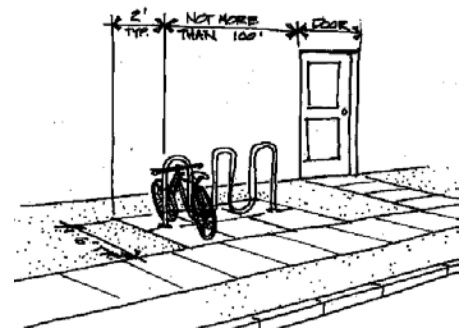
2.303.08 Bicycle Parking

A Bicycle Parking Required. Bicycle Parking shall be required in all public and semi-public, commercial, multi-family, and industrial development as well as park-and-ride lots. Bicycle parking shall be based on the amount of automobile parking required. In addition to a required one bicycle parking space, bicycle parking spaces shall be calculated at five percent of the amount of the automobile parking spaces which are required and all fractions are rounded up the next whole number. (12/15)

B. Bicycle Parking Development Requirements

1. Space Size. Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle. (5/98)

2. Location. All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. Bicycle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (12/15)



Bicycle Parking Standards

3. Rack Design. Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. Fixed objects which are intended to serve as bicycle parking facilities but which are not obviously designed for such purposes shall be clearly labeled as available for bicycle parking. (12/15)
4. Access. Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)

C. Exemptions

The following uses are exempt from the bicycle parking requirements: (5/98)

1. Seasonal or temporary businesses. (5/98)
2. Wireless telecommunication facilities, and other utilities (12/15)

2.303.09 Carpool and Vanpool Parking

New office or industrial development with 100 or more parking spaces shall designate at least 5% of the parking spaces for carpool or vanpool parking. These designated spaces shall be the closest parking spaces to the building entrance normally used by employees, with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only" along with specific hours of use. Any other use establishing car and vanpool spaces may reduce the minimum parking requirement by 3 spaces for each carpool/vanpool space created. (5/98)

2.303.10 Off-Street Loading Requirements

Off-street loading space shall be provided as listed below: (5/98)

- A. Commercial Office. Commercial office buildings shall require a minimum loading space size of 12 feet wide, 20 feet long and 14 feet high in the following amounts: for buildings over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)
- B. Commercial and Industrial. All other commercial or industrial buildings shall require a minimum loading space of 12 feet wide, 30 feet long, and 14 feet high in the following amount: for buildings containing over 5,000 square feet of gross floor area, 1 space; for each additional 40,000 square feet of gross floor area, or any portion thereof, 1 space. (5/98)

2.303.11 Parking and Loading Area Development Requirements

All Parking and loading areas shall be developed and maintained as follows:

- A. **Surfacing.** All driveways, parking and loading areas shall have a durable, hard, dust free surface such as asphalt, concrete, or pavers (segmented bricks). Temporary or over-flow parking areas may be allowed on a case by case basis subject to Public Works and Community Development approval to be exempt from this requirement. Over-flow is defined as being on an infrequent or occasional basis and is in addition to parking that already exists on the site. Temporary is less than two years in duration. (12/15)

B. **Parking Spaces**

1. **Dimensions.** Head-in parking spaces shall be a minimum 9 feet wide and 18 feet in length. Parallel parking spaces shall be a minimum 9 feet wide and 22 feet in length. (9/17)
2. **Compact Spaces.** Compact parking spaces, at a reduced width of 8.5 feet and 16 feet in length, shall be permitted on sites with more than five (5) parking spaces. No more than 30% of the required parking shall be compact spaces and each space must be identified as a "Compact Space." (12/15)

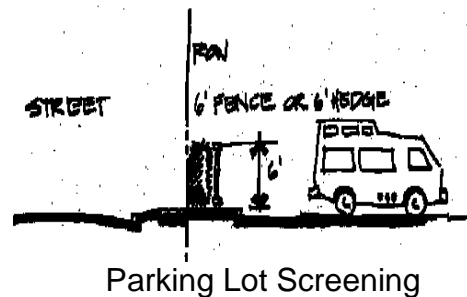
C. **Aisle Dimensions.**

The following minimum aisle dimensions shall apply: (5/98)

1. Without adjacent parking (drive aisle):
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet
2. With adjacent parking (9/17):

PARKING ANGLE	AISLE WIDTH	
	One-way	Two-way
0 to 40	14 feet	24 feet
41 to 70	16 feet	24 feet
71 to 90	24 feet	24 feet

- D. **Screening.** When any parking or loading area abuts a residential zone, the parking or loading area shall be screened or buffered as is required in Section 2.309.05. (07/06)

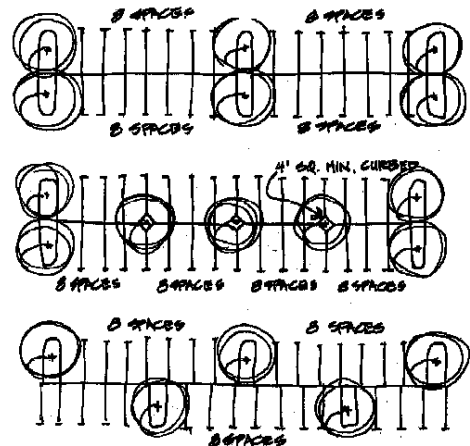


E. Lighting. All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall not cast a glare or reflection onto the public rights-of-way, and shall provide appropriate shielding so the light source is not visible from any public right of way or adjacent residential property. (9/17)

F. Landscaping.

1. Parking lot landscaping should be designed to provide shade, reduce storm water runoff, and direct traffic. Incorporation of approved stormwater quality facilities in landscaped areas is encouraged. (9/17)

2. One tree shall be planted for every eight lineal parking space. The planting space shall measure no less than 4 feet square and be contained by appropriate methods to ensure landscaping materials are kept in place, and vegetation is protected from vehicle maneuvering and parking areas. Trees may be planted in clusters to screen or buffer the development if approved in the Landscaping plan. (9/17)

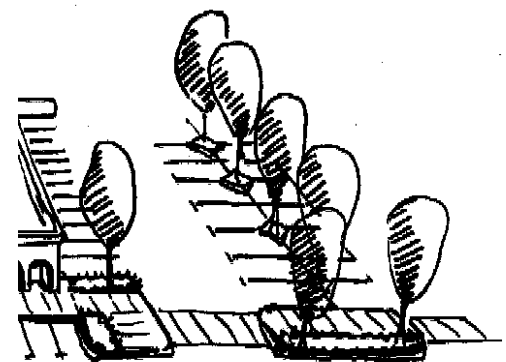


Parking Lot Tree Siting Alternatives

3. Trees shall be of a species that the root system will not interfere with underground utilities or the parking surface, and must be capable of achieving a minimum 15 foot canopy radius.

4. All trees must be planted in proximity to proposed parking areas. At a minimum, 1/3 of the diameter of each proposed mature tree canopy shall provide shade and overlap the parking area. (9/17)

5. Trees may be planted within a storm drainage area subject to Public Works review and approval, provided the selected tree species will not adversely impact the function of the storm drainage facility.



Parking Lot Landscaping

6. Trees shall be a minimum 2" caliper at the time of planting, of a suitable species, and be healthy with no visible damage. (12/15)

- G. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)
- H. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)
- I. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)
- J. Existing development may redevelop a portion of existing parking areas in order to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use. (07/09)

2.314 STANDARDS FOR SINGLE FAMILY DWELLINGS¹ DUPLEXES, TRIPLEXES, QUADPLEXES, AND TOWNHOUSES

The following standards will be applied to all single family dwellings, duplexes, triplexes, quadplexes, and townhouses whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, RM, MU or UT zones. (10/15)

- A. All single family homes, duplexes, triplexes, quadplexes, and townhouses shall have their primary building façades oriented towards the front lot line of the lot, and Single-family homes, duplexes, triplexes, quadplexes, and townhouses shall incorporate at least five of the following design features to provide visual relief along the front of the home: (10/15)
1. Dormers; (5/98)
 2. Gables; (5/98)
 3. Recessed entry; (10/15)
 4. Covered porch with front door entry facing the front lot line; (10/15)
 5. Cupolas; (5/98)
 6. Pillars or posts; (5/98)
 7. Bay or bow windows or window shutters; (10/15)
 8. Eaves (minimum 6" projection); (5/98)
 9. Off-sets on building face or roof (minimum 16") (5/98)
 10. Window(s) facing the street or access easement have a minimum area of not less than 24 square feet. (10/15)
 11. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding, shakes, etc) (10/15)
- B. Garages and carports. When garages and carports are provided they shall meet the following: (10/15)
1. Garage doors and carport openings facing the street shall not account for more than 50% of the dwelling façade that faces the street. (10/15)

2. Garage doors on lots less than 8,000 square feet must be recessed from the front plane of the house at least 5 feet or mitigated with additional design features as set forth below. These are in addition to the features required in Section 2.314(A) above: (10/15)
 - a. If garage door is even with or recessed less than 5 feet from the front building plane then **one** additional design feature from the design feature listed below is required. (10/15)
 - b. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the design feature listed below is required. (10/15)
 - c. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the design feature listed below is required. (10/15)

DESIGN FEATURE (GARAGES AND CARPORTS)

- Trellis in front of the garage. (10/15)
- Projections (such as pillars, posts, stonework, brick work) over, or at each side of the garage doors. Projections shall be a minimum of 8 inches in depth. (10/15)
- Additional gables including one above the garage. (10/15)
- Windows in garage door. (10/15)
- Decorative garage doors which incorporate architectural design elements such as stable doors etc. (10/15)
- Landscaping which includes a variety of trees and other planting materials to visually mitigate the garage, which is in addition to required landscaping. (10/15)
- Added architectural feature(s) using materials, textures, and / or design features in the plane of the garage. (10/15)
- Decorative hardscape features which may be either horizontal and / or vertical and includes a variety of materials and textures such as stamped concrete, pavers, bricks, columns, significant ornamental rocks, etc. (10/15)

- C. Middle housing conversions. A conversion from a single-family home to a duplex, triplex, quadplex, or cottage cluster is allowed. The following requirements and standards apply:

1. The converted housing type is a permitted use in the underlying zone.
2. With the exception of minimum parking requirements, the conversion of the existing single family home does not create or increase nonconformance with applicable development and design standards.
3. The conversion is exempt from additional design requirements and public facility improvements.
4. The conversion is subject to the Development Review process.

2.315 DEVELOPMENT STANDARDS

2.315.01 Purpose

The Development Standards herein called Standards are intended to implement the Keizer Comprehensive Plan and the purpose of each zoning district. “Standards” only include the development standards referred to in this Section. They do this by promoting functional, safe, and attractive developments that maximize compatibility with surrounding uses and commercial corridors, and that are compatible with and enhance the transportation system. The Standards mitigate potential conflicts and problems, and maximize harmonious relationships. Alternatives to the Standards on a case-by-case basis may be reviewed and approved as a land use action. In such cases, the purpose of this Development Code shall be met through factual findings and conclusions about the proposed design, and attachment of specific conditions if necessary, by the review body. Application of the Standards does not evaluate the proposed use, nor the specific architectural style or design. Rather, the Standards focus on the structural elements of texture, color, and materials, and on the site elements of building placement. (12/18)

2.315.02 Applicability

- A. Exterior changes to all buildings in matters relating to color or facade materials only shall comply with the applicable or relevant Standards found in Section 2.315.06 of this code. (12/18)
- B. Serial additions, alterations or expansions as defined in Section 1.2 of this code shall be limited so that the Standards specified in Section 2.315.03.A and B are not exceeded in a 3-year period. (12/18)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (1/04)
- D. In addition to the standards in this Chapter, development in the overlay zone RCOD is subject to development standards in Section 2.130. If there is a conflict between this Chapter and Section 2.130, then Section 2.130 shall apply. (12/19)

2.315.03 Exemptions

- A. The following are exempt from the Standard Structural additions, alterations, or expansions which are 25 percent or less of existing building(s) gross floor area and/or impervious surface area are affected; **OR**, when 500 square feet or less of an existing building(s) gross floor area and/or impervious surface area, whichever is less, is affected. (1/04)

- B. Exterior changes involving the addition, alteration or moving of a door, window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (1/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (1/04)
- D. Agricultural uses (1/04)
- E. Any residential building housing ~~three~~ four or fewer dwelling units and cottage clusters. (1/04)
- F. Any interior remodeling (1/04)
- G. A temporary business (1/04)
- H. A mobile Food Vendor (12/18)

2.315.04 Administration of the Development Standards

These Standards are intended to be objective and to serve as a guide to designers of developments. The Standards are applied in one of four ways: (1/04)

- A. The Standards embodied in this Development Code are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (12/18)
- B. In instances where conformance to the Standards is outside of the scope of a building permit, such as repainting a building, the owner shall be responsible for conformance with these Standards. (12/18)
- C. The Standards embodied in this Development Code are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (12/18)
- D. In the event a development proposal or a change to an existing building does not conform to the Standards due to an applicant wishing to propose alternatives, the applicant may choose to apply for approval of a Development Standards Alternative application. A Development Standards Alternative application shall be processed as a Type II-B land use decision consistent with Section 3.202. The initial decision shall be rendered by the Planning Commission, appealable to City Council. For properties located within the Keizer Station, the initial decision shall be rendered by the City Council. No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (12/18)

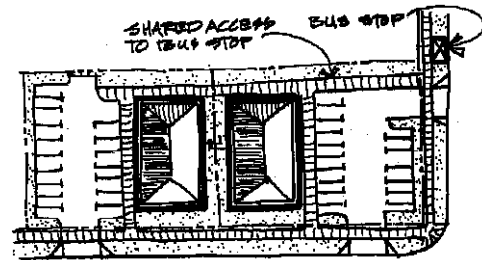
2.315.05 Non-Conforming Buildings

Any building that did not conform to the Standards on May 18, 1998 is considered a legally non-conforming building as-regulated within this Code. (1/04)

2.315.06 Development Standards

All applicable development must meet the following Standards: (12/18)

- A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (1/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and transit facilities (existing or planned). (12/18)
 2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code requirements. (12/18)
 3. Additional Street Access. One walkway from a building to a public street shall be provided for every 300 feet of street frontage. (12/18)
 4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (1/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be safely used at night by employees and customers. (12/18)
 6. Walkway Coverage.
 - a. Any portion of a walkway located within three feet of a building frontage-shall be covered with awnings or building overhangs.



Pedestrian Access Standards

The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (1/04)

- b. In the EG zone, any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (1/04)

- 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a paved minimum unobstructed width of eight feet. (12/18)
- 8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street and the building entrance. Walkways without stairs shall comply with the accessibility requirements of the Oregon State Building Code. (1/04)
- 9. Access to Adjacent Property. If the proposed development has the potential of being a significant attractor or generator of pedestrian traffic, potential pedestrian connections between the proposed development and existing or future development on adjacent properties other than connections via the street system shall be identified. (1/04)
- 10. The building permit application or Development Standards Alternative-application shall designate walkways and pedestrian connections on the proposed site plan. If the applicant considers walkways are infeasible, evidence and proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The evidence will be evaluated in conjunction with the building permit or Development Standards Alternative process. (12/18)

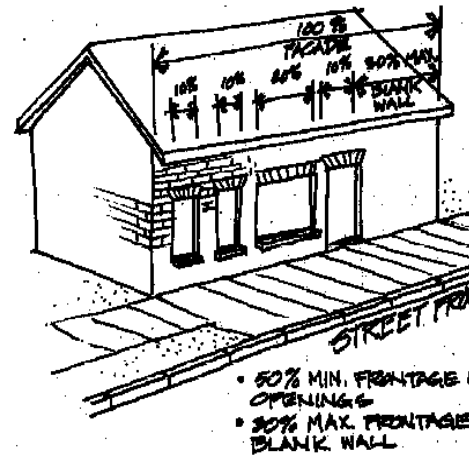
B. Building Design

- 1. Ground floor windows
 - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)
 - b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted

uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Master Plan review described in Section 2.125. (12/18)

2. Building facades

- a. In the CM, CR, and MU zones, facades that are visible from a public street shall extend no more than 30 feet horizontally without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area entirely separated from other wall areas by a projection, such as a porch or a roof over a porch and no more than 15 feet between vertical design elements such as columns, pilasters, or patterns. (12/18)



Facade Standards

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. (12/18)

3. Awnings – Awnings are a roof-like cover extending immediately in front of a doorway or window to provide protection from the sun or rain. Awnings shall be provided along building storefronts abutting a public sidewalk. Awnings are not allowed in locations not listed above. Awnings shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings shall not be back lit. (12/18)

4. Materials and Texture

- a. Building Materials. (1/04)
- 1) All buildings shall have wood, brick, stone, architectural block, slump stone block, architectural

concrete, stucco siding, or vinyl siding made to look like wood siding as the predominant building material. (12/18)

- 2) A minimum of 2 separate and distinct building materials must be used. (12/18)
- 3) Metal siding other than reflective material is allowed as part of a design to incorporate differing materials, but shall not be the predominant material used. Metal siding is not allowed for residential buildings housing 3 or more dwellings. (12/18)
- 4) Plain concrete masonry block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (12/18)

b. Trim Material. (1/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (1/04)

c. Roofing Material. (1/04)

Any roofing material is allowed including metal roofs. (5/98)

d. Foundation Material. (1/04)

Foundation material may be plain concrete or plain concrete block where the foundation material is not revealed for more than 3 feet. (5/98)

5. Color

a. Any portion of a building that is painted or stained may use as the main color, and roof color for all portions of the roof visible from the ground, any color which meets all of the following criteria: (1/04)

- 1) Exterior building colors shall be of low reflective, subtle, neutral or earth tone color. The use of high intensity colors such as black, neon, metallic or florescent colors for the façade of the building are prohibited except as may be approved for building trim. (12/18)

- 2) Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (12/18)
- 3) The finish shall be either matte or satin. (12/18)
- b. For the purpose of this Section, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color except as set forth below. (12/18)
- c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (1/04)
6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)
7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this Standard. (12/28)

C. Commercial Accessory Structures

1. Commercial Accessory Structures including buildings, sheds, trash receptacles, mechanical devices, and other structures outside the main building, shall either be screened from view by the public by either a hedge or fence, **OR**, with the exception of trash receptacles, be screened by painting them the same color as the main color of the building. (12/18)
2. Trash enclosures shall be designed to be large enough to accommodate the projected amount of trash being generated at the development. The area must be able to fully contain all necessary trash and recycling containers. (09/10)

D. Transit Facility Requirement

New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement. (7/09)

E. Transit Access

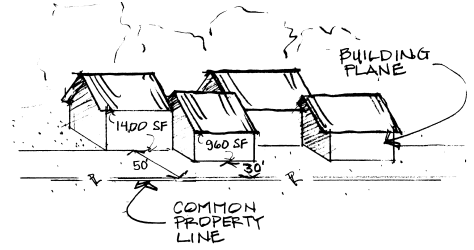
New retail, office and institutional buildings within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide for convenient pedestrian access to transit through the measures listed in Subsections 1 and 2 below. (12/18)

1. Walkways shall be provided connecting building entrances and streets adjoining the site; (7/09)
2. Pedestrian connections to adjoining properties shall be provided except where such a connection is impracticable. Pedestrian connections shall connect the onsite circulation system to existing or proposed streets, walkways, and driveways that abut the property. Where adjacent properties are undeveloped or have potential for redevelopment, streets, access ways and walkways on site shall be laid out or stubbed to allow for extension to the adjoining property; (7/09)
3. In addition to Subsections 1 and 2 above, sites at transit facilities must provide the following: (7/09)
 - a. Either locate buildings within 20 feet of the transit facility, a transit street, or an intersecting street or provide a pedestrian plaza at the transit facility or a street intersection; (7/09)
 - b. A reasonably direct pedestrian connection between the transit facility and building entrances on the site; (7/09)
 - c. A transit passenger landing pad accessible to disabled persons; (7/09)
 - d. An easement or dedication for a passenger shelter if requested by the transit provider; and (7/09)
 - e. Lighting at the transit facility. (7/09)

F. Multifamily Design. Multifamily structures shall create a form and scale to provide interest and aesthetic appeal. (12/18)

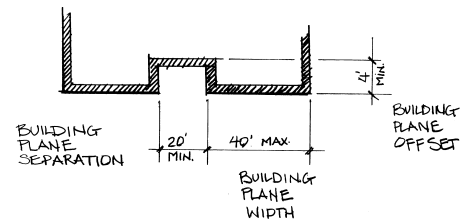
1. In addition to the requirements outlined in 2.315.06 all new multifamily buildings shall include a minimum of 3 significant different materials and textures in the design of the exterior building facade. (12/18)
2. Building planes for multifamily dwellings facing property lines or the street shall be subject to the following Standards: (12/18)

- a. No building plane shall exceed 960 square feet within 30 feet of the property line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line. (12/18)



- b. No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (10/15)
- c. If more than one building plane faces a street or property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this Standard, “common distance” shall be defined within 12 feet. (12/18)

- d. When a structure along a wall juts out from the wall, or is offset from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured. (12/18)



2.315.07 Determination of Conformance to Development Standards as Part of Building Permit Review

The Zoning Administrator, or designee, during the normal course of reviewing a building permit application, shall conduct a concurrent Development Review. As part of that review, a determination of the proposal's conformance with the provisions of this Section shall be determined. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the Standards or as a Design Alternative, which was approved by the planning Commission or City Council. Building plans shall not be approved unless there is conformance with the provisions of this Section. (12/18)

2.315.08 Criteria for Development Standard Alternative Approval

The Planning Commission or City Council (for properties within Keizer Station) may approve the proposed design alternatives, or approve them with conditions through a Development Standards Alternative application, if it finds the alternative design can meet the purpose and intent of this Section and be successfully applied to a particular property. (12/18)

~~2.404 ZERO SIDE YARD DWELLING UNITS~~

~~Zero side yard dwelling units may include attached single family homes on individual platted lots or detached single family homes located contiguous to a lot line. Where permitted as a special use, zero side yard dwelling units shall meet the following use and development standards.-(01/02)~~

~~A. Permitted development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot.-(5/98)~~

~~B. Setbacks~~

~~1. Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone.-(5/98)~~

~~2. Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply.-(5/98)~~

~~G. Lot Size and Dimensions. Any lot that is part of an attached zero lot line development with more than two units may be less than the minimum lot size permitted in the zoning district provided that the average lot size of all lots in the development meets the density and minimum lot size requirements for the zone. The minimum lot width for zero lot line development providing attached dwellings shall be 20 feet.-(01/02)~~

~~D. Building separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten (10) feet.-(01/02)~~

~~E. Maintenance easement. As a condition of issuance of a building permit for any building having a wall contiguous to a property line that is unattached, the applicant shall furnish an easement from the owner of the property adjacent to the wall providing for ingress, egress, and use of the adjacent property for the purpose of maintenance, repairing, and replacing the premises.-(5/98)~~

~~F. Accessory buildings. The provisions of this section apply to accessory as well as main buildings.-(5/98)~~

~~G. Blank Wall Standards. To avoid blank walls along a common lot line, one or more of the following wall treatments shall be used along any zero lot line wall that is visible from the public right-of-way.-(01/02)~~

~~1. Recessed or raised areas;-(01/02)~~

- ~~2. Variations in material, patterns, or texture; (01/02)~~
 - ~~3. Trellises, arbors, climbing vines or other landscaping enhancement treatments; (01/02)~~
 - ~~4. Architectural detailing, such as cornices, pilasters, or trim; (01/02)~~
 - ~~5. Innovative lot schemes and site plans which reduce the visual impact of the blank wall. (01/02)~~
- ~~H. Maintenance. A five (5) foot wide maintenance easement shall be provided across the adjoining property for the benefit of any detached dwelling or zero lot line structure abutting a property line. For attached dwellings, maintenance provisions shall be provided by a common/party wall agreement or other recorded document. (01/02)~~
- ~~I. Attached Dwellings. Attached dwellings are allowed on smaller lots as prescribed in permitted zones. To reserve more area within a residential lot as usable outdoor space, attached dwellings shall be joined along a common wall for a distance of no less than one story for at least 10 feet. (01/02)~~

2.432 COTTAGE CLUSTER DEVELOPMENT

2.432.01 Purpose and Design Principles

This Section establishes standards for cottage cluster development that are intended to as an alternative development type that provides usable common open space in low- and medium-density residential areas development; allows for a variety of housing types both detached as well as attached; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods; and provide opportunities for creative infill development. ~~It is intended to be a flexible development alternative similar to the planned unit development alternative whereby many of the standards of the underlying zone do not apply in consideration for the provision of open space and other unique design features.~~ Successful cottage cluster development projects can foster community and ensure a balance between privacy, security and neighborhood interactions through careful consideration of the following design principles: (6/14)

- A. Shared Open Space and Active Commons. The shared common space binds the cottage development together and gives it vitality. Residents surrounding this space share in its management, care and oversight, thereby enhancing a sense of security and identity. (6/14)
- B. Common Buildings. An advantage of living in a cottage development is being able to have shared buildings such as a tool shed, outdoor barbeque, or picnic shelter or a multipurpose room. (6/14)
- ~~C. Adequate Parking that does not dominate. Parking areas should be screened from adjacent parcels and adjoining public streets. Locating parking areas away from the homes can allow more flexible use of a site, limit the dominance of garages and driveways, decrease the amount of hard surface, and allow more light into homes. (6/14)~~
- ~~D. Front Porches. The front porch is a key element in fostering neighborly connections. Its placement, size, relation to the interior and the public space are important to creating strong community connections. (6/14)~~
- E. Smaller, High-Quality, Well-Designed Dwellings. Smaller, high-quality houses, together with the common open area and cottage development elements, help ensure the intensity of development is compatible with the surrounding neighborhood. (6/14)

2.432.02 Permitted Building Types Within Cottage Cluster Developments

- A. Cottage cluster development cottages (Section 2.432.04.A). (6/14)
- ~~B. Two-unit structures (Section 2.432.04.B). (6/14)~~
- C. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use (Section 2.432.04.C). (6/14)
- D. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.D). (6/14)
- E. Shared Accessory Structures. Permitted in all zones where cottage development is permitted. May include parking and storage buildings. However, they shall not be permitted within common area. (6/14)

2.432.03 Site Requirements

- A. Ownership options. Ownership may be a common lot, fee simple lots with a homeowner's association holding common areas, or condominium ownership of the whole development. Any development meeting the definition of a "Planned Development" or "Condominium" per state statute shall comply with all applicable provisions of state law. If condominium ownership, common areas shall be designated as 'general common elements' and private yard spaces shall be designated as 'limited common elements' for purposes of ORS Chapter 100 Condominium Law. Cottage clusters are also eligible for middle housing land divisions, which would create individual lots for each unit and allow for fee simple ownership of the individual cottages and land they sit upon. Common ownership of or easements for the use of common areas or facilities still would be needed.
- B. Development Standards
 - 1. Parent parcel. The parent parcel, which shall encompass the entire cottage cluster development, and shall be at least the minimum lot size established for cottage clusters in the underlying zone (7,000 square feet) 30,000 square feet. The parent parcel may be divided into individual cottage lots and shared common areas consistent with the city's regulations or with middle housing land division standards and requirements. (6/14)
 - 2. Cottage lots. There is no minimum lot size for the individual cottage lots.
 - 3. Density. Cottage cluster development must meet a minimum density of 4 units per acre. There is no maximum density for cottage clusters. The standards from the base zone shall apply. (6/14)

4. Average Minimum Lot Width and Depth. There is no minimum lot width or depth for the individual cottage lots. (6/14)
5. Maximum Lot Coverage. There is no maximum lot coverage for the individual cottage lots or a cottage cluster parent lot. (6/14)
6. Maximum Height. Twenty-five (25) feet. (6/14)

7. Minimum Setbacks. See setback the standards for underlying residential zone. (6/14)

~~Table 2.432-1~~(6/14)

SETBACKS	
Front	15 feet
Side	5 feet
Rear	10 feet
Street-side	10 feet
Garage entrance	20 feet

*Interior units on a common lot or separate lots shall be spaced at least 10 feet apart. If individual lots are created, the applicant may create a zero lot line configuration between units to maximize usable private area and provide privacy. (6/14)

8. Minimum Landscape Requirement. The standards from the base zone shall apply. (6/14)

C. Lot/cottage arrangement (6/14)

1. Cottage cluster developments shall contain a minimum of ~~four~~ three cottages and no more than 8 cottages per common open space allowed in the underlying zone by density. (6/14)
2. Cottages shall be arranged around a common open space, and ~~each~~ at least 50% of the cottages shall have frontage with a primary entrance on the common open space. Cottages that do not have a primary entrance that faces the common open space either must have their primary entrance face the street, or a sidewalk or pedestrian path that is directly connected to the common open space. (6/14)
3. ~~Units along the public right-of-way should have their primary entrance facing the public right-of-way. Cottages not facing the common open space or the public right of way must have their primary entrance face a sidewalk or walk that is directly connected to the common open space.~~
4. A community building may be provided adjacent to or at the edge of the central common area as part of the cottage development, or elsewhere on the development site. (6/14)
5. Cottage cluster developments shall be limited to one cluster with one common space.

D. ~~Private and e~~ Common space. (6/14)

- ~~1. Common Space.~~(6/14)

- a Common space is a defining characteristic of a cottage housing development. A minimum of ~~400~~ 150 square feet of common open space per unit shall be provided. (6/14)
- b The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)
- c The common space must be a minimum of 15 feet wide at its narrowest dimension.

~~2. Private Space.~~ (6/14)

- a ~~A minimum of 250 square feet of usable private open space shall be provided adjacent to each unit.~~ (6/14)

E. Frontage, access, parking, and vehicular circulation. (6/14)

- 1. Frontage. The parent parcel shall have frontage on a public street. (6/14)
- ~~2. If individual lots are created within the development, at least two sides of the common area shall be abutted by cottage child lots. ~~each lot shall abut a common area, but is not required to have public street frontage.~~ (6/14)~~
- 3. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
- 4. Parking. A minimum of ~~two~~ one off street parking spaces per unit shall be provided. (6/14)
- 5. Parking and/or garage structures shall be located: ~~behind or to the side of the residential area and open space~~ (6/14)
 - a. Within 20 feet from any street property line, except alley property lines.
 - b. Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
 - c. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
- 6. Parking areas, shared parking structures, and garages shall be screened from public streets by landscaping or architectural screening that is at least three feet tall. (6/14)

7. If the property has frontage on a public alley, access and parking may be provided from the alley. (6/14)
8. If individual lots are created, and shared parking is provided, parking and access shall be provided in a common area with access easement. (6/14)
9. Individual off-street parking spaces may be allowed for each cottage.

F. Screening and Landscaping. (6/14)

To ensure that cottage developments do not create adverse visual impacts for residents of both the cottage development and adjacent properties the following requirements shall be adhered to: (6/14)

1. ~~Where feasible, c~~ Cottage developments ~~should shall be designed to~~ retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard, as determined by a certified arborist. (6/14)
2. ~~Landscaping located in~~ common open spaces shall include pathways for be designed to allow for easy pedestrian circulation and access to each cottage and the community building if one is provided. Landscaping in common open spaces must be located and maintained to not block pedestrian pathways and use of the space by all residents, and to facilitate maintenance needs. (6/14)
3. ~~Landscaping Plan to be submitted and approved. Boundaries between cottage developments and neighboring properties shall be screened with landscaping and fencing as identified in 2.432.03.G.2 in order to reduce the appearance of bulk or intrusion onto adjacent properties or may be otherwise treated through increased building setbacks or architectural techniques to meet the intent of this section.~~ (6/14)

~~Additional screening and buffering may be required to help mitigate any compatibility issues between the cottage cluster development and adjacent properties.~~ (6/14)

G. Fences. (6/14)

1. No fence taller than 3 feet in height shall be located between the front wall of a cottage or community building and the common open space. (6/14)
2. ~~A 6 foot high sight obscuring fence shall be placed along the property line adjacent to any residential single family use. (6/14)~~

H. Utilities. (6/14)

1. Streets. Street improvements shall be required for all cottage cluster developments that contain 4 or more dwelling units. Street improvements may include street widening, curb, gutters, and sidewalks. All street improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)
2. ~~Water. An individual water meter servicing each dwelling unit will be required unless there is an ownership association or the property is under a single ownership in which case a single water meter servicing an individual building of multiple units is allowed. All water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)~~
3. Sewer. Service laterals may be extended from a sewer main in the public right-of-way. Sewer mains may be extended in the driving and circulation areas in a public utility easement, with service laterals to individual units. Private sewer laterals may be extended across common areas, but shall not cross individual building lots. All sanitary sewer design and construction shall comply with the standards of the City of Salem. (6/14)
4. Gas/Electric/Phone/Cable/Utility Pedestals. These utility services may be extended from the public right-of-way across common areas to individual lots, or extended in a utility easement to individual lots. (6/14)
5. ~~Trash Storage. Any areas where communal trash and recycling are stored shall be screened by a sight-obscuring fence and/or vegetation. In addition, a trash and recycling plan will be required. (6/14)~~
6. Mailboxes. Mailboxes are subject to post office requirements. (6/14)
7. ~~Storm water. The development of the property shall comply with all city regulations regarding storm water drainage including on-site detention and water quality requirements. All storm water system improvements shall comply with the current Design Standards and Construction Standards of the City of Keizer Department of Public Works. (6/14)~~

- I. Addressing. All units within the cottage cluster development shall be addressed consistent with city standards. (6/14)

2.432.04 Building Requirements

- A. Cottages. (6/14)
 1. Building footprint. Cottages shall have a maximum building footprint of ~~4,000~~ 900 square feet. Up to 200 feet of A an attached one-car garage is not included in may be excluded from this maximum, but shall not exceed 300 square feet per unit. (6/14)
 2. ~~Porches. Attached, covered porches are required and shall have minimum depth of 6 feet and shall be a significant feature of the structure.~~ (6/14)
 3. ~~Other design requirements. Cottages shall contain a variety of designs that include articulation of facades; changes in materials, texture, color, and window treatments; and other architectural features so all units do not appear identical. Cottage development structures shall provide for substantial exterior architectural elements that are consistent with traditional northwest cottage design and small home craftsmanship design elements. Roofs of cottage developments shall have eaves to efficiently shed rain and provide protection for exterior walls.~~ (6/14)
 4. Height. Cottages shall comply with the height limitation of 25 feet or two stories, whichever is greater, and are limited to a maximum of single story plus a loft. (6/14)
 5. ~~Street facing facades. The street facing facades of cottages in a cottage development shall avoid blank walls that appear to “turn their backs” to the street. This shall be avoided by providing design features such as windows, change in building material, entryway, porches or other design features.~~ (6/14)
- B. ~~Two-Unit Structures in RS zone.~~ (6/14)
 1. ~~Attached two-unit structures are allowed and must be similar in appearance to detached cottages.~~ (6/14)
 2. ~~Attached two-unit structures shall have one primary shared entry facing the common open space.~~ (6/14)
- C. ~~More than two-units structures in other zones.~~ (6/14)
 1. ~~Attached two-unit structures are allowed and must be similar in appearance to detached cottages.~~ (6/14)

~~2. Attached structures with more than two units shall have one primary shared entry facing the common open space. (6/14)~~

D. Community Buildings. (6/14)

1. Community buildings are intended as an amenity for the use of the cottage development residents and to help promote the sense of community. (6/14)
2. A community building shall be ~~of similar scale, design, and height~~ subject to the same design and height standards as the cottages. (6/14)
3. Commercial uses are prohibited in the community building. (6/14)

E. Accessory Structures. (6/14)

1. Accessory structures such as garages, carports, storage or tool sheds shall not exceed 300 square feet per unit, or 600 square feet per accessory structure that is shared by two or more dwelling units. (6/14)
2. The design of accessory structures must use at least two of the same design elements that are used for ~~be similar or compatible with that of the~~ cottages in the development. (6/14)

F. Existing Dwellings on the Site. Existing dwellings may be incorporated into the development as a residence or community building, and may be nonconforming to standards. Noncompliance may not be increased. (6/14)

G. Renovation and Expansion. (6/14)

1. Renovations shall follow the same size and design standards that are required ~~be in keeping with the size and architectural character~~ of the new development. (6/14)
2. ~~A covenant restricting any increases in unit size after initial construction beyond the maximum allowed by this Section shall be recorded against the property. (6/14)~~

H. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

1. The existing dwelling may be nonconforming with respect to the requirement of this code.
2. The existing dwelling may be expanded up to the maximum height allowed for cottage clusters (25 feet) or the maximum building footprint allowed for cottage clusters (900 square feet).

3. The existing dwelling shall be excluded from the calculation of orientation toward the common area.

2.432.05 Submittal Requirements

- A. ~~Application Process. Applications for all cottage cluster development, with or without the creation of any lots shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section.~~ (6/14)
- B. ~~Submittal Material. The following submittal requirements shall apply to all applications for a cottage cluster development.~~ (6/14)
 1. ~~All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.~~ (6/14)
 2. ~~Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following:~~ (6/14)
 - a. ~~Appropriate identification stating the drawing is a preliminary plan.~~ (6/14)
 - b. ~~North point, scale and date.~~ (6/14)
 - c. ~~Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan.~~ (6/14)
 - d. ~~Assessor Map and tax lot number of subject property.~~ (6/14)
 - e. ~~The property lines and approximate area of the subject property.~~ (6/14)
 - f. ~~Dimensions and size in square feet or acres of all proposed parcels.~~ (6/14)
 - g. ~~The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines.~~ (6/14)
 - h. ~~The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application.~~ (6/14)

- ~~i. Name of the proposed cottage cluster development. (6/14)~~
- ~~j. Date the drawing was produced. (6/14)~~
- ~~k. Vicinity sketch showing location of the proposed land division. (6/14)~~
- ~~l. Identification of each lot or parcel and block by number. (6/14)~~
- ~~m. Gross acreage of property being subdivided or partitioned. (6/14)~~
- ~~n. Direction of drainage and approximate grade of abutting streets. (6/14)~~
- ~~o. Streets proposed and their names, approximate grade, and radius of curves. (6/14)~~
- ~~p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (6/14)~~
- ~~q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (6/14)~~
- ~~r. All areas to be offered for public dedication. (6/14)~~
- ~~s. Elevations of buildings showing materials, colors and design of buildings to be constructed and how they will be compatible with adjacent residences. (6/14)~~

~~C. Supplemental Information. The following supplemental information shall be required for all applications: (6/14)~~

- ~~1. Calculations justifying the proposed density of development. (6/14)~~
- ~~2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (6/14)~~
- ~~3. The approximate location and dimensions of all structures proposed to be located on the site. (6/14)~~
- ~~4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and the proposed timing for such improvements. (6/14)~~
- ~~5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (6/14)~~
- ~~6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code. (6/14)~~

2.432.06 Review Procedures

- A. ~~Cottage cluster development in RM, RL, RH, and MU zones without creating any new lots is subject to meeting the standards in Section 2.432. Cottage cluster development proposals in the RM, RL, RH, and MU zones that propose to create new lots is subject to the approval of a conditional use permit as a Type II-C review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures. (9/18)~~
- B. ~~Cottage cluster development proposals in the RS zone is subject to the approval of a conditional use permit as a Type II-C review, and compliance with the review criteria in Section 3.103 and 2.432.08. The applicant shall submit all items required for site development review including site plans and elevations for the structures. (9/18)~~
- C. ~~The creation of individual lots does not require the submittal of a concurrent subdivision (or partition) application as specified in Section 3.108 as the division of land as part of the cottage cluster development process is considered to be a separate land use process but must still comply with all applicable platting procedures. (6/14)~~
- D. ~~All cottage cluster development proposals in RM, RL, RH, and MU zones not dividing land shall be consistent with the Special Use requirements outlined in this Section. (6/14)~~
- E. ~~All cottage cluster developments which seek to create lots in any zone which a cottage cluster development is permitted, or a cottage cluster development proposal in an RS zone (with or without the creation of any lots) shall be heard by the Planning Commission pursuant to the procedures set forth in Section 3.202.04. (6/14)~~
- F. ~~Time Limit. Approvals of any preliminary plans for a cottage cluster development shall be valid for one year after the date of the written decision. A Final Plat shall be recorded within this time period or the approvals shall lapse. (6/14)~~
- G. ~~Time Extension. The City staff may extend the approval period for a cottage cluster development for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing at least thirty days prior to the expiration date of the approval period. (6/14)~~
- H. ~~Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Planning Commission. The applicant will be subject to all applicable standards currently in effect. (6/14)~~

2.432.07 Approval Criteria

~~In addition to the criteria within Section 3.103.03 cottage cluster developments with the creation of lots in the RM, RL, RH, or MU zone, or for a proposal in an RS zone regardless if any lots are created the following criteria apply:-(6/14)~~

- ~~A. The application complies, or can be made to comply with all applicable standards for cottage cluster development. The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property.-(6/14)~~
- ~~B. Whether or not lots are created as part of the cottage cluster development, all provisions of the KDC pertaining to frontage improvements along any public street frontage shall apply. Improvements within the cottage development shall be as specified in this Section.-(6/14)~~
- ~~C. The proposal complies with the density provisions of the underlying zone.~~
- ~~D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact.-(6/14)~~
- ~~E. Each parcel shall comply with the applicable requirements, depending on the appropriate land use category in Table 2.301.03, within Sections 2.301 (General Provisions); 2.302 (Street Standards); 2.303 (Off-Street Parking and Loading); 2.305 (Transit Facilities); 2.306 (Storm Drainage); 2.307 (Utility Lines and Facilities); and 2.309 (Site and Landscaping Design).-(7/21)~~
- ~~F. Adequate public facilities shall be available to serve the existing and newly created parcels.-(6/14)~~

2.432.08 Improvement Requirements

~~All improvements required as part of a cottage cluster development application shall be done in accordance with the relevant sections of the Keizer Development Code.-(6/14)~~

2.432.09 Process for Final Plat Approval

- ~~A. Survey. Within 1 year of the final decision approving a plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 1 year, the preliminary approval shall lapse. A one-time one year extension may be granted by the Community Development Director provided that no code revisions have been adopted by City Council that might otherwise affect the partition as proposed. Applicant shall submit written extension request at least thirty days prior to expiration of decision.-(6/14)~~

- ~~B. Final Approval. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat. (6/14)~~
- ~~C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (6/14)~~
- ~~D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (6/14)~~
- ~~E. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (6/14)~~
- ~~1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (6/14)~~
 - ~~2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (6/14)~~
 - ~~3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review. (6/14)~~
 - ~~4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (6/14)~~
- ~~F. Names. All plat names shall conform to ORS 92.090. (6/14)~~
- ~~G. Filing Final Plat. The final plat shall be filed with the Marion County Clerk's Office. (6/14)~~

3.101 SUMMARY OF APPLICATION TYPES

There are four types of development permits and land use actions, each with its own procedures as found in Chapter 3.2. (5/98)

3.101.01 Type I Action - Summary

Type I actions are administrative reviews processed by the City staff according to the procedures found in Section 3.202.01, 02 & 03. The review standards are generally clear and objective and allow little or no discretion. This process is further divided into four parts: (3/10)

- A. Type I-A: A ministerial action reviewed by staff based on clear and objective standards. Conditions may be placed on the decision and notice of the decision is sent only to the applicant. Appeal is to the Hearings Officer. The following actions are processed under the Type I-A procedure: (2/01)
 - 1. Signs (excluding variances or conditional uses) (5/98)
 - 2. Temporary Use Permit (3/10)

- B. Type I-B: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Hearings Officer. The Zoning Administrator may refer any application to the Hearings Officer or the City Council for public hearing and decision. The following actions are processed under the Type I-B procedure: (5/98)
 - 1. Variance (Minor and Sign) (11/05)
 - 2. Property Line Adjustment (6/16)
 - 3. Conditional Use (except Transit Station) (5/09)
 - 4. Partitions (5/98)
 - 5. Greenway Development Permit (2/01)
 - 6. Floodplain Development Permit (including Floodplain Development Permit Variance) (3/10)

- C. Type I-C: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant. Appeal is to the Planning Commission. Notice is sent to property owners within the required notice area for public hearing. The Zoning Administrator may refer any application to the Planning Commission or the City Council for public hearing

and decision. The following action is processed under the Type I-C procedure:

1. Development Review (2/01)
 2. Alternative Design Review for Detached Accessory Dwelling Unit (Front Yard) (1/19)
- D. Type I-D: A ministerial action reviewed by staff based on generally clear and objective standards with some discretion afforded to staff. Conditions may be placed on the decision and notice is sent to the applicant and property owners within the required notice area. Appeal is to the Planning Commission. The Zoning Administrator may refer any application to the Planning Commission or City Council for public hearing and decision. The following actions are processed under the Type I-D procedure: (7/03)
1. Variance (Major) (7/03)

3.101.02 Type II Actions - Summary

- A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)
1. Subdivision (5/98)
 2. Planned Unit Development (5/98)
 3. Manufactured Home Parks (5/98)
- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The City Council shall hold a public hearing and make the decision. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (12/18)
1. Transit Station (5/09)
 2. Designation or Removal of a Historic Resource (9/18)
 3. Development Standards Alternative within Keizer Station (12/18)

- C. Type II-C: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-C actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-C procedure: (12/18)
1. Nursing and Residential Care Facilities (6/11)
 - ~~2. Cottage Cluster Developments with the creation of lots (6/14)~~
 - ~~3. Cottage Cluster Developments with or without the creation of lots in an RS zone. (6/14)~~
 4. Permit for demolition, modification, or moving of a Historic Resource (9/18)
 5. Development Standards Alternative (12/18)

3.101.03 Type III Actions - Summary

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.04. Staff and the Hearings Officer have advisory roles for Comprehensive Plan Map Amendments and Zone Changes. Staff and Planning Commission have advisory roles for Annexations. Public notice is provided and public hearings are held before the Hearings Officer, Planning Commission and City Council as determined by the application. Section 3.204 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure: (2/01)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)
- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)
- D. Keizer Station Master Plans which may include Subdivision and Partitioning (4/10)
- E. Keizer Station Master Plan Amendment (10/18)
- F. Lockhaven Center Master Plans (see Section 2.130.08) (12/19)

3.101.04 Type IV Actions - Summary

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. A Type IV action follows the procedures found in Section 3.203. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure:
(2/01)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)
- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

LAND USE APPLICATION PROCESS (12/19)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances) (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (5/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Property Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Alternative Design Review for Detached Accessory Dwelling Unit (Front Yard) (1/19)	I-C	Recommendation to Planning Commission		Final Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Transit Station (5/09)	II-B	Recommendation to City Council			Final Decision
Designation or Removal of a Historic Resource (9/18)	II-B	Recommendation to City Council			Final Decision
Development Standards Alternative (12/18)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Development Standards Alternative within Keizer Station (12/18)	II-B	Recommendation to City Council			Final Decision
Nursing and Residential Care Facilities (6/11)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Cottage Cluster Development as a Conditional Use (6/14)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Permit for demolition, modification, or moving of a Historic Resource (9/18)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Amendment	III	Recommendation to City Council			Final Decision
Lockhaven Center Master Plan	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
<u>Middle Housing Land Division (1)</u>	<u>N/A</u>	<u>Final Decision</u>	<u>Appeal of Staff Decision (2)</u>		
<u>Expedited Land Division (1)</u>	<u>N/A</u>	<u>Final Decision</u>	<u>Appeal of Staff Decision (2)</u>		

1. (1) Per ORS 197.360, Middle Housing Land Divisions and Expedited Land Divisions are not land use decisions or limited land use decisions under ORS 197.015 or permits under ORS 215.402 or 227.160.
2. (2) ORS 197.375 establishes the requirements for appeals of Middle Housing Land Divisions and Expedited Land Divisions. An appeal of the Hearings Officer Decision is heard by the Court of Appeals.

3.115 MIDDLE HOUSING LAND DIVISIONS

3.115.01 Purpose

This chapter provides standards and procedures for middle housing land divisions (MHL) and expedited land divisions (ELD), in accordance with ORS 197.360 and 197.380. An ELD provides an alternative to the standard review procedures for land divisions as set forth by the City. An MHL is an expedited land division of a lot or parcel on which the development of middle housing is allowed under ORS 197.758(2). The purpose of an MHL is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables middle housing dwelling units to be sold and owned individually.

3.115.02 Applicability

MHL can only be applied to a lot or parcel with middle housing as defined by this Code and allowed under ORS 197.758 and OAR 660-046. Middle housing types that are eligible for an MHL include duplexes, triplexes, quadplexes, townhouses, and cottage clusters. An MHL is the creation of multiple parcels from a single parent lot on which middle housing is developed or proposed, which results in individual lots for each of the middle housing units. After an MHL is applied to a property, each resulting lot or parcel becomes a middle housing child lot. The middle housing development is still subject to the requirements and standards that applied to the middle housing parent lot, or the original lot prior to an MHL. The MHL process follows the procedures defined by ORS 197.360(1).

3.115.03 Application and Fee

An application for an MHL shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

3.115.04 Submittal Requirements

- A. Preliminary Plat Submittal. An application for a MHL shall include the following:
1. A description of the manner in which the proposed division complies with each of the provisions of 3.115.06, evidence necessary to demonstrate:
 - a. How buildings or structures on a resulting child lot will comply with applicable building codes provisions related to new property lines; and
 - b. Notwithstanding the creation of new lots, how structures or buildings located on the newly created child lots will comply with the Oregon Residential Specialty Code.
 2. Copies of a plat showing the following details:

- a. To qualify for a middle housing land division, each dwelling unit must have a separate public utility connection. Separate public utility connections for each dwelling unit must comply with approval criterion as provided in 3.115.06.A.2.
- b. Existing or proposed easements necessary for each dwelling unit on the plan.

3. Copies of all required easements in a form approved by the City Attorney.

3.115.05 Process for Middle Housing Land Division Review

A. Preliminary Plat Procedures for Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in 3.202.02, the City shall use the following procedure, as described in ORS 197.360.

1. Completeness Review.

- a. If the application for an MHLD is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
- b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

2. Notice of Application.

- a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- b. The notice shall include the following:
 - i. The deadline for submitting written comments;
 - ii. A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period; and

- iii. A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 - iv. The applicable criteria for the decision.
 - v. The place, date, and time that comments are due.
 - vi. A time and place where copies of all evidence submitted by the applicant will be available for review.
 - vii. The street address or other easily understood geographical reference to the subject property.
 - viii. The name and telephone number of City contact.
 - ix. A brief summary of the process for the land division decision being made.
3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
4. There shall be no public hearing on the application.
5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a completed application.
6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.115.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
 - a. A summary statement explaining the determination; and
 - b. An explanation of appeal rights under ORS 197.375
8. Failure to approve or deny application within specified time.
 - a. Except as provided in section 3.115.05.A.8.b below, if the City does not make a decision on an MHL D within 63 days after the application is deemed complete, the applicant may apply in the circuit court for Marion County for a writ of mandamus to compel the City to issue the approval. The writ shall be issued unless the City shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360. A decision of the circuit court under this section may be appealed only to the Court of Appeals.
 - b. After seven days' notice to the applicant, the City Council may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an MHL D prior to the expiration of the 63-

- day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380, including the mandamus remedy provided by 3.115.05.A.8.a shall remain applicable to the MHL, except that the extended period shall be substituted for the 63-day period wherever applicable.
- c. The decision to approve or deny an extension under 3.115.05.A.8.b is not a land use decision or limited land use decision.
9. The applicant, or any person or organization who files written comments in the comment period established under 3.115.05.A.3, may appeal the Zoning Administrator's decision to the Hearings Officer within 14 days of the mailing of the decision notice. An appeal shall be based solely on allegations as listed in ORS 197.375(1)(A) through (1)(D) and shall be accompanied by an appeal application and \$300 deposit which is refundable if the appellant prevails.
10. An appeal shall be based solely on the following types of allegations:
- a. A violation of the substantive provisions of the applicable land use regulations;
 - b. Regarding the unconstitutionality of the decision;
 - c. That the application is not eligible for review under ORS 197.360 to 197.380 or 3.115.02 (Middle Housing Land Division) and should be reviewed as a land use decision or limited land use decision per ORS 197.195.
 - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
11. The City's Hearings Officer shall decide the appeal decision and the Hearings Officer shall comply with ORS 197.375(3) through (6) when issuing a decision. The Hearings Officer shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

3.115.06 Middle Housing Land Division Review Criteria

- A. Approval of a preliminary plat for a MHL will be granted if the Zoning Administrator finds that the applicant has met all of the following criteria:
 - 1. Existing Compliance. The middle housing development complies with the Oregon Residential Specialty Code and applicable KDC middle housing regulations. To demonstrate compliance with this criterion, the applicant shall submit approved

building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and KDC middle housing regulations.

2. Separate Utility Connections. To qualify for a MHLD separate utility service connections for public water, sewer, and stormwater must be present for each dwelling unit.
3. Easements. Formal easements will be provided as necessary for each dwelling unit on the site for:
 - a. Locating, accessing, replacing, and servicing all utilities;
 - b. Minimum 5-foot wide pedestrian access from each dwelling unit to a private or public road, consistent with KDC 2.315.06.A.7;
 - c. Any common use areas or shared building elements;
 - d. Any dedicated driveways or parking;
 - e. Any dedicated common area.
 - f. Access easements for private streets shall comply with 2.302.08.
4. One Dwelling Unit per Lot. Exactly one dwelling unit will be located on each resulting child lot, except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted. Resulting child lots may have accessory structures provided the accessory structure complies with applicable zoning requirements.
5. Comply with Building Code. Buildings or structures on a child lot will comply with applicable Building Code provisions relating to new property lines.
6. Notwithstanding the creation of new child lots, structures or building located on the newly created lots will comply with the Oregon Residential Specialty Code.
7. Frontage improvements. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated prior to the creation of the child lot, pursuant to 2.310.05.C. Street frontage improvements or additional right-of-way must be completed or guaranteed prior to the MHLD.

B. Preliminary Plat Conditions of Approval.

1. The preliminary plat for a MHLD shall:
 - a. Prohibit further division of the resulting child lots.
 - b. Require that a notation appear on the final plat indicating:
 - The approval was given under ORS Chapter 92.

- The type of middle housing approved on the subject site and noting that this middle housing type shall not altered by the middle housing land division.
 - Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.
2. The City shall not attach conditions of approval that a child lot require driveways, vehicle access, parking, or minimum or maximum street frontage.

3.115.07 Process for Final Plat of Middle Housing Land Divisions

Final Plan Review Criteria. Approval of a final plat for a MHL D shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the MHL D.
- B. Final Approval. If the MHL D plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Building Permit. A building permit for the middle housing structure must be issued before the final plat is recorded with the County Recorder.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City as provided for in 3.202.05.B.
- E. Public Utilities. Prior to issuance of an occupancy permit, all public utilities for each individual unit shall be constructed or guaranteed.

3.116 Expedited Land Divisions

3.116.01 Purpose

An expedited land division (ELD) is an alternative land division procedure for residential. Application and review timelines for ELDs are shorter than standard land division timelines. ELDs shall be defined and may be used as provided under ORS 197.360 through 197.380.

3.116.02 Applicability

An ELD applies to the following:

- A. Includes only land that is zoned for residential uses and is within an urban growth boundary.
- B. Is solely for the purposes of residential use, including recreational or open space uses accessory to residential use.

3.116.03 Application and Fee

An application for an ELD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

3.116.04 Submittal Requirements

- A. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit the right to use it.
- B. Submittal shall follow the submittal requirements for Partitions (3.107.05).

3.116.05 Process for Expedited Land Division Review

Review Procedure. All applications for expedited land divisions shall comply with ORS 197.360 through 197.380, the Keizer Comprehensive Plan, and zoning designation. ORS 197.360 through ORS 197.380 details the criteria, application and notice requirements, and action and appeal procedures for ELD.

- A. Preliminary Plat Procedures for Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in 3.202.02, the City shall use the following procedure, as described in ORS 197.360.
 - 1. Completeness Review.

- a. If the application for an MHLD is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
 - b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Notice of Application.
- a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under ORS 197.375, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
 - b. The notice shall include the following:
 - i. The deadline for submitting written comments;
 - ii. A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period; and
 - iii. A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue.
 - iv. The applicable criteria for the decision.
 - v. The place, date, and time that comments are due.
 - vi. A time and place where copies of all evidence submitted by the applicant will be available for review.
 - vii. The street address or other easily understood geographical reference to the subject property.
 - viii. The name and telephone number of City contact.
 - ix. A brief summary of the process for the land division decision being made.

3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
4. There shall be no public hearing on the application.
5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a completed application.
6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.116.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
 - a. A summary statement explaining the determination; and
 - b. An explanation of appeal rights under ORS 197.375
8. Failure to approve or deny application within specified time.
 - a. Except as provided in section 3.116.05.A.8.b below, if the City does not make a decision on an MHL within 63 days after the application is deemed complete, the applicant may apply in the circuit court for Marion County for a writ of mandamus to compel the City to issue the approval. The writ shall be issued unless the City shows that the approval would violate a substantive provision of the applicable land use regulations or the requirements of ORS 197.360. A decision of the circuit court under this section may be appealed only to the Court of Appeals.
 - b. After seven days' notice to the applicant, the City Council may, at a regularly scheduled public meeting, take action to extend the 63-day time period to a date certain for one or more applications for an ELD prior to the expiration of the 63-day period, based on a determination that an unexpected or extraordinary increase in applications makes action within 63 days impracticable. In no case shall an extension be to a date more than 120 days after the application was deemed complete. Upon approval of an extension, the provisions of ORS 197.360 to 197.380, including the mandamus remedy provided by 3.116.05.A.8.a shall remain applicable to the ELD, except that the extended period shall be substituted for the 63-day period wherever applicable.
 - c. The decision to approve or deny an extension under 3.116.05.A.8.b is not a land use decision or limited land use decision.
9. The applicant, or any person or organization who files written comments in the comment period established under 3.116.05.A.3, may appeal the Zoning Administrator's decision to the Hearings Officer within 14 days of the mailing of the decision notice. An appeal shall be

based solely on allegations as listed in ORS 197.375(1)(c)(A) through (1)(c)(D) and shall be accompanied by an appeal application and \$300 deposit which is refundable if the appellant prevails.

10. An appeal shall be based solely on the following types of allegations:
 - a. A violation of the substantive provisions of the applicable land use regulations;
 - b. Regarding the unconstitutionality of the decision;
 - c. That the application is not eligible for review under ORS 197.360 to 197.380 or 3.116.02 (Expedited Land Division) and should be reviewed as a land use decision or limited land use decision per ORS 197.195.
 - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
11. The City's Hearings Officer shall decide the appeal decision and the Hearings Officer shall comply with ORS 197.375(3) through (6) when issuing a decision. The Hearings Officer shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

3.116.06 Expedited Land Division Review Criteria

- A. For an ELD to be considered, the proposed division must demonstrate how it complies with the following:
 1. The parent lot is zoned for residential use and is within the urban growth boundary.
 2. The parent lot is solely for the purpose of residential use, including recreational or open spaces, accessory to residential use.
- b. Preliminary and final plat, and notice requirements shall follow criteria in 3.116.03 – 3.116.05. These criteria are consistent with ORS 197.360 – ORS 197.380.
- b. The land division will not provide for dwellings or accessory buildings to be located on land that is within the Floodplain Overlay zone (2.122), the Greenway Management Overlay zone (2.123) or the Resource Conservation Overlay zone (2.126).
- c. The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Public Works Design Manual, and the Development Code.
- d. The land division will result in development that either;

- i. Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
- ii. All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Marion County. A copy of a deed restriction or other legal mechanism approved by the Zoning Administrator shall be submitted.

3.116.07 Process for Final Plat of Expedited Land Division

Final Plan Review Criteria. Approval of a final plat for a ELD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the ELD.
- B. Final Approval. If the ELD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City as provided for in 3.202.05.B

III. Findings and Policies

C. Land-Use and Economic Development

[...]

4. RESIDENTIAL DEVELOPMENT GOALS, OBJECTIVES AND POLICIES

[...]

d. Goal 4 Provide and allow for appropriate levels of residential development consistent with comprehensive plan designations.

1) Objective 4.1 Provide for three general levels of residential density

a) Policies 4.1:

(1) Low-Density Residential

(a) Allow single-family and middle housing residential uses as the predominant land use type in low-density residential areas.

(b) Ensure that:

i. Land use is predominantly single-family or middle housing residential, with up to 8 units per gross acre.

ii. A variety of housing types are allowed in this category such as detached, attached duplex, triplex, quadplex, townhouses, cottage cluster housing, and manufactured housing. The zoning and subdivision ordinance will more specifically describe structural types. ~~In this district, each residential unit will be on a single lot.~~

(2) Medium Density Residential

(a) Allow a mix of housing types in this category at a density averaging from 6 to 10 dwelling units per acre. These densities do not apply to middle housing types. Identify criteria and location for this category in the zoning ordinance.

(b) Allow detached, attached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple family housing.

(3) Medium and High Density Residential

(a) Allow a mix of housing types in this category in two general levels of residential density:

i. Medium density – over 8 and up to 16 units per gross acre The density maximum does not apply to middle housing.

ii. High density – over 16 units per gross acre. Identify criteria and location for these two sub-categories in the zoning ordinance.

(b) Allow attached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple housing in this category.

(4) Mixed Use

(b) Allow detached, duplex, triplex, quadplex, townhouse, cottage cluster housing, and multiple family housing.