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## **KEIZER PLANNING COMMISSION MEETING AGENDA**

***Wednesday, April 12, 2023 @ 6:00 p.m.***

***Keizer Civic Center***

- 1. CALL TO ORDER**
- 2. VOLUNTEER APPRECIATION ~ Jane Herb**
- 3. APPROVAL OF MINUTES – March 8, 2023**
- 4. APPEARANCE OF INTERESTED CITIZENS**  
*This time is made available for those who wish to speak about an issue that is not on the agenda.*
- 5. PUBLIC HEARING: Draft Amendments to Keizer Development Code (KDC) relating to scrivener type corrections, Accessory Dwelling Unit standards, and Cottage Cluster standards**
- 6. NEW-OLD BUSINESS/STAFF REPORT**
- 7. COUNCIL LIAISON REPORT**
- 8. YOUTH COMMITTEE LIAISON REPORT**
- 9. COUNCIL REPRESENTATIVE: Sarah Hatches, Monday, April 17**
- 10. NEXT MEETING ~ May 10, 2023**
- 11. ADJOURN**



**KEIZER PLANNING COMMISSION  
MEETING MINUTES  
Wednesday, February 8, 2023 @ 6:00 pm  
Keizer Civic Center**

**CALL TO ORDER:** Chair Matt Lawyer called the meeting to order at 6:00 pm.

**ATTENDANCE:**

**Present:**

Matt Lawyer, Chair  
Jeremy Grenz, Vice Chair  
Ron Bersin  
Sarah Hutches  
Jane Herb

**Absent:**

Francisco Saldivar  
Mo Avishan  
Youth Committee Liaison Amanpreet Sandhu

**Council Liaison Present:**

Councilor Juran

**Staff Present:**

Shane Witham, Planning Director  
Dina Horner, Assistant Planner

**ELECTION OF CHAIR AND VICE CHAIR:** Matt Lawyer and Jeremy Grenz were re-elected by unanimous consent to serve as Chair and Vice Chair respectively.

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

**APPEARANCE OF INTERESTED CITIZENS:** *Rhonda Rich*, President of West Keizer Neighborhood Association, introduced herself and some members of the WKNA Board and indicated that Board members would be attending the Planning Commission meetings regularly in order to keep the general membership informed. *Rob Witters* introduced himself and noted that he would be the Board member attending the meetings.

**PUBLIC HEARING:** None

**NEW/OLD BUSINESS/STAFF REPORT:**

- 2023 Work Plan – Suggestions from Commissioners
- Walkable Mixed Use Area Designations – Virtual Public Meeting February 23

Planning Director Shane Witham reviewed his staff report beginning with review of what the Planning Commission had accomplished in 2022 which included text amendments to implement provisions of HB2001 and SB 458, a text amendment to Section 2.306

Stormwater Management, and work related to the Climate-Friendly and Equitable Communities Rules, Parking Reform and the River-Cherry Overlay District.

He noted that ongoing tasks and considerations would be exploration of possibilities and options for increasing the supply of employment lands, Urban Growth Boundary discussion, legislative rezoning of UT properties to RS in the north Keizer area and legislative rezoning/up-zoning of properties identified in the Revitalization Plan.

He then reviewed possible work tasks for 2023 which included work related to the Climate-Friendly and Equitable Communities Rules, Accessory Dwelling Units and Design Standards text amendments, possible Keizer Station Master Plan updates, adoption of the Housing Needs Analysis/Buildable Lands Inventory, and possible Transportation System Plan update.

Mr. Witham then brought attention to additional items identified by the legal department for Commission consideration including clarification regarding ORS 9.320 regarding corporations needing to be represented by an attorney, scrivener type changes to various sections of the Development Code and Comprehensive Plan and creating a process for Zoning Administrator interpretations.

Discussion followed regarding the impact of work being done in the current legislative session. Commissioners indicated that they wished to hold off on doing any work related to the Climate Friendly and Equitable Communities Rules until those have been finalized in the legislature but wished to move forward on everything else on the list.

**COUNCIL LIAISON REPORT:** Councilor Juran reported that Council had authorized a letter supporting the Westside Express Service Commuter Line Extension Study and voiced his opinion that that this year would be the best time to push for expansion of the Urban Growth Boundary since Salem is more open to discussion and the Governor wants more housing in Oregon.

**COUNCIL REPRESENTATIVE:** Matt Lawyer will report for Mo Avishan, Tuesday, February 21.

**ADJOURN:** The meeting adjourned at 7:04 p.m.

***Next Meeting: March 8, 2023***

*Minutes Approved:* \_\_\_\_\_

**TO: PLANNING COMMISSION**

**FROM: SHANE WITHAM  
PLANNING DIRECTOR**

**DATE: April 5, 2023**

**SUBJECT: Draft Amendments to Keizer Development Code (KDC) relating to scrivener type corrections, Accessory Dwelling Unit standards, and Cottage Cluster standards**

**ATTACHMENTS:**

- **Draft KDC Sections:**
  - **1.103 Establishment of Zoning Districts**
  - **2.122 Flood Plain Overlay Zone (FPO)**
  - **2.127 Historic Resources**
  - **2.302 Street Standards**
  - **2.308 Signs**
  - **2.403 Shared Housing Facilities**
  - **2.432 Cottage Cluster Development**
  - **3.105 Variances – Minor and Major**
  - **3.202 General Procedures – Types I, II, and III Actions**

**BACKGROUND/DISCUSSION:**

The Planning Commission “work program” identified a need to update several sections of the Keizer Development Code (KDC) to correct “scrivener-type” errors in order to correct references and provide consistency in the terminology used throughout the KDC. In addition, it was identified that changes to the standards regulating Accessory Dwelling Units may be desirable to allow greater flexibility for property owners to accomplish their development goals.

The following list contains a brief description of the changes proposed for your consideration. While most of the identified changes are simple “scrivener-type” corrections, there are some changes to modify the regulations for Accessory Dwelling Units and Cottage Cluster Developments:

- Section 1.103 – correction of reference error. The “Historic Landmark Overlay” designation was previously changed to “Historic Resources”
- Section 2.122 and 2.127 – change term “chapter” to “section” throughout since that is the naming convention used in the KDC

- Section 2.302 – a simple reference correction and clarification on access easements serving middle housing development.
- Section 2.308 – correction of error: “sunrise to sunset” should be “sunset to sunrise”. Also changing term “chapter” to “section” throughout
- Section 2.403 – Providing clarifying language on requirements for ADU’s – only allowed in conjunction with a single-family residence for both attached and detached. Changing how square footage is calculated in order to allow for second story ADU’s over a detached garage or accessory structure, and allowing for a accessory building to be constructed with a second story ADU without having to go through the “conversion” process.
- Section 2.432 – Clarifying the height limitation of 25 feet for cottages (there were 2 separate references - one was missed when it was originally adopted). Clarifying that an existing ADU may be incorporated into a cottage cluster development.
- Section 3.105 – correction to the section referenced
- Section 3.202 – clarification that notice (request for comments) is to be sent for all type 2 and 3 actions as well as partitions. This aligns with our long-held practice, but has not technically been a requirement in the KDC

#### **RECOMMENDATION:**

That Planning Commission consider the proposed text amendments and recommend approval to the City Council, including any additional text changes identified.

## **1.103 ESTABLISHMENT OF ZONING DISTRICTS**

### **1.103.01 Districts**

For the purposes of this Ordinance, the City of Keizer is divided into the following zoning districts:

<u>Classification</u>	<u>Abbreviation</u>
Single Family Residential	RS
Limited Density Residential	RL
Medium Density Residential	RM
High Density Residential	RH
Residential Commercial	RC
Mixed Use	MU
Commercial Office	CO
Commercial Mixed Use	CM
Commercial Retail	CR
Commercial General	CG
Employment General	EG <sup>-(02/03)</sup>
Industrial Business Park	IBP
General Industrial	IG
Agricultural Industrial	IA
Public	P
Exclusive Farm Use	EFU
Urban Transition	UT

For the purposes of this Ordinance, the following overlay zones are placed in certain areas of the City of Keizer:

Floodplain Overlay Zone	FPO
Greenway Management Overlay Zone	GMO
Limited Use Overlay Zone	LUO
Activity Center Overlay Zone	ACO
Resource Conservation Area Overlay Zone	RCO
Historical <del>Landmark Overlay Zone</del> <a href="#">Resources</a>	HLO
River-Cherry Overlay District	RCOD <sup>(12/19)</sup>

### **1.103.02 Comprehensive Plan Designation and Zoning Districts**

Zone classifications implement the Comprehensive Plan map designations. The following are the zones allowed in each Comprehensive Plan designation:

Comprehensive Plan Designation

Zone Classification

Low Density Residential (LDR)	RS, RC, UT
Medium Density Residential (MDR)	RL, RM, RC, MU
Medium and High Density Residential (MHDR)	RL, RM, RH, RC, MU
Mixed Use (MU)	MU
Commercial (C)	CM, CR, CG, CO
Special Planning District (SPD)	EG <sup>-(02/03)</sup>
General Industrial (GI)	IG, IBP
Campus Light Industrial (CLI)	IBP
Special Policy Area (SPA)	IA, EFU
Civic (CI)	P
Schools (ES, MS, HS)	P
Park (P)	P

**1.103.03 Boundaries**

- A. Zoning Map. The zoning district boundaries are shown on the zoning map of the City of Keizer. This map is made a part of this Ordinance and shall be filed in the office of the Zoning Administrator. The Zoning Administrator shall amend the map as required. The map shall be available for public review with copies provided at reasonable cost. (5/98)
- B. Zoning Map Interpretation. The Zoning Administrator shall resolve any dispute over the exact location of a zoning district boundary. In interpreting the location of the zoning boundaries, the Zoning Administrator shall rely on the Keizer Comprehensive Plan Map and the following guidelines:
1. Right-of-way. Boundaries indicated as approximately following the centerline or the right-of-way boundary of streets, highways, railways or alleys shall be construed to follow such centerline or boundary. (5/98)
  2. Lot Lines. Boundaries indicated as approximately following lot lines shall be construed as following such lot lines. (5/98)
  3. Water Courses. Boundaries indicated as approximately following the centerline of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerline. (5/98)
  4. Extensions. Boundaries indicated as parallel to or extensions of features indicated in subsections 1., through 3., above shall be so construed. (5/98)
  5. Specific Description. Where a Plan map designation or zoning action referenced a specific property description, that description shall establish the boundary. Where 2 or more property descriptions establish conflicting boundaries, the most recent description shall govern. (5/98)

## 2.122 FLOOD PLAIN OVERLAY ZONE (FPO)

### 2.122.01 Statutory Authority, Findings of Fact, Purpose, and Methods

Statutory Authorization: The State of Oregon has in ORS 197.175 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry.  
(12/20)

#### A. Findings of Fact

1. The flood hazard areas of City of Keizer are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. (12/20)
2. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.  
(12/20)

#### B. Statement of Purpose. It is the purpose of this ~~Chapter~~Section to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to: (12/20)

1. Protect human life and health; (12/20)
2. Minimize expenditure of public money for costly flood control projects;  
(12/20)
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public; (12/20)
4. Minimize prolonged business interruptions; (12/20)
5. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas; (12/20)



6. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding; (12/20)
7. Notify potential buyers that the property is in a special flood hazard area; (12/20)
8. Notify those who occupy special flood hazard areas that they assume responsibility for their actions; (12/20)
9. Participate in and maintain eligibility for flood insurance and disaster relief. (12/20)

C. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ~~Chapter~~Section includes methods and provisions for: (12/20)

1. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities; (12/20)
2. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction; (12/20)
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters; (12/20)
4. Controlling filling, grading, dredging, and other development which may increase flood damage; (12/20)
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. (12/20)

## **2.122.02 General Provisions**

- A. Lands to Which this ~~Chapter~~Section Applies. This ~~Chapter~~Section shall apply to all special flood hazard areas within the jurisdiction of the City of Keizer. (12/20)
- B. Basis for Establishing the Special Flood Hazard Areas. The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Marion County and incorporated areas, Oregon dated January 2, 2003" or any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs) are hereby adopted by reference and declared to be a part of this ~~Chapter~~Section.

The FIS and FIRM panels are on file at the Community Development Department located in the City of Keizer City Hall. (12/20)

- C. Coordination with State of Oregon Specialty Code. Pursuant to the requirement established in ORS 455 that the City of Keizer administers and enforces the State of Oregon Specialty Codes, the City of Keizer does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this [ChapterSection](#) is intended to be administered and enforced in conjunction with the Oregon Specialty Codes. (12/20)
- D. Compliance and Penalties for Noncompliance
1. Compliance. All development within special flood hazard areas is subject to the terms of this [ChapterSection](#) and required to comply with its provisions and all other applicable regulations. (12/20)
  2. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this [ChapterSection](#) and other applicable regulations. Violations of the provisions of this [ChapterSection](#) by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation and subject to the violation procedures in KDC Section 1.102.06. Nothing contained herein shall prevent the City of Keizer from taking such other lawful action as is necessary to prevent or remedy any violation. (12/20)
- E. Abrogation and Severability
1. Abrogation. This [ChapterSection](#) is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this [ChapterSection](#) and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (12/20)
  2. Severability. This [ChapterSection](#) and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of this [ChapterSection](#) is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this [ChapterSection](#). (12/20)
- F. Interpretation. In the interpretation and application of this [ChapterSection](#), all provisions shall be: (12/20)
1. Considered as minimum requirements; (12/20)

2. Liberally construed in favor of the governing body; and (12/20)
3. Deemed neither to limit nor repeal any other powers granted under state statutes. (12/20)

G. Warning and Disclaimer of Liability (12/20)

1. Warning. The degree of flood protection required by this ~~Chapter~~Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ~~Chapter~~Section does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. (12/20)
2. Disclaimer Of Liability. This ~~Chapter~~Section shall not create liability on the part of the City of Keizer, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ~~Chapter~~Section or any administrative decision lawfully made hereunder. (12/20)

## **2.122.03 Administration**

- A. Designation of the Floodplain Administrator. The Zoning Administrator and their designee, is hereby appointed to administer, implement, and enforce this ~~Chapter~~Section by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (12/20)
- B. Duties and Responsibilities of the Floodplain Administrator. Duties of the floodplain administrator, or their designee, shall include, but not be limited to: (12/20)
  1. Permit Review. Review all development permits to determine that: (12/20)
    - a. The permit requirements of this ~~Chapter~~Section have been satisfied; (12/20)
    - b. All other required local, state, and federal permits have been obtained and approved; (12/20)
    - c. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of Section 2.122.04.B.4 are met; (12/20)
    - d. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study

- (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Sections 2.122.04.A.7; (12/20)
- e. Provide to building officials the Base Flood Elevation (BFE) applicable to any building requiring a development permit; (12/20)
  - f. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Section 1.200.04; (12/20)
  - g. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 2.122.04.A.1; (12/20)
  - h. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation. (12/20)
2. Information to be Obtained and Maintained. The following information shall be obtained and maintained and shall be made available for public inspection as needed: (12/20)
- a. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Section 2.122.04.A.7; (12/20)
  - b. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Sections 2.122.03.B.1.b. and 2.122.04.B.4 are adhered to; (12/20)
  - c. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement); (12/20)
  - d. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection; (12/20)

- e. Maintain all Elevation Certificates (EC) submitted to the City of Keizer; (12/20)
  - f. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ~~Chapter~~[Section](#) and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Section 2.122.04.A.7; (12/20)
  - g. Maintain all floodproofing certificates required under this ~~Chapter~~[Section](#); (12/20)
  - h. Record and maintain all variance actions, including justification for their issuance; (12/20)
  - i. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Section 2.122.04.B.4; (12/20)
  - j. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under Section 2.122.03.B.4; (12/20)
  - k. Maintain for public inspection all records pertaining to the provisions of this ~~Chapter~~[Section](#). (12/20)
3. Requirement to Notify Other Entities and Submit New Technical Data (12/20)
- a. Community Boundary Alterations. The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority. (12/20)
  - b. Watercourse Alterations. The Floodplain Administrator shall notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the

Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either: (12/20)

- a) A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or (12/20)
- b) Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance. (12/20)

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under Section 2.122.03.B.3.c. and ensure compliance with all applicable requirements in Sections 2.122.03.B.3.c and 2.122.04.A.1. (12/20)

- c. Requirement to Submit New Technical Data. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this Section through the applicable FEMA Letter of Map Change (LOMC) process. (12/20)

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for: (12/20)

- a) Proposed floodway encroachments that increase the base flood elevation; and (12/20)
- b) Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway. (12/20)

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR). (12/20)

The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR. (12/20)

The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgement Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this ~~Chapter~~Section and all applicable state and federal permits. (12/20)

4. Substantial Improvement and Substantial Damage Assessments and Determinations. The Floodplain Administrator shall: (12/20)
  - a. Conduct Substantial Improvement (SI) (as defined in Section 1.200.04) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with Section 2.122.03.B.2. (12/20)
  - b. Conduct Substantial Damage (SD) (as defined in Section 1.200.04) assessments when structures are damaged due to a natural hazard event or other causes. (12/20)
  - c. Make SD determinations whenever structures within the special flood hazard area (as established in Section 2.122.02.B) are damaged to the extent that 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)

C. Establishment of Development Permit (12/20)

1. Floodplain Development Permit Required. A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Section 2.122.02.B. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Section 1.200.04, including fill and other development activities. (12/20)
2. Application for Development Permit. Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically the following information is required: (12/20)



- a. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Section 2.122.03.B.2; (12/20)
  - b. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed; (12/20)
  - c. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in Section 2.122.04.B.3.c; (12/20)
  - d. Description of the extent to which any watercourse will be altered or relocated; (12/20)
  - e. Base Flood Elevation data for subdivision proposals or other development when required per Sections 2.122.03.B.1 and 2.122.04.A.6; (12/20)
  - f. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure; (12/20)
  - g. The amount and location of any fill or excavation activities proposed. (12/20)
- D. Variance Procedure. The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance. (12/20)
- 1. ~~Conditions~~Criteria for Variances (12/20)
    - a. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of Sections 2.122.03.D.1.c and e, and 2.122.03.D.2. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases; (12/20)
    - b. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief; (12/20)



- c. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result; (12/20)
  - d. Variances shall only be issued upon: (12/20)
    - a) A showing of good and sufficient cause; (12/20)
    - b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; (12/20)
    - c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances. (12/20)
  - e. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of Section 2.122.03,D.1.b, c and d are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety. (12/20)
2. Variance Notification. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Section 2.122.03.B. (12/20)

## **2.122.04 Provisions for Flood Hazard Reduction**

### **A. General Standards (12/20)**

In all special flood hazard areas, the following standards shall be adhered to: (12/20)

- 1. Alteration of Watercourses. Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Sections 2.122.03.B.3.b and 2.122.03.B.3.c. (12/20)
- 2. Anchoring (12/20)

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. (12/20)
  - b. All manufactured dwellings shall be anchored per Section 2.122.04.B.3.d. (12/20)
- 3. Construction Materials and Methods (12/20)
  - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. (12/20)
  - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (12/20)
- 4. Utilities and Equipment (12/20)
  - a. Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems (12/20)
    - a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. (12/20)
    - b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters. (12/20)
    - c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality. (12/20)
  - b. Electrical, Mechanical, Plumbing, and Other Equipment. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall: (12/20)

- a) If replaced as part of a substantial improvement shall meet all the requirements of this section. (12/20)
- 5. Tanks (12/20)
  - a. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood. (12/20)
  - b. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood. (12/20)
- 6. Subdivision Proposals and Other Proposed Developments (12/20)
  - a. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data. (12/20)
  - b. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall: (12/20)
    - a) Be consistent with the need to minimize flood damage. (12/20)
    - b) Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage. (12/20)
    - c) Have adequate drainage provided to reduce exposure to flood hazards. (12/20)
- 7. Use of Other Base Flood Data. When Base Flood Elevation data has not been provided in accordance with Section 2.122.02.B the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer Section 2.122.04. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of Section 2.122.04.A.6. (12/20)

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where such information is available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates. (12/20)

8. Structures Located in Multiple or Partial Flood Zones. In coordination with the State of Oregon Specialty Codes: (12/20)
  - a. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply. (12/20)
  - b. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements. (12/20)
9. Critical Facilities. Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the Special Flood Hazard Area (SFHA) only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. (12/20)
10. Willamette River Riverwall. In addition to any requirements within this section affecting the use of property within a floodplain, there shall be no physical alterations to the riverwall constructed along the Willamette River in the areas of Cummings Lane (west of Shoreline Drive), and Rafael Avenue without the prior written approval of the City Engineer. (12/20)

Nothing in these regulations reduces or modifies any terms or obligations under any riverwall easements granted to the City. (12/20)

B. Specific Standards for Riverine (Including all Non-Coastal) Flood Zones (12/20)

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in Section 2.122.04.A. (12/20)

1. Flood Openings. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall: (12/20)
  - a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters; (12/20)
  - b. Be used solely for parking, storage, or building access; (12/20)
  - c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria: (12/20)
    - a) A minimum of two openings; (12/20)
    - b) The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls; (12/20)
    - c) The bottom of all openings shall be no higher than one foot above grade; (12/20)
    - d) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area; (12/20)
    - e) All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable. (12/20)
2. Garages (12/20)
  - a. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met: (12/20)
    - a) If located within a floodway the proposed garage must comply with the requirements of Section 2.122.04.B.4; (12/20)
    - b) The floors are at or above grade on not less than one side; (12/20)
    - c) The garage is used solely for parking, building access, and/or storage; (12/20)

- d) The garage is constructed with flood openings in compliance with Section 2.122.04.B.1 to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater; (12/20)
    - e) The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage; (12/20)
    - f) The garage is constructed in compliance with the standards in Section 2.122.04.A; and (12/20)
    - g) The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood. (12/20)
  - b. Detached garages must be constructed in compliance with the standards for appurtenant structures in Section 2.122.04.B.3.f or non-residential structures in Section 2.122.04.B.3.c depending on the square footage of the garage. (12/20)
3. For Riverine (Non-Coastal) Special Flood Hazard Areas With Base Flood Elevations. In addition to the general standards listed in Section 2.122.04.A the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE. (12/20)
- a. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. (12/20)
  - b. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at least 1 foot above the Base Flood Elevation (BFE). (12/20)  
  
Enclosed areas below the lowest floor shall comply with the flood opening requirements in Section 2.122.04.B.1. (12/20)
  - c. Non-Residential Construction. (12/20)

- a) New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall: (12/20)
  - i. Have the lowest floor, including basement elevated at least 1 foot above the Base Flood Elevation (BFE); (12/20)  
  
OR
  - ii. Together with attendant utility and sanitary facilities: (12/20)
    - (a) Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water; AND (12/20)
    - (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; AND (12/20)
    - (c) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this Section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Section 2.122.03.B.2. (12/20)
- b) Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in Section 2.122.04.B.1. (12/20)
- c) Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below. (12/20)
- d. Manufactured Dwellings (12/20)
  - a) New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed

with flood openings that comply with Section 2.122.04.B.1; (12/20)

- b) The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation. The finished floor of the manufactured home must be elevated to a minimum of 18 inches above the base flood elevation. (12/20)
- c) New or substantially improved manufactured dwellings shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (12/20)
- d) Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE). (12/20)
- e. Recreational Vehicles (12/20)
  - a) Recreational vehicles placed on sites are required to: (12/20)
    - i. Be on the site for fewer than 180 consecutive days, (12/20)
    - ii. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or (12/20)
    - iii. Meet the requirements of Section 2.122.04.B.3.d, including the anchoring and elevation requirements for manufactured dwellings. (12/20)
- f. Appurtenant (Accessory) Structures. Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements: (12/20)
  - a) Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Section 2.122.04.B.4; (12/20)



- b) Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation; (12/20)
- c) In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet; (12/20)
- d) The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials; (12/20)
- e) The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood; (12/20)
- f) The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in Section 2.122.04.B.1; (12/20)
- g) Appurtenant structures shall be located and constructed to have low damage potential; (12/20)
- h) Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with Section 2.122.04.A.5; (12/20)
- i) Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood. (12/20)
- g. Below-grade crawl spaces (12/20)
  - a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the

structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated in Section 2.122.04.B.1. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas. (12/20)

- b) The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade. (12/20)
- c) Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE. (12/20)
- d) Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters. (12/20)
- e) The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade. (12/20)
- f) The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas. (12/20)

- g) There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means. (12/20)
    - h) The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used. (12/20)
- 4. Floodways. Located within the special flood hazard areas established in Section 2.122.02.B are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply: (12/20)
  - a. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless either: (12/20)
    - a) Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; OR, (12/20)
    - b) A community may permit encroachments within the adopted regulatory floodway that would result in an increase in Base Flood Elevation, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled. (12/20)

If an encroachment proposal resulting in an increase in Base Flood Elevation meets the following criteria: (12/20)

  - 1. Is for the purpose of fish enhancement; (12/20)

2. Does not involve the placement of any structures (as defined in section 1.2) within the floodway; (12/20)
3. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project; (12/20)
4. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project; (12/20)
5. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency; and (12/20)
6. Has evidence to support that no existing structures will be negatively impacted by the proposed activity; (12/20)

then an approved CLOMR may be required prior to approval of a floodplain permit. (12/20)

- b. If the requirements of Section 2.122.04.B.4.a are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Section 2.122.04. (12/20)

5. Standards for Shallow Flooding Areas. Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures. (12/20)

- a. Standards for AH Zones. Development within AH Zones must comply with the standards in Sections 2.122.04.A, 2.122.04.B, and 2.122.04.B.5. (12/20)
- b. Standards for AO Zones. In AO zones, the following provisions apply in addition to the requirements in Sections 2.122.04.A and 2.122.04.B.5: (12/20)

- a) New construction and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth number is specified). For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam. (12/20)
- b) New construction and substantial improvements of non-residential structures within AO zones shall either: (12/20)
  - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or (12/20)
  - ii. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in Section 2.122.04.B.3.c.a)ii.(c). (12/20)
- c) Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either: (12/20)
  - i. Be on the site for fewer than 180 consecutive days; and (12/20)  
  
Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or (12/20)

- ii. Meet the elevation requirements of Section 2.122.04.B.5.b.a), and the anchoring and other requirements for manufactured dwellings of Section 2.122.04.B.3.d. (12/20)
- d) In AO zones, new and substantially improved appurtenant structures must comply with the standards in Section 2.122.04.B.3.f. (12/20)
- e) In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in Section 2.122.04.B.1. (12/20)

## **2.127 HISTORIC RESOURCES**

### **2.127.01 Purpose**

The purpose of this ~~Chapter~~[Section](#) is to:

- A. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the preservation, restoration and protection of those buildings, structures, sites, and objects of historic interest within the city; (9/18)
- B. Foster civic pride in the accomplishments of the past; and (5/98)
- C. Carry out the provisions of the Land Conservation and Development Commission Goal 5. (5/98)
- D. To protect National Register Resources, regardless of whether the resources have been formally designated through the process described in Section 2.127.04. (9/18)

### **2.127.02 Conformance Required**

No land shall be used, and no building, site, object, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within a resource site except in conformity with this ~~Chapter~~[Section](#). (9/18)

### **2.127.03 Definitions**

The following definitions shall apply to this Section:

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

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

Major Public Improvement: 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)

National Register Resource: Buildings, structures, objects, 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)

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

## **2.127.04 Resource Designation**

- A. Process. The process for designating a resource may be initiated by the Council, the Planning Commission, or by the owner of the subject property who submits an application for designation to the Zoning Administrator. (9/18)
- B. Information. The following information shall be required in a property owner application: (9/18)
  - 1. The property owners' name and address (all owners must sign the application); (9/18)
  - 2. A written description of the boundaries and/or the location of the proposed resource; (9/18)
  - 3. A map illustrating the boundaries and/or the location of the proposed resource; (9/18)
  - 4. A statement explaining the following: (5/98)
    - a. The reason(s) why the proposed resource should be designated; (9/18)
    - b. The reason(s) why the boundaries of the proposed resource are appropriate for designation; (9/18)
    - c. The potential impact, if any, which designation of the proposed resource would have on the residents or other property owners in the area. (9/18)
  - 5. Any other information deemed necessary by the Zoning Administrator. (5/98)
- C. Council Action. Applications for Historic Resource designation or removal of designation shall be reviewed in accordance with the Type II-B review procedure specified in Section 3.202.04. The Council shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04. The Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. Approvals designating a resource shall be in the form of an Ordinance. (9/18)
- D. Decision Factors. The Council shall consider the following factors in determining whether to approve a proposed resource: (9/18)
  - 1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to the city, county, state, or nation; (5/98)



2. Association with an event that has made a significant contribution to the city, county, state, or nation; (5/98)
3. Association with broad patterns of political, economic, or industrial history in the city, county, state, or nation; (5/98)
4. Significance as an example of a particular architectural style, building type and/or convention; (5/98)
5. Significance due to quality of composition, detailing, and/or craftsmanship; (5/98)
6. Significance as an example of a particular material and/or method of construction; (5/98)
7. Significance because the resource retains its original design features, materials, and/or character; (5/98)
8. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction; (5/98)
9. Significance as a visual resource; (9/18)
10. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented; (5/98)
11. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community; (5/98)
12. Significance because the property is 50 years old or older in conjunction with other factors listed above; (9/18)
13. The resource is listed on the National Register of Historic Places. (5/98)

Not all factors must be present and the Council in its discretion may give more weight to certain factors as it may determine. (9/18)

- E. Removal of Designation. The process for removing a resource designation may be initiated by the Council, the Planning Commission, or by the property owner who submits to the Zoning Administrator an application for removal of the designation. The Council may amend or remove its designation by following procedures required by this ~~Chapter~~ Section for designating a resource, including the adoption of appropriate findings. (9/18)

- F. Property Owner Refusal to Consent. A property owner may refuse to consent to historic designation at any point during the designation process described above. Refusal to consent must be provided in writing or must be provided on the public record at any hearing pertaining to the request for designation. Such refusal to consent shall immediately remove the property from any consideration for historic property designation. (9/18)

## **2.127.05 Demolition and Moving**

- A. Planning Commission Approval. No person shall move, demolish, modify, or cause to be demolished any National Register Resource or locally designated resource unless a permit to do so has first been obtained. Application for a permit shall be on a form provided by the Zoning Administrator and contain information deemed necessary by the Zoning Administrator. In no case may a permit be issued for at least 120 days from: (9/18)
1. The date of a property owner's refusal to consent to resource designation or (9/18)
  2. The date of an application to demolish or modify the resource or (9/18)
  3. The date of an application for removal of the designation as outlined in in Section 2.127.04.E. (9/18)
- B. Review Process. Application for a permit shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. The Planning Commission shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04. (9/18)
- C. Decision Factors. The Planning Commission shall review plans, drawings, and photographs submitted by the application, and other information presented at the public hearing concerning the proposal. In determining whether the requested demolition or moving is appropriate, the Planning Commission shall consider the following: (9/18)
1. Provisions of the applicable Comprehensive Plan; (5/98)
  2. The purpose of this ~~Chapter~~[Section](#); (9/18)
  3. The factors used in the original designation of the resource; (5/98)
  4. The historic integrity, age, design or construction rarity, and historic significance of the resource. (9/18)
  5. Whether denial of the request will involve substantial hardship to the applicant; (5/98)

6. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this ~~Chapter~~Section; (9/18)
7. The value to the community, economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it; and (9/18)
8. The physical condition of the resource. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine. (9/18)

- D. Planning Commission Approval. The Commission may approve the demolition or moving request after considering the factors in this section. If approved, and if no appeal is filed, the Zoning Administrator shall issue the permit in compliance with all other applicable law. (9/18)
- E. Planning Commission Denial. The Commission may disapprove the demolition or removal request after considering the factors in this section if it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved. (9/18)
- F. Planning Commission Postponement.
  1. The Commission may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the Commission that is no more than 60 days following the date of public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of application or initiation, if the Commission makes the findings specified in subsection (F)(2) of this section. (9/18)
  2. Further postponements as stated above may only be made if the Commission finds: (5/98)
    - a. There is a program or project underway that could result in public or private acquisition of the resource; and (9/18)
    - b. There is a reasonable ground for believing the program or project may be successful. (5/98)
  3. After granting a further postponement, the Commission may order the Zoning Administrator to issue the permit if it finds: (5/98)

- a. All programs or projects to save the resource have been unsuccessful; (5/98)
  - b. The application for demolition or moving has not been withdrawn; (5/98)
  - c. The application otherwise complies with federal and state law; and (9/18)
  - d. The application should be approved considering the factors set forth in Section 2.127.05.C. (9/18)
- G. Appeals. A decision by the Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant a further postponement may be appealed to the Council by any aggrieved party who appeared orally or in writing, in person or through an attorney at the Commission hearing and presented or submitted testimony related to the request under consideration. The appeal shall comply with the requirements in Section 3.207. (5/98)
- H. Alternative Actions. At the time a demolition or moving application is made the Zoning Administrator shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs. (5/98)
- I. Additional Requirements. During a period of postponement, the Commission may require the property owner to:
- 1. List the resource for sale with a real estate agent for a period of not less than 90 days. (9/18)
  - 2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign, which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by the City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with No. 1., above. (9/18)
  - 3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies that inquire. (9/18)
  - 4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource. (5/98)
- J. Press Notification. Prior to issuance of a demolition permit, the Zoning Administrator shall issue a press release to local and state newspapers of

general circulation in the county. The press release shall include, but not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource. (5/98)

- K. Permit Conditions. As a condition for approval of a demolition permit, the Commission may:
  - 1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to preserve an accurate record of the resource. The historical documentation materials shall be the property of the City or other party determined appropriate by the Commission. (9/18)
  - 2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. (9/18)
- L. Dangerous Building. This ~~Chapter~~ Section shall not be construed to make it unlawful for any person, without prior approval of the Commission, to comply with an order to remove or demolish any resource determined to be dangerous to life, health, or property. (9/18)

## **2.127.06 Exterior Alteration and New Construction**

- A. Scope. No person shall a designated resource nor shall any new building or structure be constructed on a resource site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a resource site unless approved by the Commission. (9/18)
- B. Application Process. Application for alteration of a resource or new construction on a resource site, shall be made to the Zoning Administrator. The application shall be on a form provided by the Zoning Administrator and shall contain information deemed necessary by the Zoning Administrator. (9/18)
- C. Planning Commission Action. Applications for alteration of a resource or new construction shall be reviewed in accordance with the Type II-C review procedures specified in Section 3.202.04. The Commission shall hold a public hearing pursuant to Keizer Development Code Section 3.206.04. The Commission shall approve or disapprove issuance of the requested permit. The Commission may attach conditions to the approval, which must be adhered to for the approval to remain valid. (9/18)
- D. Decision Factors. The Commission shall consider the following factors in determining whether to approve an alteration request: (9/18)
  - 1. The purpose of this ~~Chapter~~ Section; (9/18)
  - 2. The provisions of the applicable Comprehensive Plan; (5/98)

3. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource; (5/98)
4. The value and significance of the resource; (5/98)
5. The physical condition of the resource; (5/98)
6. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials; (5/98)
7. Pertinent aesthetic factors as identified by the Commission; (5/98)
8. Economic, social, environmental and energy consequences of the proposed alteration; and (5/98)
9. Any design guidelines adopted by the Commission. (5/98)

Not all factors must be present and the Planning Commission in its discretion may give more weight to certain factors as it may determine. (9/18)

- E. Repair and Maintenance Provisions. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the Zoning Administrator shall determine is required for the public safety due to an unsafe or dangerous condition. (9/18)

## **2.302 STREET STANDARDS**

### **2.302.01 Purpose**

- A. Safety. To provide for safe, efficient, and convenient vehicular, bicycle and pedestrian movement in the City of Keizer. (11/16)
- B. Access. To provide adequate access to all proposed developments in the City of Keizer. (5/98)
- C. Public Facility Access. To provide adequate area in all public rights-of-way for sidewalks, sanitary sewers, storm sewers, water lines, natural gas lines, power lines and other utilities commonly and appropriately placed in such rights-of-way. (5/98)

### **2.302.02 Scope**

The provisions of this Section shall be applicable for the following: (5/98)

- A. Land Divisions. The creation, dedication or construction of all new public or private streets in all subdivisions, partitions or other developments in the City. (05/98)
- B. Street Expansion. The extension or widening of existing public or private streets or rights-of-way, easements, or street improvements including those which may be proposed by an individual or the City, or which may be required by the City in association with other development approvals. (10/02)
- C. Utility Improvements. The construction or modification of any utilities or sidewalks in public rights-of-way, existing private street, or private access easements. (10/02)
- D. Street Trees. The planting of any street trees or other landscape materials in public rights-of-way. (5/98)
- E. Exceptions. Provisions of this Section do not apply in existing developed areas of the City. Improvements in these areas shall be based on standards adopted by the Department of Public Works. (5/98)
- F. Private Streets. Private streets and improvements on private streets are allowed only in the following situations:
  - 1. Improvements and/or widening of existing and allowed private streets.
  - 2. Creation of new private streets within an existing subdivision or PUD already containing approved private streets.

3. Creation of new private streets in a proposed subdivision, PUD, or partition if the only access to the proposed subdivision, PUD, or partition is via existing and approved private streets. (10/02)

### **2.302.03 General Provisions**

The following provisions shall apply to the dedication, construction, improvement or other development of all public streets in the City of Keizer: (5/98)

- A. General Requirement. The location, width, and grade of streets shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land to be served by the streets. (5/98)
- B. Continuation of Streets. Development proposals, including subdivisions and partitions, shall provide for the continuation of, and connection to, streets where necessary to promote appropriate traffic circulation in the vicinity of the development. Where necessary to give access or permit a satisfactory future division of adjoining land, streets and utilities shall be extended to property boundaries to allow the future extension of streets and infrastructure. A temporary turnaround shall be constructed for stub streets in excess of 150 feet in length. (1/02)

No street or utility extensions are required when any of the following circumstances exist: (1/02)

1. Less than three additional existing or future lots on adjoining parcels would gain access from the extension. For purposes of this criterion, the size of said future lots shall be no greater than two times the minimum lot size of the zone. (1/02)
2. Parcel shape or size prevents new lots from meeting lot width or depth standards when a public street is proposed through the parcel. (10/15)
3. Partial-width streets where adjoining development would provide a full-width public street, does not eliminate the need for variances to lot depth or width requirements. (10/15)
4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable. (1/02)



5. Providing access and connectivity to one or more adjoining parcel(s) would not be useful given that at least one of the following conditions exist: (1/02)
  - a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s). (1/02)
  - b. The development potential of the adjoining parcel(s) is (are) limited due to physical or jurisdictional constraints to such a degree that connectivity is unreasonable or impracticable. (1/02)
- C. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuation of the existing centerlines. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet between the center lines of streets having approximately the same direction and otherwise shall not be less than 100 feet. (5/98)
- D. Future extension of streets. When it appears possible to continue a street, bicycle path and/or pedestrian accessway into a future subdivision, adjacent acreage or area attractors such as schools and shopping centers, streets, bicycle paths and/or pedestrian accessway facilities shall be platted and built to a boundary of the subdivision. The street may be platted without a turnaround unless the Public Works Department finds a turnaround is necessary for reasons of traffic safety. Any street extension exceeding 150 feet in length shall be provided with an approved turnaround as set forth in the Uniform Fire Code. (11/16)
- E. Intersection angles. Streets shall be laid out to intersect at angles as near to right angles as practical, except where topography requires lesser angles. Intersections of less than 60 degrees shall require special intersection designs. Streets shall have at least 50 feet of tangent adjacent to intersections unless topography requires lesser distances. Intersections that are not at right angles shall have minimum corner radii of 15 feet. Major arterial intersections shall have curb radii of not less than 35 feet. Other street intersections shall have curb radii of not less than 20 feet. (5/98)
- F. Existing Streets. Whenever existing public streets adjacent to or within a tract are of a width less than the street design standards, additional right-of-way shall be provided at the time of subdivision, partitioning, or development. (5/98)
- G. Half-Streets. Half-streets may be approved where essential to the reasonable development of an area and when the City finds it to be practical to require the dedication of the other half when the adjoining property is developed. When a  $\frac{3}{4}$  width street can reasonably be developed, as

- determined the Department of Public Works, a half street will be constructed with an additional 10 feet of pavement on the opposite side of the street from full improvement. (5/98)
- H. Cul-de-sacs. The maximum length shall be 800 feet. (5/98)
- I. Street Names. Street names and numbers shall conform to the established standards and procedures in the City. (5/98)
- J. Grades and Curves. Grades shall not exceed 7 percent on arterials, 10 percent on collector streets or 15 percent on any other street. Street grades of 15 percent shall not exceed 200 feet in length. To provide for adequate drainage, all streets shall have a minimum slope of 0.5 percent. On arterials there shall be a tangent of not less than 100 feet between reversed curves. (5/98)
- K. Frontage Streets. If a development abuts or contains an existing or proposed arterial or collector street, the City may allow frontage streets, or may require reverse frontage lots with suitable depth, screen planting contained in a non-access reservation along the rear or side property line, or such other treatment as may be necessary for adequate protection of residential properties, to afford separation of through and local traffic, and to preserve the capacity and safety of the collector or arterial street. (5/98)
- L. Alleys. Alleys shall be provided in commercial and industrial zones unless other permanent provisions for access to off-street parking and loading facilities are provided. The corners of alley intersections shall have radii of not less than 10 feet. (5/98)
- M. Street Landscaping. Where required as part of the right-of-way design, planting strips shall conform with the following standards: (5/98)
1. Street trees shall be planted at a ratio of no less than one tree per 30 feet of property frontage. Street trees shall conform with the list of acceptable trees included in the City's Street Tree Ordinance. Installation of street trees shall be included in any improvement agreement covering the installation of public facilities and services on a property. (5/98)
  2. Planting strips shall be planted and maintained in predominantly living groundcover materials with hard surfaces consisting of bricks, pavers, rocks, decorative concrete work, etc., only being included as part of an overall landscape design where living plant material is predominant. In no case shall asphalt be used within the planting strip. (5/98)

- N. Access Control Standards. The following access control standards apply to public, industrial, commercial and residential developments including land divisions. Access shall be managed to maintain an adequate level of service and to maintain the functional classification of roadways as required by the City of Keizer Transportation System Plan. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access management is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. (10/15)

The regulations in this section further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land. (7/09)

1. Traffic Impact Analysis Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Section 2.301.03 Traffic Impact Analysis.) (7/09)
2. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street. (7/09)
3. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per lane is required; planned access shall be consistent with adopted public works standards for road construction). These methods are “options” to the developer/subdivider. (7/09)
  - a. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted. (7/09)
  - b. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to

a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive. (7/09)

- c. Option 3. Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Subsection 6, below. (7/09)
4. Subdivisions Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes). (7/09)
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. (7/09)
6. Access Spacing: The following minimum access spacing standards apply to public streets and driveways on arterial streets: (7/09)

#### Arterial Access Spacing Standards

Posted Speed (miles per hour)	Minimum Spacing (feet)
25	150
30	150
35	150
40	185
45	230
50 or higher	275

7. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Subsection 6, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Subsection 8 below, in order to maintain the required access spacing, and minimize the number of access points. (7/09)
8. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards: (7/09)
  - a. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential). (7/09)
  - b. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval. (7/09)
  - c. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future. (7/09)

9. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards: (7/09)

Block Length. The maximum block length shall be consistent with 2.310.04 Additional Design Standards for Subdivisions. (7/09)

Street Standards. Public and private streets shall also conform to Section 2.302 Street Standards in the City of Keizer Development Code (Table 4.1 Street Design Standards in the TSP). (7/09)

Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of 2.310.04(C)(2). (7/09)

10. Pedestrian/Bicycle Accessways. Accessways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. (7/09)
11. Street lights. Street lights shall be required for public streets serving more than four dwelling units. Street lights shall be located within a right of way or in utility easements. Street lights are not required along private access easements. Street lights shall be designed to direct the light down toward the street and sidewalk and as much as practicable away from adjoining homes. (10/15)

#### O. Trees Along Public Streets

Streetscape trees are required along public streets, shall comply with the provisions of Section 2.309, and must be located according to the following provisions: (10/15)

1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of street improvements. (10/15)
2. Lots measuring less than 60 feet in width shall be required to plant one streetscape tree. Lots measuring 60 feet or more in width shall be required to plant two streetscape trees. (5/20)
3. Streetscape trees shall be selected from a list of approved trees. (10/15)

## **2.302.04 General Right-of-Way and Improvement Widths**

The following standards are general criteria for public streets in the City of Keizer. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection 2.302.05. (5/98)

The street design standards show five different options for local streets. These standards allow the City flexibility in the design of the street network. (7/09)

**Table 4.1 Street Design Standards** (7/09)

Functional Classification <sup>1</sup>	Number of Lanes	Parking	Bike Lanes <sup>2</sup>	Roadway Width (ft) <sup>3</sup>	Sidewalks	Right-of-Way Width (ft) <sup>4,5</sup>	Maximum Dwelling Units Served
Major Arterial	5	No <sup>6</sup>	Yes	50-72	Yes	84	-
Minor Arterial	3	No <sup>6</sup>	Yes	36-50	Yes	72	-
Collector 2		No <sup>6</sup>	Yes	36-50	Yes	68	-
Local V	2	Yes	No	34	Yes	48	-
Local IV	2	Yes	No	32	Yes	46	79
Local III	2	Yes	No	30	Yes	44	19
Local II	2	Yes	No	30	Yes	42	14
Local I	2	Yes <sup>7</sup>	No	28	Yes <sup>7</sup>	35	9

1. All local street Categories have a ten-foot public utility easement on both sides and a five-foot slope and utility easement on collectors and arterials.
2. Standard bike lane widths are six feet; although five feet may be approved on a case-by-case basis.
3. Street improvements and right-of-way widths may be increased on a case-by-case basis as required by the City in accordance with Public Works Design Standards
4. All Street will have five-foot wide sidewalks on both sides, unless noted. Meandering sidewalks may be considered/required on arterials and collectors.
5. Additional right-of-way may be required at intersections for additional turning lanes. Right-of-way at intersections is required to provide for a minimum 20-foot curb return radius.
6. Depending on installed improvements
7. Parking/sidewalks only required on one side of street

### **2.302.05 Modification of Right-of-Way and Improvement Width**

The City, pursuant to variance approval, may allow modification to the public street standards of Subsection 2.302.04, when the following criteria are satisfied: (5/98)

- A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)
  - 1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  - 2. Parcel shape or configuration precludes accessing a proposed development with a street which meets the full standards of Section 2.302.04; or
  - 3. A modification is necessary to preserve trees or other natural features determined by the City to be significant to the aesthetic character of the area; or
  - 4. The modification of street standards is necessary to provide greater privacy or aesthetic quality to the development. (5/98)
- B. Vehicular Access Maintained. Modification of the standards of Section 2.302.04 shall only be approved if the City finds that the specific design proposed provides adequate vehicular access based on anticipated traffic volumes. (5/98)

### **2.302.06 Construction Specifications**

Construction specifications for all public and private streets shall comply with the standards of the most recently adopted public works/street standards of the City of Keizer. Construction permits are required by the Public Works Department. (10/02)

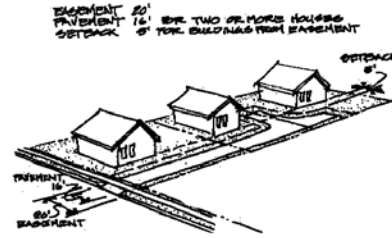
### **2.302.07 Improvement Width for Private Streets (If allowed in Section 2.302.02F)**

Private streets may be constructed to the same or greater width of the existing connecting private street. (10/02)



## 2.302.08 Private Access Easements

A private access easement created as the result of an approved partitioning or subdivision shall conform to the following: (5/98)

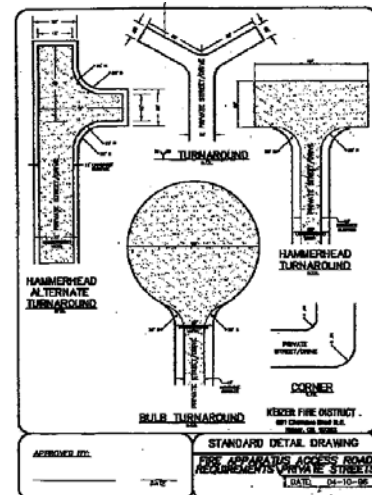


Easement Standards

- A. Width. Private access easements shall only be allowed where the applicable standards of Section 2.310.03.D., are satisfied. The easement shall comply with the following additional standards: (11/16)
1. Minimum easement width: 20 feet with no parking within the minimum required width. (11/16)
  2. Minimum paved width: 12 feet for 1 dwelling unit; 16 feet for two or more dwelling units. (5/98)
  3. Maximum length: 300 feet for single access to a public street. If there are two or more access points to a public street, the proposed easement may be more than 300 feet if it is the only way to allow for effective development in unique circumstances where it is not practical to serve the development with a public street. Access easements exceeding 300 feet in length must be reviewed by the local Fire District for compliance with the Fire Code, and must receive City approval. The following criteria for City approval will be used: (11/16)
    - a. A public street is impractical, and an easement is the only feasible method to provide access. (11/16)
    - b. Adequate parking and safe maneuverability is provided. (11/16)
    - c. Does not preclude the ability for future redevelopment, and must allow a density no less than 75% of the maximum density of the underlying zone. (11/16)
  4. Single Family/Duplex Development: No more than 4 parcels or lots shall have their sole access via an access easement unless through access (two or more public street access points) are provided. If the access easement connects to a collector or arterial street the Public Works Director may require all parcels or lots to be served by the access easement. In such case, no more than 6 parcels or lots shall have their sole access via an access easement. If the access easement provides through access, no more than 8 parcels or lots

may be served by the access easement. All through access easements providing access to more than 4 parcels or lots must provide public bicycle and pedestrian access for connectivity. The instrument recording the access easement must indicate public bicycle and pedestrian access is allowed. (5/20)

5. Triplex, Quadplex, Cottage Cluster, and Multi-Family/Commercial Development: Access easements ~~serving multi-family and commercial uses~~ may be allowed if it is the only feasible method to provide access to a parcel without public street frontage, or if it is impractical to serve the development with a public street. Access easements are subject to Fire District review and City approval. The design of the easement must be reviewed by the local Fire District for compliance with the Fire Code and must meet the requirements outlined in Section 2.303 for parking lot aisle widths, and all other city standards governing vehicle access contained in the KDC and adopted Public Works Street Standards. (11/16)
- B. Maintenance. Provision for the maintenance of the private access easement and storm drainage facilities within the easement area, along with any required turnaround area, No Parking signage, and screening, shall be provided in the form of a recorded maintenance agreement, Covenants, Conditions, and Restrictions (CCRs), or other recorded instrument acceptable to the City. Such instrument shall include at a minimum, that the instrument may not be extinguished or modified without written consent of the City and that the provisions set forth above may be enforced by the City. (11/21)
- C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which serves two or more parcels or lots. Turn-arounds shall be either a circular turn-around with a minimum paved radius of 38 feet, or a "tee" or "hammerhead" turn-around with a minimum paved dimension across the "tee" of 60 feet. Alternate turnaround designs may be approved subject to Public Works Department approval. (5/20)



Approved Turn Around Designs

D. Parking

1. No parking allowed. All private access easements serving as **the** sole access for two or more parcel or lots shall display No Parking signs approved by the City (5/20)
2. Parking shall be provided as outlines in Section 2.303. (11/16)

E. Trees Along Access Easements

Streetscape trees are required along access easements, shall comply with the provisions of Section 2.309, and must be located according to the following provisions: (10/15)

1. Streetscape trees shall be planted within the boundaries of each lot within 10 feet of access improvements. (10/15)
2. Parcels or Lots measuring less than 60 feet along the access easement shall be required to plant one streetscape tree. Parcels or Lots measuring 60 feet or more along the access easement shall be required to plant two streetscape trees. (5/20)
3. Streetscape trees shall be selected from a list of approved trees. (10/15)

F. Screening

A 6 foot high sight obscuring fence, wall, or hedge shall be placed along the exterior side of an access easement to provide screening to any adjacent properties. (10/15)

## 2.308 SIGNS

### 2.308.01 Purpose

The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner. (5/98)

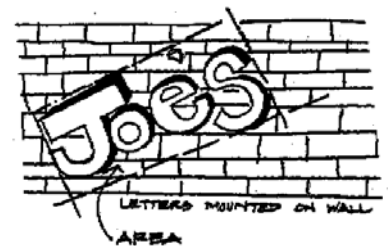
These regulations are not intended to and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in these regulations that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. To the extent any provision of these regulations is ambiguous, the term shall be interpreted to not regulate on the basis of speech content. (9/18)

### 2.308.02 Definitions

For the purposes of this ~~Chapter~~[Section](#), the following definitions shall apply: (5/98)

**Alteration or Altered:** 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 alone shall not be considered an alteration. (5/98)

**Area:** The area of a sign shall be the entire area within any type of perimeter or 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 standard geometric figure or combination of no more than two (2) connected standard geometric figures (e.g., rectangle, circle, parallelogram, triangle) of the smallest size sufficient to cover the entire message of the sign and computing the area of the sum of the geometric figures. For the purpose of computing the number of signs, all writing included within such geographic figure or two (2) connected geographic figures 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. (9/18)



Sign Area

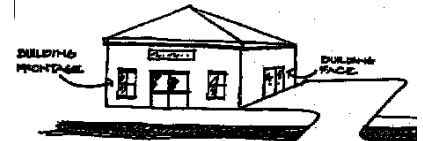
**Awning:** A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials, except for the supporting framework. (5/98)



Awning Sign

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

**Building Frontage, Primary:** The portion of a building face most closely in alignment with an adjacent right-of-way or fronting a parking lot when so defined, as allowed in this **chapterSection**. A gasoline service station may use the overhanging canopy as a substitute for building frontage when computing the allowable sign area. The longest side of the canopy shall be used to compute the allowable sign area. (Ord. 2005-533 11/05)



Building Frontage and Face

**Building Frontage, Secondary:** Buildings located on lots abutting more than one right-of-way or a parking lot may designate one building face as a secondary building frontage. (11/05)

**Canopy Sign:** A sign hanging from a canopy or eve, at any angle relative to the adjacent wall, the lowest portion of which is at least eight (8) feet above the underlying grade. (5/98)



Canopy Sign

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

**Electronic Message Sign:** Signs that incorporate as part of, or wholly, an electronic message or display by means of light emitting diodes, plasma, electronic ink, or other means that allow that display to be changed through electronic controls. (9/18)

**Finish Ground Level:** 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)

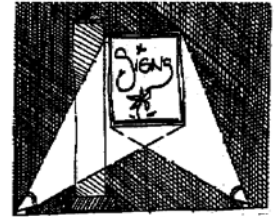
**Flashing Sign:** A sign any part of which pulsates, scrolls, flutters, animates, lights intermittently, or blinks on and off. (10/08)



Free-Standing Sign

**Free-Standing Sign:** A permanent 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, the structure of which will not be calculated as part of the overall sign area. (see "Area") (9/18)

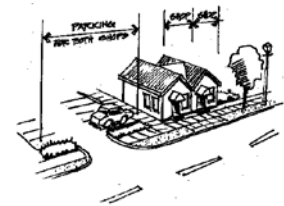
**Incidental Signs:** A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



Indirect Illumination

**Indirect Illumination:** 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:** 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)



Integrated Business Center

**Internal Illumination.** A source of illumination from within a sign. (5/98)

**Multi-faced Sign:** A sign which has two or more identical size sign faces, contained in a single sign structure. (9/18)

**Multi-family Dwelling:** A residential structure or complex of structures that include five or more separate dwelling units, whether rented or owned by the occupants. (6/22)

**Mural:** An illustration (with or without words or numbers) which is painted or otherwise applied (without projections) to an outside wall of a structure. (5/98)

**Nit:** Nit is used as a measurement of luminance, where the Nit is equal to one candela per square meter (1cd/m<sup>2</sup>). A candela is a unit of measurement of the intensity of light, where one candela is the monochromatic radiation of 540THz with a radiant intensity of 1/683 watt per steradian in the same direction. By way of example, an ordinary wax candle generates approximately one candela. (10/08)



Multi-Faced Sign

**Nonconforming Sign:** Any sign which lawfully existed prior to May 7, 1990 but, which due to the requirements adopted herein, no longer complies with the height, area and placement regulations or other provisions of these regulations. (9/18)



**Owner:** 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)

**Portable Sign:** A sign that is, or similar to, an A-frame sign, sandwich board sign, yard sign, wind feather or feather flag, or a sign attached to wood or metal frames and designed to be self-supporting and movable. Wind feathers or feather flags may be placed on a stand or placed in the ground. Portable signs are not to be considered temporary signs as defined and used in this ~~chapter~~ [Section](#). (9/18)

**Projecting Signs:** A sign the face of which is not parallel to the wall on which it is mounted. (11/05)

**Roof Line:** 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.)

**Roof 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)

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

**Sign:** Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol, logo 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. (9/18)

**Sign Face:** Surface of a sign containing the message. The sign face shall be measured as set forth in the definition for "area."

**Sign Height:** 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)



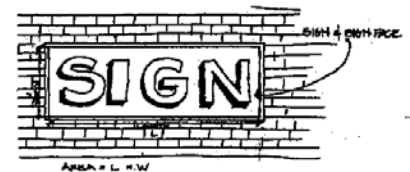
– Portable Signs



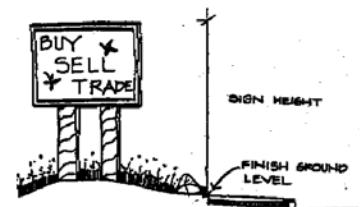
Projecting Sign



Roof Line and Roof Sign



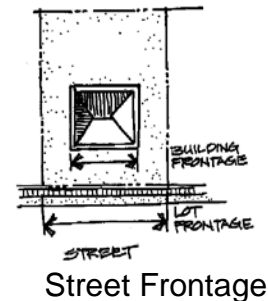
Sign Face



Sign Height

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

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



**Temporary Business:** A business of a temporary nature authorized through a Temporary Business Permit issued by the City of Keizer. (5/98)

**Temporary Sign.** A sign that is, or is similar to, a banner and is attached, but not permanently affixed to a building, and which may be made of canvas, cloth, rigid plastic, paper, vinyl, or other lightweight flexible material. (9/18)



**Wall Sign:** A permanent 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. A sign painted on an awning in which the face of the sign is approximately parallel to the wall shall also be considered a wall sign. (9/18)



## 2.308.03 Review Procedures

- A. Permit Required. Except as specifically excluded herein, no property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid permit to do so. (5/98)
- B. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)
- C. Application Requirements. An application for a sign permit shall be made on a form prescribed by the Zoning Administrator. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property. (5/98)

The Zoning Administrator shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of the Keizer Zoning Ordinance. Sign permits mistakenly issued in violation of these regulations or other provisions of the Keizer Zoning Ordinance are void. The Zoning Administrator may revoke a sign permit if he finds that there was a material and misleading false statement of fact in the application for the permit. (5/98)



- D. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards: (5/98)
1. Compliance with Building Codes. All signs shall comply with the applicable provisions of the Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements. (9/18)
  2. Materials. Except for banners, flags, portable signs, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure. (9/18)
  3. Maintenance. All signs shall be maintained in a good structural condition and readable at all times. (5/98)
  4. Owner Responsibility. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs. (5/98)
  5. Aesthetics. All signs shall be professional in appearance, constructed in a workmanship like manner to professional standards. (12/10)

#### **2.308.04 Nonconforming Signs**

- A. Any sign not complying with these regulations is prohibited and constitutes a violation. (9/18)
- B. Permits for Properties with Nonconforming Signs. (5/98)
1. Businesses in Integrated Business Centers. For individual businesses in integrated business centers, all signs of the individual business must comply prior to issuance of sign permits for new or altered signs for such business. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (9/18)
  2. Businesses Not in Integrated Business Centers. No permits shall be issued for new or altered signs unless all signs of the individual business comply with these regulations. (9/18)
- C. Electronic Message Signs which are legally placed and maintained in all respects on or before October 6, 2008 shall be allowed to remain as non-conforming signs and do not have to be brought into compliance. However, once a non-conforming Electronic Message Sign is removed, any replacement sign must comply in all respects with these regulations. (10/08)

- D. Abandoned Signs. All signs for a business shall be removed within 120 days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 12 months of such cessation of operation. (9/18)

### **2.308.05 Signs Generally Permitted**

Subject to the limitations in Sections 2.308.07 and 2.308.08, the following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area: (9/18)

- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs. (9/18)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area may be displayed for a maximum of 120 days in any calendar year. Only one temporary sign per storefront or residential structure may be displayed at a time except during the period 45 days preceding and seven days following governmental elections during which time temporary signs may be unlimited in number. Paper signs may only be used for single day events. (9/18)
- C. Property Signs. For commercial properties only, one (1) sign per parcel or integrated business center not exceeding 32 square feet in area during the time of sale, lease or rental of the property provided that the sign is placed on the property for sale, lease, or rent and removed within fifteen (15) days of the sale, lease or rental of the property, or a sign not exceeding 32 square feet in area during the time of construction and remodeling of the property, provided the sign is placed on the property where construction and remodeling is taking place and removed within seven (7) days of the completion of any construction or remodeling. An additional sign not exceeding 32 square feet may be erected if the property borders a second street and the signs are not visible simultaneously. (9/18)
- D. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency, city identification, signs related to public services or safety. (9/18)
- E. Development Signs. One sign not over 32 square feet located at each street entrance to a residential subdivision or residential development. (9/18)
- F. Incidental. Incidental signs that do not exceed 6 square feet. Such signs shall not be mounted on permitted freestanding sign structures. (5/98)
- G. Flags. Flags on permanent flag poles that are designed to allow raising and lowering of the flags. Flagpoles shall either be freestanding or shall be mounted on the building but if mounted on the building may not be taller than the peak of the roof. Flags shall not exceed 25 square feet in area. (5/98)
- H. Interior Signs. Signs within a building. (5/98)

- I. Window Signs. For commercial or industrial buildings, signs painted or hung on the inside of windows, or otherwise affixed ( such as window clings) to the surface of a window with its message intended to be visible to the exterior environment. (9/18)
- J. Residential Signs. Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- K. Portable Signs. Portable signs are limited to 6 square feet in area, with the exception that wind feather/feather flag signs may be up to 16 square feet in area. One portable sign per storefront or residential structure is allowed except during the period 45 days preceding and seven days following governmental elections, during which time portable signs may be unlimited in number. The following additional standards apply to portable signs: (9/18)
  - 1. Portable signs may not be within 25 feet of any other portable sign on the same lot or less than 5 feet from a side lot line. (9/18)
  - 2. Portable signs must be located on private property, and may not be within any public sidewalk easement or right-of-way. If located along a public street, signs must be located behind the sidewalk regardless of property line location. (12/10)
  - 3. Portable signs cannot impede sidewalks, exits, or other pedestrian, vehicular, or bicycle way. (12/10)

## **2.308.06 Prohibited Signs**

The following signs are prohibited, and are subject to immediate code enforcement action including but not limited to the issuance of citations and/or confiscation under the Keizer Uniform Nuisance Abatement Ordinance: (9/18)

- A. Tethered Signs. Balloons or similar types of tethered objects, including strings of pennants. (5/98)
- B. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- C. Odor, Visible Matter. Signs that emit odor, visible matter, or sound, however an intercom system for customers remaining in their vehicles, such as used in banks and "drive through" restaurants, shall be allowed. (5/98)
- D. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- E. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)
- F. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)

- G. Vehicle, Trailer Signs. No vehicle, trailer, or trailer mounted reader boards shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising. (12/10)
- H. Rotating/revolving Signs. (10/08)
- I. Flashing Signs. (10/08)
- J. Projecting Signs. Projecting signs exceeding 24 inches and private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is 8 feet or more above the sidewalk. (9/18)
- K. View Obstruction. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard. (5/98)
- L. Safety Interference. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light. (5/98)
- M. Signs in the public right-of-way/Use of Utility Poles. Except for government signs under Section 2.308.05(D), signs located in public right-of-way, in any public or utility easement or attached to any utility poles. Signs located in such areas are subject to immediate removal without notice. (9/18)
- N. Vacant Land. Any sign on unimproved property, unless allowed as a temporary or portable sign. (9/18)
- O. Electronic Message Signs. Electronic message signs except by conditional use permit. Electronic message signs that change more frequently than once per fifteen (15) seconds are prohibited. Further, any change made with the use of scrolling, flashing, fluttering or other animated effects is prohibited. Variances to any of these requirements are not allowed. (9/18)
- P. Temporary or Portable signs exceeding the allowed size or timeframes for display are prohibited, unless authorized by Special Occasion Permit approval as outlined in Section 2.308.08.E. (9/18)

## **2.308.07 Non-Commercial Uses**

The following regulations apply to signs for residences, public or semi-public buildings and similar non-commercial, non-industrial uses: (5/98)

- A. Sign types. The following sign types are allowed: (5/98)
  - 1. Wall, canopy and window signs subject to the limitations in 2.308.07.C. (5/98)
  - 2. Free-standing signs subject to the limitations in 2.308.07.C. (5/98)
  - 3. Temporary displays consisting of any sign type for a period not to exceed 21 days in any 365-day period, however the owners or responsible parties of such displays shall be responsible for any public or private nuisance. (5/98)
- B. Maximum number. Any number of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section 2.308.07.A.3. (9/18)
- C. Maximum Sign Area. Maximum total sign area for property on which the building or buildings are located: (5/98)
  - 1. Single-family and two-family (duplex) dwelling: 6 square feet. (5/98)
  - 2. Multiple family dwelling: 32 square feet. (5/98)
  - 3. Public and semi-public: 64 square feet. (5/98)
- D. Maximum sign height:
  - 1. Wall, canopy or window sign: 8 feet. (5/98)
  - 2. Free-standing sign: 6 feet. (5/98)
- E. Location: (5/98)
  - 1. Wall, canopy or window sign shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use; provided that wall signs may project into the required setback space up to 1.5 feet. (5/98)
  - 2. Free-standing signs are permitted where fences are allowed. (5/98)
- F. Illumination. Except for Electronic Message Signs, non-commercial use signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., (except by conditional use permit) and shall not flash, blink, fluctuate or produce glare. (9/18)

## **2.308.08 Commercial and Industrial Uses**

The following regulations apply to signs for commercial and industrial uses: (5/98)

A. Non-integrated Business Centers:

1. Total allowed area. One and one-half square feet of total allowed sign area for each lineal foot of building frontage, up to a maximum total allowed area of 150 square feet, except that awnings shall be allowed 50% of awning area be exempt from this limit. (9/18)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (9/18)
3. Type, maximum number and size of signs. Within the total allowed area, one free standing sign per street frontage and an unlimited number of wall, canopy or projecting signs. Regardless of total allowed area, the free-standing signs shall be limited to a maximum of 100 square feet in area, shall not exceed one sign on each frontage, and shall be oriented to face the traffic flow on the street upon which they front. (9/18)
4. Maximum sign height: (5/98)
  - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
  - b. Free-standing signs: 20 feet. (5/98)
5. Location: (5/98)
  - a. Wall or projecting signs may project up to 2 feet away from the building. (9/18)
  - b. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)

B. Integrated Business Centers:

1. Allowed area. For wall, canopy and projecting signs on individual businesses within an integrated business center, one and one-half square feet of total allowed sign area for each lineal foot of building frontage for the individual business, up to a total maximum of 150 square feet per business, except that awnings shall be allowed 50% of awning area be exempt from this limit. The sign area of a projecting sign shall be calculated as a free-standing sign. Individual businesses may not assign their unused allowed area to other businesses in the integrated business center. Free standing signs are permitted only as set forth below and in Section 2.308.08.C. (9/18)
2. On a Secondary Building Frontage, one wall sign shall be allowed, in addition to that listed above, at the rate of 0.75 sq ft per lineal foot of that portion of the building designated a Secondary Building Frontage, up to a maximum of 75 sq ft. (11/05)
3. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet each in area. Free-standing signs shall not exceed one sign on each frontage and shall be oriented to face the traffic flow on the street upon which they front. (9/18)
4. Maximum sign height: (5/98)
  - a. Wall and canopy signs shall not project above the parapet or roof eaves. (5/98)
  - b. Free-standing signs: 20 feet. (5/98)
5. Location:
  - a. Wall or projecting signs may be located on any face of the building, except as provided in 2.308.08.B.4.b, and may project up to 2 feet away from the building. (9/18)
  - b. Wall signage located on a Secondary Building Frontage shall be limited to only one sign, limited in size as provided in 2.308.08.A.2. In no case may any signage derived on the primary building frontage be located on the secondary building frontage. (11/05)
  - c. Free-standing signs have no limitations except the signs shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (5/98)



- C. Mixed Use Developments. Signs for developments containing a mixture of commercial and residential uses shall be subject to the following restrictions: (5/98)
1. Non-commercial uses shall be subject to the provisions in Section 2.308.07. (5/98)
  2. Commercial-industrial uses shall be subject to the provisions for integrated business centers in Section 2.308.8.B. (5/98)
  3. Free-standing signs shall be subject to the provisions in Section 2.308.08.B.3. (9/18)
- D. Additional Signs. Within the limitations of this subsection, the signs below do not require a permit and are not included in calculating allowed area and number of signs. (5/98)
1. Secondary Entrance. When a business has two public entrances, each on a separate building wall, there is permitted one additional wall sign not to exceed 10 square feet in area for the wall where the entrance is not the primary entrance. (5/98)
  2. Vehicle Directional Signs. Vehicle Directional signs are allowed either as wall or freestanding signs. Such signs shall be limited to 3 square feet in area and 2 per driveway. Free standing signs shall be limited to a height of 6 feet. (9/18)
  3. Drive Through Signs. Signs located adjacent to a drive-through lane at a restaurant are allowed as follows: one per drive through lane limited to 40 square feet in area and a maximum height of 8 feet. Any sign greater than 10 square feet in area and/or 6 feet in height must be screened from adjacent streets by a sight obscuring fence, wall or hedge. (9/18)
- E. Signs for Temporary Businesses/Special Occasions. (9/18)
1. Signs for Temporary Businesses. Temporary businesses receiving temporary business permit approval, may display temporary or portable signs, other than trailer mounted reader boards or any sign that includes flashing or rotating lights or moving parts. The cumulative size of all such signs may not exceed 32 square feet. All temporary business signs must be placed within 10 feet of the structure or vehicle used for the temporary business and may not be placed within any public right-of-way. (9/18)
  2. Signs for Special Occasions. The placement of multiple and/or oversized temporary or portable signs is only allowed subject to permit approval. A Special Occasion Sign Permit may be granted for the following situations:  
  
Any combination of temporary or portable sign types, regardless of size and quantity, are allowed for a maximum of 14 consecutive calendar days. A



maximum of 2 Special Occasion Sign permits may be issued for any given address in a calendar year, with no less than 30 days between events. (9/18)

F. Signs for Mobile Food Vendors

1. In addition to the signs allowed in Section 2.308.08(F)(2) below, Mobile Food Vendors shall be limited to 6 square feet of signage which can be displayed only during hours of operation and shall comply with the provisions within Section 2.308.05.K. (9/18)
2. Signs painted upon or affixed directly to the Mobile Food Vendors are exempt from the Sign Code provisions, provided that no sign may protrude from or project above the roofline of the unit. All other signage must comply with the remaining provisions of Section 2.308. (7/17)
3. Property on which two or more Mobile Food Vendors are located shall comply with the remaining provisions within the Sign Code. (9/16)

G. Special Commercial Signs

1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.308.07. (9/18)
2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.308.07. (9/18)
3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.308.07. (9/18)
4. Signs for stadiums in the IBP Zone. Notwithstanding any other regulations in this ~~Chapter~~[Section](#), in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply: (11/05)
  - a. Total allowed area. 760 square feet. (11/05)
  - b. Type, maximum number and size of signs. Within the total allowed area, one (1) free standing sign, and a total of no more than two (2) wall or canopy signs. Regardless of the total allowed area, the free-standing sign shall be limited to a maximum of 680 square feet. (11/05)
  - c. Maximum sign height: (11/05)
    1. Wall and canopy signs – shall not project above the parapet or roof eaves. (11/05)
    2. Free standing sign – maximum total height of fifty (50) feet. (11/05)

d. Location:

1. Wall signs – may project up to 1.5 feet from the building. (11/05)
2. Free standing sign – no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks. (11/05)

## **2.308.09 Conditional Uses**

- A. Procedures. Applications for conditional use permits for illumination of non-commercial use signs, or electronic message signs shall be processed according to the procedure set forth in Section 3.103 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings for illumination of non-commercial use signs or electronic message signs are set forth in this Section. The criteria of Section 3.103 shall not be applied. (9/18)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for the illumination of non-commercial use and electronic message signs: (9/18)
1. The proposed sign is located in an EG, P, IBP, CR, CO, MU, CM or a CG zone, or the proposed sign is for a public or semi-public use regardless of the underlying zone. (9/18)
  2. The proposed sign, when conditioned, will not either: a) significantly increase or lead to street level sign clutter, or b) lead to signs that adversely dominate the visual image of the area. (9/18)
  3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. Electronic Message Signs that are proposed to be located adjacent to residential areas shall include mitigation measures such as screening and buffering or other measures to mitigate any impacts onto adjacent properties. Electronic Message Signs proposed for a public or semi-public use adjacent to residential areas shall only be illuminated between the hours of 6:00 AM and 11:00 PM. (9/18)
  4. The proposed sign will not present a traffic or safety hazard. (5/98)
  5. If the application is for the illumination of non-commercial use or electronic message sign, no rotary beacon lights, zip lights, strobe lights, or similar devices shall be allowed. No chaser effect or other flashing effect consisting of external lights, lamps, bulbs or neon tubes are allowed. (9/18)

Electronic Message Signs. Electronic Message signs must remain static and unchanging for a period no less than fifteen (15) seconds. Further, the level of illumination must be limited in the following ways: (9/18)

- a. An electronic message sign that contains a changeable display produced by light emitting diodes, incandescent or low-voltage lamps or bulbs, or cathode ray tubes shall include automatic brightness compensation features to adjust brightness to compensate for the angle and ambient light conditions.
- b. No electronic message sign may be illuminated to a degree of brightness that is greater than 7,500 nits in the daytime and 1,000 nits between ~~sunrise~~-sunset and ~~sunset~~sunrise; provided that electronic message signs comprised solely of one color may not be illuminated to a degree of brightness exceeding the following illumination levels:
  1. For a display comprised of red only, the degree of brightness shall not be greater than 3,150 Nits in the daytime and 450 between ~~sunrise~~-sunset and ~~sunset~~sunrise;
  2. For a display comprised of green only, the degree of brightness shall not be greater than 6,300 nits in the daytime and 900 nits between ~~sunrise~~-sunset and ~~sunset~~sunrise;
  3. For a display comprised of amber only, the degree of brightness shall not be greater than 4,690 Nits in the daytime and 670 nits between ~~sunrise~~-sunset and ~~sunset~~sunrise.  
(10/08)

As used herein, “sunset” and “sunrise” shall be as determined by the U.S. Naval Observatory Astronomical Applications Department or other governmental agency.

6. The total allowed sign area shall be reduced by 25% if the application is for an electronic message sign. (9/18)
7. The proposed sign will comply with all other regulations, including, but not limited to height and placement restrictions. (5/98)

### **2.308.10 Variances**

- A. Procedure. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to this Section will be processed according to the procedures in Section 3.202.02 as a Type I-B procedure. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (9/18)

1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
  - a. The existing sign regulations create an undue hardship; (5/98)
  - b. The requested variance is consistent with the purpose of this ~~chapter~~ Section as stated in Section 2.308.01; and
  - c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this ~~chapter~~ Section. (5/98)
2. The granting of the variance shall not: (5/98)
  - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
  - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
  - c. Be the result of a self-imposed condition or hardship. (5/98)

## **2.308.11 Exemptions**

The following are exempt from the regulations of this ~~Chapter~~ Section, but may be subject to other regulations under this Development Code or other City regulations:

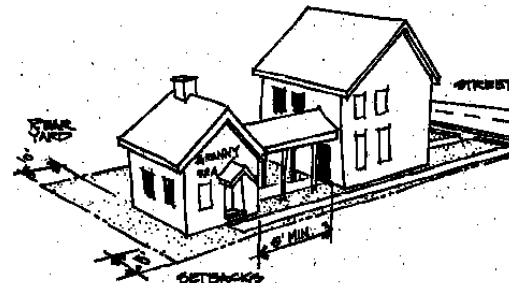
- A. Public Art as defined by City Ordinance or Resolution. (3/14)

## 2.403 ~~SHARED HOUSING FACILITIES~~ ACCESSORY DWELLING UNIT

~~In zones~~ Where permitted as a Special Use, ~~permitting single family dwellings,~~ an Accessory Dwelling Unit (ADU) may be allowed in conjunction with a single-family dwelling, subject to the standards in this section. An ADU may be a detached building, in a portion of a detached accessory building (e.g. part of/above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g. an addition or conversion of an existing floor). (1/19)

### 2.403.01 Attached Accessory Dwelling Unit (1/19)

~~Where permitted as a special use,~~ A attached Accessory Dwelling Units shall meet the following use and development standards. (1/19)



*Accessory Dwelling Unit*

- A. Orientation and Access. A structure with an attached ADU shall not have more than one front entry facing the same direction. Entries on different building frontages, or shared entries shall be required. Only one attached garage and driveway is allowed for a property containing an attached ADU. (1/20)
- B. Dwelling Units. The building must contain not more than two dwelling units and there must be no more than 1 total ADU per lot, unless the lot is located within the River-Cherry Overlay District (RCOD) according to Section 2.130. ADUs are not included in minimum or maximum density calculations. (1/20)
- C. Area Requirements.
- a. Square footage of the attached ADU is limited to 40% of the ~~total dwelling square footage excluding garage or accessory structure~~ total habitable space of the primary dwelling.
- b. The attached ADU must contain at least 300 square feet of floor area and the primary dwelling must contain at least 600 square feet of floor area.
- ~~C.c.~~ Area requirements do not apply to the conversion of an entire level or floor of a primary dwelling. (1/20)
- D. Ownership. An attached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)

- E. Design. The building must be residential in character and the exterior must incorporate a minimum of 3~~be the same or visually match those of the design features primary dwelling for single family dwellings found in Section 2.314.A.~~ A separate address shall be required for each residence. (1/20)

## **2.403.02 Detached Accessory Dwelling Unit** (1/19)

~~Where permitted as a special use, a d~~A detached Accessory Dwelling Unit shall meet the following use and development standards. (1/19)

- A. Location. Except as allowed below, ~~the a~~ detached ADU shall be located within the side or rear yard and physically separated from the primary residence by a minimum distance of 5 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. (1/19)
- B. A detached ADU may be located in the front yard only if approved through an alternative design review process as specified in Section 3.101.01. If located in the front yard, including conversion of or adding a second story to an existing front yard accessory structure or garage, the applicant must show that the design of the ADU will be compatible with the surrounding neighborhood and adjoining properties through architectural features, landscaping and orientation, as well as meeting the requirements set forth below. (1/19)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply: (1/20)
1. ~~Additional off-street parking space(s) must be provided within or adjacent to an existing driveway.~~ Modification to any existing driveway approach will require public works approval. The width of the existing driveway approach cannot be increased in excess of the public works standard. (1/20)
  2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
  - ~~2.3.~~ All driveways and parking areas shall have a durable, hard, dust free surface built to City of Keizer Public Works standards.
- D. Design. The detached ADU must be residential in character and must incorporate a minimum of 3 design features for single-family dwellings found in Section 2.314.A unless blocked from the street view by the primary building. A separate address shall be required for each residence. (1/19)

- E. Area. The ~~detached~~ ADU shall be no larger than 750 square feet in ~~total~~ habitable area. (1/19) Non-habitable areas must meet the standards found in Section 2.313.
- F. Setbacks and Height. The minimum rear yard setback shall be 5 feet for a 1 story structure and 10 feet for a 2-story structure, unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall be 5 feet. The maximum height ~~shall be allowed is~~ 25 feet, ~~and in no case may the detached ADU be taller than the primary home.~~ (1/19)
- G. Ownership. A detached ADU under this section shall not be separated in ownership under the provision of ORS Chapter 94 or any other law or ordinance allowing unit ownership of a portion of a building. (1/19)
- H. Dwelling Units. The lot ~~or property~~ shall contain no more than 2 dwelling units and there must be no more than 1 total ADU per lot, unless the lot is located within the River-Cherry Overlay District (RCOD) and in accordance with Section 2.130. ADUs are not included in minimum or maximum density calculations. (1/20)
- ~~H.I.~~ Newly Constructed Detached Garage or Accessory Building. An ADU is allowed to be built as a second story to a detached garage or accessory building. Ground floor building footprint is limited to the requirements found in Section 2.313.01.E.
- ~~I.J.~~ Building Conversion. Conversion of an ~~existing~~ accessory structure to a detached ADU ~~shall be~~ is allowed, subject to the following standards. (1/19)
1. The area of the detached ADU is limited to a maximum of 750 square feet of habitable space regardless of the total area of the existing structure. Any additional square footage may ~~not be accessible from the interior of the ADU, and may only be used as an accessory structure use~~ for non-dwelling purposes. (1/19)
    - a. For a single-story building: If the existing building is setback less than 3 feet from an adjacent property line, a maintenance easement agreement must be obtained prior to conversion to allow for ongoing access and maintenance of the structure.
    - ~~2.b.~~ For a 2-story building: Setbacks and height of the building must conform to Section 2.403.02F (1/19)
    - ~~3.c.~~ Conversion of an existing legal non-conforming accessory structure to a detached ADU is allowed, provided the conversion does not increase the non-conformity. (1/19)



## **2.432 COTTAGE CLUSTER DEVELOPMENT**

### **2.432.01 Purpose and Design Principles**

This Section establishes standards for cottage cluster developments that are intended as an alternative development type that provides usable common open space in low- and medium-density residential areas; promotes interaction and safety through design; ensures compatibility with surrounding neighborhoods; and provide opportunities for creative infill development. 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: (6/22)

- 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. 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. Community Building. Permitted on common area lots in all zones where cottage development is permitted. Not for commercial use (Section 2.432.04.CB). (6/14)
- C. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.DC). (6/14)
- D. 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. Cottage cluster developments may be on a single lot under single ownership, or cottage units may be on individual lots that are individually owned. Cottage clusters are 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. (6/22)



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). 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. (6/22)
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. (6/22)
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. (6/22)
6. Maximum Height. Twenty-five (25) feet. (6/14)
7. Minimum Setbacks. See the setback standards for underlying residential zone. 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. (6/22)
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 3 cottages and no more than 8 cottages per common open space. (6/22)
2. Cottages shall be arranged around a common open space, and 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 must either ~~must~~ have their primary entrance face the street, or a sidewalk or pedestrian path that is directly connected to the common open space. (6/22)
3. 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. (6/22)

4. Cottage cluster developments shall be limited to one cluster with one common space. (6/22)
- D. Common space. (6/22)
1. Common space is a defining characteristic of a cottage housing development. A minimum of 150 square feet of common open space per unit shall be provided. (6/22)
  2. The common space shall include a sidewalk or walk connecting to each cottage front entrance facing the common area. (6/14)
  3. The common space must be a minimum of 15 feet wide at its narrowest dimension. (6/22)
- 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. (6/22)
  3. Access. Access to individual dwelling units will be provided meeting city and fire district standards. (6/14)
  4. Parking. A minimum of one off street parking spaces per unit shall be provided. (6/22)
  5. Parking and/or garage structures shall not be located: (6/22)
    - a. Within 20 feet from any street property line, except alley property lines. (6/22)
    - 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. (6/22)
  6. Shared parking structures and shared parking lots shall be screened from public streets by landscaping or architectural screening that is at least three feet tall. (6/22)
  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. (6/22)
  9. Individual off-street parking spaces may be allowed for each cottage. (6/22)

- F. Screening and Landscaping. 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. Cottage developments shall retain existing significant trees (at least twelve inches in diameter) that do not pose a safety hazard, as determined by a certified arborist. Significant trees that are removed must be replaced elsewhere on the site, per Section 2.309. (6/22)
  2. Common open spaces shall include pathways for 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. (6/22)
- G. Fences. 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)
- H. Addressing. All units within the cottage cluster development shall be addressed consistent with city standards. (6/14)

#### **2.432.04 Building Requirements**

- A. Cottages and Cottage Cluster Design. (6/22)
1. Building footprint. Cottages shall have a maximum building footprint of 900 square feet. Up to 200 feet of an attached garage may be excluded from this maximum. (6/22)
  2. Cottage Cluster Development Design. Cottage cluster developments are subject to the design requirements established in Section 2.314. (6/22)
  3. Height. Cottages shall comply with the height limitation of 25 feet ~~or two stories, whichever is greater~~. (6/22)
- B. 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 subject to the same design and height standards as the cottages. (6/22)
  3. Commercial uses are prohibited in the community building. (6/14)
- C. 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 cottages in the development. (6/22)
- D. 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)
- E. Renovation and Expansion. Renovations shall follow the same size and design standards that are required of the new development. (6/22)
- F. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling [or detached accessory dwelling unit](#) 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: (6/22)
1. The existing dwelling [or detached accessory dwelling unit](#) may be nonconforming with respect to the requirement of this code. (6/22)
  2. The existing dwelling [or detached accessory dwelling unit](#) 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) [only if all other provisions including setback requirements are met](#). (6/22)
  3. ~~The existing dwelling [or detached accessory dwelling unit](#) shall be excluded from the calculation of~~ [is not required to orient](#) ~~orientation~~ toward the common area. (6/22)

## **3.105 VARIANCES - MINOR AND MAJOR**

### **3.105.01 Purpose**

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, maximum building heights and other development standards that apply to various uses. For lands or uses with unique characteristics the intent and purpose of the development standards may be maintained while allowing for a variance to quantifiable requirements only. (2/01)

A minor variance may be approved for those requests resulting in no more than a 20% change in a quantifiable standard. Otherwise, any change to a quantifiable standard greater than 20% will require a major variance. (2/01)

### **3.105.02 Application and Fee**

An application for a variance 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. (5/98)

### **3.105.03 Applicability**

Under the following provisions, a property owner or his designate may propose a modification or variance from a standard or requirement of this Ordinance, except when one or more of the following apply: (5/98)

- A. The proposed variance would allow a use that is not permitted in the district; (5/98)
- B. Another procedure and/or criteria is specified in the Ordinance for modifying or waiving the particular requirement or standard; (5/98)
- C. Modification of the requirement or standard is prohibited within the district; or
- D. An exception from the requirement or standard is not allowed in the district. (5/98)

### **3.105.04 Criteria - Minor Variance**

Staff may grant a minor variance from a requirement or standard of this Ordinance in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (5/98)

- A.
  - 1. The intent and purpose behind the specific provision sought to be varied is either clearly inapplicable under the circumstances of the particularly proposed development; or, (7/03)
  - 2. The variance requested is consistent with the intent and purpose of the provision being varied; or (7/03)

3. The applicant in good faith is unable to comply with the standard without undue burden which is grossly disproportionate to the burden born by others affected by the specific provisions of the code sought to be varied; (7/03)
- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and (7/03)
- C. The minor variance does not expand or reduce a quantifiable standard by more than 20 percent and is the minimum necessary to achieve the purpose of the minor variance; and (5/98)
- D. There has not been a previous land use action approved on the basis that a minor variance would not be allowed. (5/98)

### **3.105.05 Criteria - Major Variance**

Staff may grant a major variance from a requirement or standard of this Ordinance in accordance with the Type I-D review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (7/03)

- A. The degree of variance from the standard is the minimum necessary to permit development of the property for uses allowed in the applicable zone; and (5/98)
- B. The applicant in good faith is unable to comply with the standard without undue burden. The applicant must demonstrate that the burden is substantially greater than the potential adverse impacts caused by the proposed variance; and (7/03)
- C. The variance will not be unreasonably detrimental to property or improvements in the neighborhood of the subject property; and (5/98)
- D. There has not been a previous land use action approved on the basis that variances would not be allowed; and (5/98)
- E. The variance will not significantly affect the health or safety of persons working or residing in the vicinity; and (7/03)
- F. The variance will be consistent with the intent and purpose of the provision being varied. (7/03)

### **3.105.06 Variance Conditions**

Upon review of those criteria the findings may be considered to impose specific conditions of approval. The effective date or duration of a variance may be limited. (2/01)

### **3.105.07 Transfer of a Variance**

Unless otherwise provided in the final decision granting this variance, any variance granted pursuant to this chapter shall run with the land, and shall automatically transfer to any new owner or occupant subject to all conditions of approval. (5/98)

### **3.105.08 Other Variance Actions**

- A. Sign. Pursuant to Section 2.308.10 modification of the sign standards requires a variance. The sign variance contains specific decision criteria which is found in Section 2.308.10. A Variance request for signs is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)
- B. Floodplain. Pursuant to Section 2.122.~~40~~[03.D](#) modification to the floodplain standards requires a variance. The floodplain variance contains specific decision criteria which is found in Section 2.122.~~40~~[03.D.1](#). A Variance request is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)

## 3.202 GENERAL PROCEDURES –TYPES I, II, AND III ACTIONS

### 3.202.01 Procedure for Type I-A Review

*(Type 1-A: Temporary Use Permit, Signs excluding variances or conditional uses)*  
(3/10)

Applications subject to a Type I-A administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-A land use action, the City staff shall review the application for completeness. (5/98)
  - 1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of processing the application and all related timing provisions either:  
(5/98)
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
  - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (5/98)
- D. Conditions. Approvals of a Type I-A action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
  - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following:  
(2/01)
    - a. Ensure that the standards of the development code are met; or,  
(2/01)
    - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)



2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- F. Appeals. A Type I-A land use decision may be appealed by the applicant to the Hearings Officer, except that Site plan reviews shall be appealed to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (10/18)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

### **3.202.02 Procedure for Type I-B and I-D Review**

*(Type I-B: Minor Variance, Property Line Adjustment, Conditional Use, Partition, Greenway Development Permit, Floodplain Development Permit, including Floodplain Development Permit Variances) (Type I-D Major Variance) (6/16)*

Applications subject to administrative review shall be reviewed and decided by the Zoning Administrator. (5/98)

- A. Initial Review. Upon receipt of an application for a Type I-B or I-D land use action, the City staff shall review the application for completeness. (7/03)
  1. Incomplete applications shall not be reviewed until the applicant has submitted all required information. (5/98)
  2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
  1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (5/98)
  2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (5/98)
- C. Agency Referrals. Referrals may be sent to interested agencies such as City departments, police and fire departments, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies at the Director's option. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)

- D. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; The Administrator shall have the option of referring a type I-B application to the Hearings Officer or City Council for the initial decision. The Administrator shall have the option of referring a type I-D application to the Planning Commission or City Council for the initial decision. (7/03)

Notice of Application. Notice of Partition application shall be mailed to owners of property within 250 feet of the site and will invite the submittal of written comments on the proposal to the City within 10 days.

- E. Conditions. Approvals of a Type I-B and I-D action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (7/03)

1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)

- a. Ensure that the standards of the development code are met; or, (2/01)
- b. Fulfillment of the need for public service demands created by the proposed use. (5/98)

2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)

3. Performance bonding to comply with applicable conditions of approval shall comply with the provisions in Section 3.202.05B. (2/01)

- F. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)

- G. Appeals. A Type I-B land use decision may be appealed to the Hearings Officer, by either the applicant or persons receiving notice of the decision. A Type I-D land use decision may be appealed to the Planning Commission, by either the applicant or persons receiving notice of the decision. (7/03)

The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. (5/98)

- H. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (5/98)

### **3.202.03 Procedure for Type I-C Review**

- A. Initial Review. Upon receipt of an application for a Type I-C land use action, the City staff shall review the application for completeness. (2/01)
  - 1. Incomplete applications shall not be scheduled for Type I-C review until all required information has been submitted by the applicant. (2/01)
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (2/01)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: processing the application and all related timing provisions either: (2/01)
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information; (2/01)
  - 2. On the 31st day after the original submittal the application shall be deemed complete for review purposes. (2/01)
- C. Staff Review. Within thirty (30) days of receipt of a complete application or such longer period mutually agreed to by both staff and the applicant, staff shall review the application and shall make a decision based on an evaluation of the proposal and on applicable criteria as set forth in this Ordinance; (2/01)
- D. Conditions. Approvals of a Type I-C action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (2/01)
  - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (2/01)
    - a. Ensure that the standards of the development code are met; or, (2/01)
    - b. Fulfillment of the need for public service demands created by the proposed use. (2/01)
  - 2. Changes of alterations of conditions shall be processed as a new administrative action. (2/01)
- E. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (2/01)

- F. Appeals. A Type I-C land use decision may be appealed by the applicant to the Planning Commission. The appeal shall be filed within 10 days from the date of mailing of the decision, pursuant to the provisions of Section 3.205. (2/01)
- G. Final Decision. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05 (2/01)

### **3.202.04 Procedures for Type II and Type III Actions** (6/22)

*(Type II Subdivision, Planned Unit Development and Manufactured Home Parks)* (4/10)  
*(Type II-B Transit Station – City Council decision)* (6/11)  
*(Type II-B Designation or Removal of a Historic Resource – City Council Decision)* (9/18)  
*(Type II-B Development Standards Alternative – Planning Commission decision)* (12/18)  
*(Type II-B Development Standards Alternative within Keizer Station – City Council Decision)* (12/18)  
*(Type II-C Conditional Use for Nursing and Residential Care Facilities - Planning Commission decision)* (9/18)  
*(Type II-C Permit for demolition, modification, or moving of a Historic Resource – Planning Commission Decision)* (9/18)  
*(Type III Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships, Keizer Station Master Plan which may include Subdivision and Partitioning, Keizer Station Master Plan Amendments, and Lockhaven Center Master Plan)* (12/19)

- A. Initial Review. Upon receipt of an application for Type II or Type III land use action, the City staff shall review the application for completeness. (5/98)
  - 1. Incomplete applications shall not be scheduled for Type II or Type III review until all required information has been submitted by the applicant. (5/98)
  - 2. If incomplete, the applicant shall be notified and provided additional time of up to 30 days to submit supplemental information as necessary. (5/98)
- B. Complete Application. The application shall be deemed complete for the purposes of scheduling the hearing and all related timing provisions either: (5/98)
  - 1. Upon receipt of the additional information; or, if the applicant refuses to submit the information;
  - 2. On the 31st day after the original submittal the application shall be deemed complete for scheduling purposes only. (5/98)
- C. Agency Referrals. Referrals will be sent to interested agencies such as City departments, police and fire districts, school district, utility companies, regional and local transit service providers and applicable city, county, and state agencies. Affected jurisdictions and agencies could include the Department of

Environmental Quality, The Oregon Department of Transportation, Salem-Keizer Transit District, and the City of Salem. Notice of projects affecting state transportation facilities will be sent to ODOT. Referrals will be sent to affected neighborhood associations. (6/14)

- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)
- F. Notice of Application. Notice of ~~a subdivision~~the application shall be mailed to owners of property within 250 feet of the site and neighborhood association representatives. The notice to owners and neighborhood association members will invite the submittal of written comments on the proposal to the City within 10 days. (1/02)
- G. Hearings Procedures. The public hearing shall comply with the provisions in Section 3.205 or Section 3.206. (6/11)
- H. Conditions. Approvals of any Type II or Type III action may be granted subject to conditions. The following limitations shall be applicable to conditional approvals: (5/98)
  - 1. Conditions shall be designed to protect public health, safety and general welfare from potential adverse impacts caused by a proposed land use described in an application. Conditions shall be related to the following: (5/98)
    - a. Protection of the public from the potentially deleterious effects of the proposed use; or, (5/98)
    - b. Fulfillment of the need for public service demands created by the proposed use. (5/98)
  - 2. Changes of alterations of conditions shall be processed as a new administrative action. (5/98)
  - 3. Performance bonding for applicable conditions shall comply with the provisions in Section 3.202.05B. (2/01)
- I. Notice. The applicant shall be notified, in writing, of the decision or recommendation. In addition, notice of the decision shall be mailed to

individuals who request such notice at the public hearing, or, by those individuals who submitted a written request for notice prior to the public hearing. (6/11)

- J. Appeals. With the exception of a Transit Station, Designation or Removal of a Historic Resource, and Keizer Station Development Alternative, which are final decisions by the City Council, a Type II land use decision may be appealed to the City Council by either the applicant, persons receiving notice of the decision or the Administrator. The appeal shall be filed within 10 days from the date of the mailing of the decision, pursuant to the provisions of Section 3.205. Type III land use applications are automatically reviewed by the City Council. (12/18)
- K. Time Limit. The final land use decision, including all appeals, shall be completed within 120 days as per the requirements in Section 3.202.05. (2/01)

### **3.202.05 Special Procedural Requirements**

#### **A. Statutory Time Limits (6/22)**

If for any reason it appears that final action may not be completed within the time limit required by state statute, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (6/22)

1. The City staff shall notify the City Council of the timing conflict. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the time limit required by state statute. (6/22)
2. Public notice shall be mailed to affected parties as specified in Section 3.204.02. (5/98)
3. The City Council shall hold in a public hearing on the specified date and render a decision approving or denying the request within the time limit required by state statute. Such action shall be the final action by the City on the application. (6/22)

#### **B. Performance and Maintenance Bonding (2/01)**

Conditions of approval required by the City shall be completed prior to the issuance of any building permit within a residential subdivision or partitioning, or an occupancy permit for any other use. When an applicant provides information, which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions. (2/01)

1. Types of Guarantees - Performance guarantees may be in the form of performance bond payable to the City of Keizer, cash, certified check, time certificate of deposit, or other form acceptable to the City. The City

Attorney must approve the form and appropriate documents filed with the City Recorder. Agreements may be recorded to restrict building permits. (2/01)

2. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance. (5/98)
3. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. The Administrator may extend this time limit for up to one additional year. (2/01)
4. Maintenance Bonds for public improvements of 40% of the total cost of improvements is required for one-year warranty. (2/01)