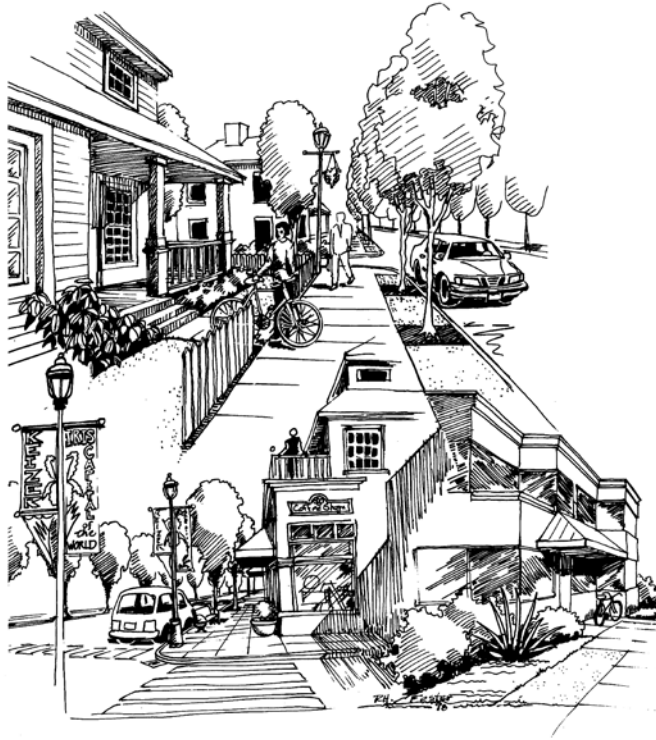


# The Keizer Development Code



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Ordinances Amending Keizer Development Code (Ordinance 98-389) and Date Adopted

ORDINANCE .....	DATE	ORDINANCE .....	DATE
2023-861 .....	07-05-2023	2012-654 .....	03-19-2012
2022-853 .....	12-19-2022	2011-649 .....	12-05-2011
2022-845 .....	06-21-2022	2011-640 .....	08-15-2011
2021-840 .....	11-17-2021	2011-639 .....	06-20-2011
2021-832 .....	03-31-2021	2010-622 .....	12-06-2010
2021-829 .....	03-19-2021	2010-620 .....	11-15-2010
2020-825 .....	12-02-2020	2010-615 .....	09-07-2010
2020-820 .....	09-02-2020	2010-609 .....	06-07-2010
2020-814 .....	05-20-2020	2010-608 .....	06-07-2010
2019-811 .....	01-15-2020	2010-607 .....	06-07-2010
2019-810 .....	12-18-2019	2010-603 .....	04-19-2010
2019-806 .....	09-18-2019	2010-602 .....	04-19-2010
2019-805 .....	09-18-2019	2010-600 .....	03-15-2010
2019-803 .....	05-20-2019	2010-599 .....	03-01-2010
2019-799 .....	01-22-2019	2009-593 .....	11-16-2009
2018-797 .....	12-17-2018	2009-589 .....	06-01-2009
2018-796 .....	10-03-2018	2009-586 .....	04-06-2009
2018-794 .....	09-19-2018	2009-583 .....	01-20-2009
2018-793 .....	08-06-2018	2008-581 .....	10-06-2008
2017-781 .....	10-02-2017	2008-571 .....	04-21-2008
2017-780 .....	09-05-2017	2007-562 .....	07-02-2007
2017-779 .....	08-21-2017	2007-560 .....	06-04-2007
2017-772 .....	07-18-2017	2007-552 .....	01-22-2007
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2016-761 .....	11-17-2016	2006-542 .....	07-10-2006
2016-759 .....	09-14-2016	2005-533 .....	11-21-2005
2016-755 .....	06-15-2016	2004-510 .....	07-19-2004
2016-754 .....	06-15-2016	2004-498 .....	05-03-2004
2016-753 .....	06-01-2016	2004-496 .....	02-17-2004
2016-748 .....	03-21-2016	2003-495 .....	12-15-2003
2016-744 .....	01-19-2016	2003-489 .....	07-07-2003
2015-742 .....	01-01-2016	2003-479 .....	02-03-2003
2015-740 .....	11-16-2015	2002-472 .....	10-21-2002
2015-739 .....	11-16-2015	2001-466 .....	12-03-2001
2015-737 .....	09-21-2015	2001-457 .....	06-18-2001
2015-736 .....	09-08-2015	2001-451 .....	05-07-2001
2015-721 .....	06-01-2015	2001-446 .....	02-20-2001
2015-719 .....	05-18-2015	2000-423 .....	05-15-2000
2014-705 .....	10-06-2014	2000-418 .....	02-22-2000
2014-703 .....	10-15-2014	2000-416 .....	02-22-2000
2014-691 .....	06-16-2014	99-407 .....	06-21-1999
2014-690 .....	06-02-2014	98-400 .....	12-07-1998
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2012-655 .....	04-02-2012		

In the Matter of the Interpretation of the Term "Energy Facility" in the Keizer Development Code and Associated Interpretations .....10-05-2009

# TABLE OF CONTENT

<b><u>1.101</u></b>	<b><u>TITLE .....</u></b>	<b><u>21</u></b>
<b><u>1.102</u></b>	<b><u>PURPOSE AND SCOPE.....</u></b>	<b><u>21</u></b>
<b>1.102.01</b>	<b>PURPOSE.....</b>	<b>21</b>
<b>1.102.02</b>	<b>CONFORMANCE REQUIRED.....</b>	<b>21</b>
<b>1.102.03</b>	<b>ADMINISTRATION .....</b>	<b>21</b>
<b>1.102.04</b>	<b>INTERPRETATION .....</b>	<b>21</b>
<b>1.102.05</b>	<b>EFFECT ON OTHER PUBLIC AND PRIVATE REGULATIONS AND RESTRICTIONS.....</b>	<b>22</b>
<b>1.102.06</b>	<b>VIOLATIONS .....</b>	<b>22</b>
<b>1.102.07</b>	<b>SAVINGS CLAUSE .....</b>	<b>22</b>
<b>1.102.08</b>	<b>CONFLICTING ORDINANCES .....</b>	<b>22</b>
<b><u>1.103</u></b>	<b><u>ESTABLISHMENT OF ZONING DISTRICTS.....</u></b>	<b><u>23</u></b>
<b>1.103.01</b>	<b>DISTRICTS .....</b>	<b>23</b>
<b>1.103.02</b>	<b>COMPREHENSIVE PLAN DESIGNATION AND ZONING DISTRICTS.....</b>	<b>23</b>
<b>1.103.03</b>	<b>BOUNDARIES .....</b>	<b>24</b>
<b><u>1.200</u></b>	<b><u>DEFINITIONS .....</u></b>	<b><u>25</u></b>
<b>1.200.01</b>	<b>GENERAL PROVISIONS .....</b>	<b>25</b>
<b>1.200.02</b>	<b>GRAMMATICAL INTERPRETATION.....</b>	<b>25</b>
<b>1.200.03</b>	<b>DIAGRAMS.....</b>	<b>25</b>
<b>1.200.04</b>	<b>DEFINITIONS. ....</b>	<b>25</b>
<b><u>2.101</u></b>	<b><u>GENERAL PROVISIONS.....</u></b>	<b><u>61</u></b>
<b>2.101.01</b>	<b>INTERPRETATION OF USES.....</b>	<b>61</b>
<b><u>2.102</u></b>	<b><u>SINGLE FAMILY RESIDENTIAL (RS) .....</u></b>	<b><u>63</u></b>
<b>2.102.01</b>	<b>PURPOSE.....</b>	<b>63</b>
<b>2.102.02</b>	<b>PERMITTED USES.....</b>	<b>63</b>
<b>2.102.03</b>	<b>SPECIAL PERMITTED USES .....</b>	<b>63</b>
<b>2.102.04</b>	<b>CONDITIONAL USES.....</b>	<b>64</b>
<b>2.102.05</b>	<b>DIMENSIONAL STANDARDS .....</b>	<b>65</b>
<b>2.102.06</b>	<b>DEVELOPMENT STANDARDS .....</b>	<b>67</b>

<b><u>2.103 LIMITED DENSITY RESIDENTIAL (RL)</u></b>	<b><u>69</u></b>
2.103.01 PURPOSE.....	69
2.103.02 PERMITTED USES.....	69
2.103.03 SPECIAL PERMITTED USES .....	69
2.103.04 CONDITIONAL USES.....	70
2.103.05 DIMENSIONAL STANDARDS .....	72
2.103.06 DEVELOPMENT STANDARDS .....	73
<b><u>2.104 MEDIUM DENSITY RESIDENTIAL (RM)</u></b>	<b><u>75</u></b>
2.104.01 PURPOSE.....	75
2.104.02 PERMITTED USES.....	75
2.104.03 SPECIAL PERMITTED USES .....	75
2.104.04 CONDITIONAL USES.....	76
2.104.05 DIMENSIONAL STANDARDS .....	78
2.104.06 DEVELOPMENT STANDARDS .....	79
<b><u>2.105 HIGH DENSITY RESIDENTIAL (RH)</u></b>	<b><u>81</u></b>
2.105.01 PURPOSE.....	81
2.105.02 PERMITTED USES.....	81
2.105.03 SPECIAL PERMITTED USES .....	81
2.105.04 CONDITIONAL USES.....	82
2.105.05 DIMENSIONAL STANDARDS .....	83
2.105.06 DEVELOPMENT STANDARDS .....	84
<b><u>2.106 RESIDENTIAL COMMERCIAL (RC)</u></b>	<b><u>87</u></b>
2.106.01 PURPOSE.....	87
2.106.02 PERMITTED USES.....	87
2.106.03 SPECIAL PERMITTED USES .....	88
2.106.04 DIMENSIONAL STANDARDS .....	88
2.106.05 DEVELOPMENT STANDARDS .....	89
2.106.06 RC ZONE LOCATION REQUIREMENTS.....	90
<b><u>2.107 MIXED USE (MU)</u></b>	<b><u>91</u></b>
2.107.01 PURPOSE.....	91
2.107.02 PERMITTED USES.....	91
2.107.03 SPECIAL PERMITTED USES .....	93
2.107.04 CONDITIONAL USES.....	94
2.107.05 USE RESTRICTIONS.....	94
2.107.06 DIMENSIONAL STANDARDS .....	99
2.107.07 DEVELOPMENT STANDARDS .....	101
<b><u>2.108 COMMERCIAL OFFICE (CO)</u></b>	<b><u>103</u></b>

2.108.01	PURPOSE.....	103
2.108.02	PERMITTED USES.....	103
2.108.03	SPECIAL PERMITTED USES .....	105
2.108.04	CONDITIONAL USES.....	105
2.108.05	DIMENSIONAL STANDARDS .....	106
2.108.06	DEVELOPMENT STANDARDS .....	107
2.108.07	DESIGN STANDARDS .....	109
<b><u>2.109</u></b>	<b><u>COMMERCIAL RETAIL (CR).....</u></b>	<b><u>111</u></b>
2.109.01	PURPOSE.....	111
2.109.02	PERMITTED USES.....	111
2.109.03	SPECIAL PERMITTED USES (10/14).....	113
2.109.04	CONDITIONAL USES.....	114
2.109.05	PROHIBITED USES.....	115
2.109.06	USE RESTRICTIONS.....	116
2.109.07	DIMENSIONAL STANDARDS .....	116
2.109.08	DEVELOPMENT STANDARDS .....	117
2.109.09	DESIGN STANDARDS .....	118
<b><u>2.110</u></b>	<b><u>COMMERCIAL MIXED USE (CM).....</u></b>	<b><u>119</u></b>
2.110.01	PURPOSE.....	119
2.110.02	PERMITTED USES.....	119
2.110.03	SPECIAL PERMITTED USES .....	121
2.110.04	CONDITIONAL USES.....	122
2.110.05	USE RESTRICTIONS.....	123
2.110.06	DIMENSIONAL STANDARDS .....	124
2.110.07	DEVELOPMENT STANDARDS .....	125
2.110.08	DESIGN STANDARDS .....	127
<b><u>2.112</u></b>	<b><u>COMMERCIAL GENERAL (CG).....</u></b>	<b><u>129</u></b>
2.112.01	PURPOSE.....	129
2.112.02	PERMITTED USES.....	129
2.112.03	SPECIAL PERMITTED USES .....	130
2.112.04	CONDITIONAL USES.....	131
2.112.05	DIMENSIONAL STANDARDS .....	131
2.112.06	DEVELOPMENT STANDARDS .....	133
<b><u>2.113</u></b>	<b><u>INDUSTRIAL BUSINESS PARK (IBP).....</u></b>	<b><u>135</u></b>
2.113.01	PURPOSE AND USES .....	135
2.113.02	PERMITTED USES.....	135
2.113.03	CONDITIONAL USE .....	141
2.113.04	PROHIBITED USES.....	141
2.113.05	INDUSTRIAL PERFORMANCE STANDARDS.....	141
2.113.06	DEVELOPMENT STANDARDS .....	141

<b><u>2.114</u></b>	<b><u>GENERAL INDUSTRIAL (IG)</u></b>	<b><u>147</u></b>
2.114.01	PURPOSE.....	147
2.114.02	PERMITTED USES.....	147
2.114.03	SPECIAL PERMITTED USES .....	148
2.114.04	CONDITIONAL USES.....	149
2.114.05	PROHIBITED USES.....	149
2.114.06	DIMENSIONAL STANDARDS .....	150
2.114.07	DEVELOPMENT STANDARDS .....	151
<b><u>2.115</u></b>	<b><u>AGRICULTURAL INDUSTRIAL (AI)</u></b>	<b><u>153</u></b>
2.115.01	PURPOSE.....	153
2.115.02	PERMITTED USES.....	153
2.115.03	SPECIAL PERMITTED USES .....	153
2.115.04	CONDITIONAL USES.....	154
2.115.06	DIMENSIONAL STANDARDS .....	158
2.115.07	DEVELOPMENT STANDARDS .....	158
<b><u>2.116</u></b>	<b><u>PUBLIC (P)</u></b>	<b><u>161</u></b>
2.116.01	PURPOSE.....	161
2.116.02	PERMITTED USES.....	161
2.116.03	SPECIAL PERMITTED USES .....	161
2.116.04	CONDITIONAL USES.....	162
2.116.05	DIMENSIONAL STANDARDS .....	163
2.116.06	DEVELOPMENT STANDARDS .....	164
<b><u>2.117</u></b>	<b><u>EXCLUSIVE FARM USE (EFU)</u></b>	<b><u>165</u></b>
2.117.01	PURPOSE.....	165
2.117.02	PERMITTED USES.....	165
2.117.03	CONDITIONAL USES.....	165
2.117.04	DEVELOPMENT STANDARDS .....	166
2.117.05	REQUIREMENTS FOR ON-SITE SEWAGE DISPOSAL PERMITS .....	168
<b><u>2.118</u></b>	<b><u>URBAN TRANSITION (UT)</u></b>	<b><u>169</u></b>
2.118.01	PURPOSE.....	169
2.118.02	PERMITTED USES.....	169
2.118.03	CONDITIONAL USES.....	170
2.118.04	CONDITIONAL USE CRITERIA .....	171
2.118.05	DEVELOPMENT STANDARDS .....	171
2.118.06	HEIGHT.....	172
2.118.07	DIMENSIONAL STANDARDS .....	172
2.118.08	OTHER DEVELOPMENT STANDARDS .....	172
2.118.09	DIVISIONS OF LAND AND AUTOMATIC REZONING .....	173
2.118.10	REQUIREMENTS FOR ON-SITE SEWAGE DISPOSAL PERMITS.....	174

<b><u>2.119</u></b>	<b><u>GENERAL EMPLOYMENT (EG).....</u></b>	<b><u>175</u></b>
2.119.01	PURPOSE.....	175
2.119.02	COMMERCIAL AND INDUSTRIAL USE LIMITATIONS .....	175
2.119.03	PERMITTED INDUSTRIAL USES .....	176
2.119.04	SPECIAL PERMITTED INDUSTRIAL USES .....	180
2.119.05	CONDITIONAL USES (INDUSTRIAL USES) .....	181
2.119.06	PERMITTED COMMERCIAL USES.....	181
2.119.07	SPECIAL PERMITTED COMMERCIAL USES .....	183
2.119.08	CONDITIONAL USES (COMMERCIAL USES) .....	183
2.119.09	USE RESTRICTIONS.....	184
2.119.10	DEVELOPMENT STANDARDS .....	184
2.119.11	DIMENSIONAL STANDARDS .....	185
2.119.12	DEVELOPMENT STANDARDS .....	187
<b><u>2.120</u></b>	<b><u>SPECIAL AGRICULTURE (SA).....</u></b>	<b><u>191</u></b>
2.120.01	PURPOSE.....	191
2.120.02	PERMITTED USES.....	191
2.120.03	DWELLING PERMITTED SUBJECT TO STANDARDS .....	193
2.120.04	USES PERMITTED SUBJECT TO STANDARDS .....	199
2.120.05	CONDITIONAL USES.....	204
2.120.06	CONDITIONAL USE REVIEW CRITERIA .....	204
2.120.07	NON-FARM DWELLING REQUIREMENTS. ....	206
2.120.08	EXISTING DWELLINGS AND OTHER.....	207
2.120.09	MINIMUM PARCEL SIZE, DIVISIONS OF LAND, AND PROPERTY LINE ADJUSTMENTS.	207
2.120.10	DEVELOPMENT REQUIREMENTS .....	210
2.120.12	PERMIT EXPIRATION DATES.....	211
2.120.13	CONSIDERATION OF SOIL CLASSIFICATION CHANGES FOR NON-FARM .....	211
2.120.14	DEFINITION OF TERMS USED IN THIS CHAPTER.....	211
<b><u>2.122</u></b>	<b><u>FLOOD PLAIN OVERLAY ZONE (FPO).....</u></b>	<b><u>213</u></b>
2.122.01	STATUTORY AUTHORITY, FINDINGS OF FACT, PURPOSE, AND METHODS .....	213
2.122.02	GENERAL PROVISIONS.....	214
2.122.03	ADMINISTRATION .....	216
2.122.04	PROVISIONS FOR FLOOD HAZARD REDUCTION.....	222
<b><u>2.123</u></b>	<b><u>GREENWAY MANAGEMENT OVERLAY ZONE (GMO).....</u></b>	<b><u>235</u></b>
2.123.01	PURPOSE.....	235
2.123.02	APPLICATION .....	235
2.123.03	DEFINITIONS .....	235
2.123.04	REVIEW OF USES .....	236
2.123.05	PROCESS.....	237
2.123.06	REVIEW STANDARDS AND CRITERIA.....	238
2.123.07	NOTICE OF DECISION .....	240

<b><u>2.124</u></b>	<b><u>LIMITED USE OVERLAY ZONE (LUO)</u></b>	<b><u>241</u></b>
2.124.01	PURPOSE.....	241
2.124.02	OVERLAY ZONE REQUIREMENTS.....	241
2.124.03	PROCEDURES AND CRITERIA.....	241
2.124.04	OFFICIAL ZONING MAP .....	242
2.124.05	SITE PLAN REQUIREMENT .....	242
<b><u>2.125</u></b>	<b><u>ACTIVITY CENTER OVERLAY ZONE (ACO)</u></b>	<b><u>243</u></b>
2.125.01	PURPOSE.....	243
2.125.02	APPLICATION .....	243
2.125.03	USES.....	243
2.125.04	GENERAL DEVELOPMENT STANDARDS.....	243
2.125.05	KEIZER STATION PLAN DEVELOPMENT STANDARDS – IBP ZONE .....	244
2.125.06	KEIZER STATION PLAN PROHIBITED USES – IBP AND EG ZONES .....	244
2.125.07	CONDITIONS OF APPROVAL .....	245
<b><u>2.126</u></b>	<b><u>RESOURCE CONSERVATION OVERLAY ZONE (RCO)</u></b>	<b><u>247</u></b>
2.126.01	PURPOSE.....	247
2.126.02	LOCATION .....	247
2.126.03	DEVELOPMENT STANDARDS .....	247
2.126.04	VEGETATION PRESERVATION REQUIREMENTS .....	247
2.126.05	DEVELOPMENT RIGHTS TRANSFER .....	247
2.126.06	APPLICATION REQUIREMENTS.....	248
<b><u>2.127</u></b>	<b><u>HISTORIC RESOURCES</u></b>	<b><u>249</u></b>
2.127.01	PURPOSE.....	249
2.127.02	CONFORMANCE REQUIRED.....	249
2.127.03	DEFINITIONS .....	249
2.127.04	RESOURCE DESIGNATION .....	250
2.127.05	DEMOLITION AND MOVING .....	252
2.127.06	EXTERIOR ALTERATION AND NEW CONSTRUCTION .....	255
<b><u>2.128</u></b>	<b><u>ODOR/NOISE IMPACT OVERLAY ZONE (OIO)</u></b>	<b><u>257</u></b>
2.128.01	PURPOSE.....	257
2.128.02	DEVELOPMENT STANDARDS .....	257
<b><u>2.129</u></b>	<b><u>CHEMAWA INTERCHANGE OVERLAY ZONE (CIO)</u></b>	<b><u>259</u></b>
2.129.01	PURPOSE.....	259
2.129.02	BOUNDARY OF THE CIO.....	259
2.129.03	APPLICABILITY .....	259
2.129.04	PERMITTED LAND USES .....	259
2.129.05	ACCESS MANAGEMENT .....	259



2.129.06	ADMINISTRATION .....	260
2.129.07	COMPREHENSIVE PLAN AND ZONING MAP AND TEXT AMENDMENTS .....	261
2.129.08	INTERCHANGE AREA MANAGEMENT PLAN UPDATE .....	263
<b><u>2.130</u></b>	<b><u>RIVER-CHERRY OVERLAY DISTRICT (RCOD) .....</u></b>	<b><u>265</u></b>
2.130.01	PURPOSE.....	265
2.130.02	BOUNDARIES OF THE RIVER-CHERRY OVERLAY DISTRICT.....	265
2.130.03	APPLICABILITY .....	265
2.130.04	USES .....	267
2.130.05	DIMENSIONAL AND DEVELOPMENT STANDARDS .....	270
2.130.06	LANDSCAPING STANDARDS .....	275
2.130.07	ACCESS STANDARDS .....	276
2.130.08	MASTER PLANS IN LOCKHAVEN CENTER .....	278
2.130.09	DIMENSIONAL AND DEVELOPMENT STANDARDS IN CENTERS .....	278
2.130.10	URBAN DESIGN STANDARDS IN CENTERS .....	283
<b><u>2.201</u></b>	<b><u>GENERAL STANDARDS .....</u></b>	<b><u>295</u></b>
2.201.01	MINIMUM REQUIREMENTS .....	295
2.201.02	BUILDING PERMITS .....	295
2.201.03	LOTS OF RECORD .....	295
2.201.04	ACCESS TO A PUBLIC STREET.....	296
2.201.05	SOLAR DEVICES .....	296
2.201.06	UNSAFE BUILDING .....	296
2.201.07	STRUCTURES TO BE ON A LOT .....	296
2.201.08	DIVISION OR ALTERATION OF LOTS .....	297
<b><u>2.202</u></b>	<b><u>GENERAL EXCEPTIONS.....</u></b>	<b><u>299</u></b>
2.202.01	GENERAL EXCEPTION TO BUILDING HEIGHT LIMITATIONS .....	299
2.202.02	HEIGHT EXCEPTIONS FOR PUBLIC BUILDINGS .....	299
2.202.03	ADDITIONS TO EXISTING STRUCTURES .....	299
2.202.04	PUBLIC DEDICATIONS .....	299
2.202.05	MISCELLANEOUS EXCEPTIONS TO SETBACK REQUIREMENTS .....	299
<b><u>2.203</u></b>	<b><u>PERMITTED USES GENERALLY .....</u></b>	<b><u>301</u></b>
2.203.01	PERMITTED USES.....	301
2.203.02	PERMITTED RESIDENTIAL ACCESSORY STRUCTURES AND USES .....	301
2.203.03	PERMITTED NON-RESIDENTIAL ACCESSORY STRUCTURES AND USES .....	303
2.203.04	PERMITTED TEMPORARY USES .....	303
<b><u>2.204</u></b>	<b><u>NONCONFORMING USES .....</u></b>	<b><u>305</u></b>
2.204.01	PURPOSE.....	305
2.204.02	EFFECT ON OTHER REGULATIONS.....	305

2.204.03	NONCONFORMING USES.....	305
2.204.04	NONCONFORMING DEVELOPMENT (IMPROVEMENTS AND STRUCTURES) .....	307
2.204.05	NONCONFORMING SPECIAL USES .....	308
<b><u>2.301</u></b>	<b><u>GENERAL PROVISIONS.....</u></b>	<b><u>309</u></b>
2.301.01	PURPOSE.....	309
2.301.02	APPLICATION OF STANDARDS.....	309
2.301.03	PUBLIC FACILITY IMPROVEMENT REQUIREMENTS.....	310
2.301.04	TRAFFIC IMPACT ANALYSIS (TIA).....	312
<b><u>2.302</u></b>	<b><u>STREET STANDARDS .....</u></b>	<b><u>315</u></b>
2.302.01	PURPOSE.....	315
2.302.02	SCOPE .....	315
2.302.03	GENERAL PROVISIONS .....	316
2.302.04	GENERAL RIGHT-OF-WAY AND IMPROVEMENT WIDTHS .....	322
2.302.05	MODIFICATION OF RIGHT-OF-WAY AND IMPROVEMENT WIDTH .....	323
2.302.06	CONSTRUCTION SPECIFICATIONS .....	323
2.302.07	IMPROVEMENT WIDTH FOR PRIVATE STREETS (IF ALLOWED IN SECTION 2.302.02F) ....	324
2.302.08	PRIVATE ACCESS EASEMENTS.....	324
<b><u>2.303</u></b>	<b><u>OFF-STREET PARKING AND LOADING .....</u></b>	<b><u>327</u></b>
2.303.01	PURPOSE.....	327
2.303.02	SCOPE .....	327
2.303.03	GENERAL PROVISIONS OFF-STREET PARKING AND LOADING .....	327
2.303.04	LOCATION AND USE PROVISIONS .....	328
2.303.05	JOINT USE .....	329
2.303.06	OFF-STREET AUTOMOBILE PARKING REQUIREMENTS.....	330
2.303.07	STANDARDS FOR DISABLED PERSON PARKING SPACES.....	332
2.303.08	BICYCLE PARKING .....	332
2.303.09	CARPOOL AND VANPOOL PARKING .....	333
2.303.10	OFF-STREET LOADING REQUIREMENTS.....	333
2.303.11	PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS .....	333
<b><u>2.305</u></b>	<b><u>TRANSIT FACILITIES.....</u></b>	<b><u>337</u></b>
2.305.01	LOCATION REQUIREMENTS .....	337
2.305.02	DESIGN REQUIREMENTS .....	338
<b><u>2.306</u></b>	<b><u>STORMWATER MANAGEMENT.....</u></b>	<b><u>339</u></b>
2.306.01	PURPOSE.....	339
2.306.02	SCOPE .....	339
2.306.03	GENERAL STORMWATER MANAGEMENT REQUIREMENTS.....	339
2.306.04	PRELIMINARY PLAN REQUIRED .....	340
2.306.05	EROSION PREVENTION AND SEDIMENT CONTROL.....	342

<b><u>2.307</u></b>	<b><u>UTILITY LINES AND FACILITIES .....</u></b>	<b><u>343</u></b>
2.307.01	PURPOSE.....	343
2.307.02	STANDARDS .....	343
<b><u>2.308</u></b>	<b><u>SIGNS .....</u></b>	<b><u>345</u></b>
2.308.01	PURPOSE.....	345
2.308.02	DEFINITIONS .....	345
2.308.03	REVIEW PROCEDURES.....	349
2.308.04	NONCONFORMING SIGNS .....	350
2.308.05	SIGNS GENERALLY PERMITTED .....	351
2.308.06	PROHIBITED SIGNS .....	352
2.308.07	NON-COMMERCIAL USES.....	354
2.308.08	COMMERCIAL AND INDUSTRIAL USES .....	355
2.308.09	CONDITIONAL USES.....	359
2.308.10	VARIANCES.....	360
2.308.11	EXEMPTIONS .....	361
<b><u>2.309</u></b>	<b><u>SITE AND LANDSCAPING DESIGN .....</u></b>	<b><u>363</u></b>
2.309.01	PURPOSE.....	363
2.309.02	SCOPE .....	363
2.309.03	MINIMUM AREA REQUIREMENTS.....	363
2.309.04	GENERAL PROVISIONS .....	363
2.309.05	SCREENING AND BUFFERING .....	365
2.309.06	PLANTING AND MAINTENANCE .....	367
<b><u>2.310</u></b>	<b><u>DEVELOPMENT STANDARDS FOR LAND DIVISIONS .....</u></b>	<b><u>369</u></b>
2.310.01	PURPOSE.....	369
2.310.02	SCOPE .....	369
2.310.03	STANDARDS FOR LOTS OR PARCELS, PROPERTY LINE ADJUSTMENT REQUIRED .....	369
2.310.04	ADDITIONAL DESIGN STANDARDS FOR SUBDIVISIONS .....	371
2.310.05	IMPROVEMENT REQUIREMENTS - PARTITIONS.....	372
2.310.06	IMPROVEMENT REQUIREMENTS - SUBDIVISIONS.....	373
2.310.07	IMPROVEMENT PROCEDURES .....	375
<b><u>2.311</u></b>	<b><u>PLANNED UNIT DEVELOPMENT DESIGN STANDARDS .....</u></b>	<b><u>377</u></b>
2.311.01	PURPOSE.....	377
2.311.02	APPLICABILITY .....	377
2.311.03	DEVELOPMENT STANDARDS .....	377
2.311.04	RESIDENTIAL DENSITY.....	378
2.311.05	COMMON OPEN SPACE.....	379
2.311.06	OWNERS ASSOCIATION .....	381
2.311.07	ALLOWABLE OPEN SPACE USES IN A PLANNED UNIT DEVELOPMENT.....	382
2.311.08	MODIFICATION OF AN APPROVED PUD.....	382

<b><u>2.312</u></b>	<b><u>YARD AND LOT STANDARDS.....</u></b>	<b><u>383</u></b>
2.312.01	LOT COVERAGE, GENERALLY.....	383
2.312.02	YARDS AND YARD AREA, GENERALLY .....	383
2.312.03	SEPARATION OF LOT OR YARD AREAS .....	383
2.312.04	SPECIAL STREET SETBACKS .....	384
2.312.05	NO PARKING IN FRONT YARD, YARDS ADJACENT TO A STREET .....	384
2.312.06	FRONT YARD PROJECTIONS .....	384
2.312.07	SIDE YARD PROJECTIONS .....	385
2.312.08	REAR YARD PROJECTIONS .....	385
2.312.09	VISION CLEARANCE .....	385
2.312.10	FENCES, WALLS AND HEDGES.....	387
<b><u>2.313</u></b>	<b><u>ACCESSORY STRUCTURES AND USES .....</u></b>	<b><u>389</u></b>
2.313.01	SINGLE FAMILY, DUPLEX, TRIPLEX AND QUADPLEX.....	389
2.313.02	MULTI-FAMILY, COMMERCIAL, INDUSTRIAL STRUCTURES.....	390
<b><u>2.314</u></b>	<b><u>STANDARDS FOR SINGLE FAMILY DWELLINGS, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, AND TOWNHOUSES.....</u></b>	<b><u>391</u></b>
<b><u>2.315</u></b>	<b><u>DEVELOPMENT STANDARDS.....</u></b>	<b><u>395</u></b>
2.315.01	PURPOSE.....	395
2.315.02	APPLICABILITY .....	395
2.315.03	EXEMPTIONS .....	395
2.315.04	ADMINISTRATION OF THE DEVELOPMENT STANDARDS .....	396
2.315.05	NON-CONFORMING BUILDINGS.....	396
2.315.06	DEVELOPMENT STANDARDS .....	397
2.315.07	DETERMINATION OF CONFORMANCE TO DEVELOPMENT STANDARDS AS PART OF BUILDING PERMIT REVIEW .....	403
2.315.08	CRITERIA FOR DEVELOPMENT STANDARD ALTERNATIVE APPROVAL .....	403
<b><u>2.401</u></b>	<b><u>GENERAL PROVISIONS.....</u></b>	<b><u>405</u></b>
<b><u>2.402</u></b>	<b><u>MANUFACTURED HOMES .....</u></b>	<b><u>407</u></b>
<b><u>2.403</u></b>	<b><u>ACCESSORY DWELLING UNIT.....</u></b>	<b><u>409</u></b>
2.403.01	ATTACHED ACCESSORY DWELLING UNIT.....	409
2.403.02	DETACHED ACCESSORY DWELLING UNIT.....	410
<b><u>2.405</u></b>	<b><u>MANUFACTURED HOME PARKS.....</u></b>	<b><u>413</u></b>

<b>2.405.01</b>	<b>GENERAL REQUIREMENTS.....</b>	<b>413</b>
<b>2.405.02</b>	<b>DEFINITIONS .....</b>	<b>413</b>
<b>2.405.03</b>	<b>DESIGN STANDARDS .....</b>	<b>413</b>
<b>2.405.04</b>	<b>PARK DEVELOPMENT REQUIREMENTS.....</b>	<b>415</b>
<b><u>2.406</u></b>	<b><u>MOBILE HOME AS A TEMPORARY SECOND DWELLING UNIT DURING CERTAIN HARDSHIP SITUATIONS .....</u></b>	<b><u>417</u></b>
<b><u>2.407</u></b>	<b><u>HOME OCCUPATIONS .....</u></b>	<b><u>419</u></b>
<b><u>2.408</u></b>	<b><u>BED AND BREAKFAST ESTABLISHMENT.....</u></b>	<b><u>421</u></b>
<b><u>2.409</u></b>	<b><u>RESIDENTIAL SALES OFFICE .....</u></b>	<b><u>423</u></b>
<b><u>2.410</u></b>	<b><u>PUBLIC GOLF COURSES AND MEMBERSHIP CLUBS.....</u></b>	<b><u>425</u></b>
<b><u>2.411</u></b>	<b><u>BOAT AND RECREATIONAL VEHICLE STORAGE AREA.....</u></b>	<b><u>427</u></b>
<b><u>2.412</u></b>	<b><u>RECREATIONAL VEHICLE SPACES AND PARKS.....</u></b>	<b><u>429</u></b>
<b><u>2.413</u></b>	<b><u>RECREATIONAL VEHICLE STORAGE - SINGLE FAMILY HOMES.....</u></b>	<b><u>433</u></b>
<b><u>2.414</u></b>	<b><u>VETERINARY SERVICES.....</u></b>	<b><u>435</u></b>
<b><u>2.415</u></b>	<b><u>FUNERAL SERVICE AND CREMATORIES; AND CEMETERY SUBDIVIDERS AND DEVELOPERS.....</u></b>	<b><u>437</u></b>
<b><u>2.416</u></b>	<b><u>ACCESSORY COMMERCIAL USES.....</u></b>	<b><u>439</u></b>
<b><u>2.417</u></b>	<b><u>USED MERCHANDISE STORES.....</u></b>	<b><u>441</u></b>

<b><u>2.418</u></b>	<b><u>ADULT ENTERTAINMENT BUSINESS.....</u></b>	<b><u>443</u></b>
<b><u>2.419</u></b>	<b><u>SERVICE STATIONS.....</u></b>	<b><u>445</u></b>
<b><u>2.420</u></b>	<b><u>AUTOMOTIVE SERVICES .....</u></b>	<b><u>447</u></b>
<b><u>2.421</u></b>	<b><u>CRAFT INDUSTRIES .....</u></b>	<b><u>449</u></b>
<b><u>2.421.01</u></b>	<b><u>DEFINITIONS. ....</u></b>	<b><u>449</u></b>
<b><u>2.421.02</u></b>	<b><u>STANDARDS .....</u></b>	<b><u>449</u></b>
<b><u>2.422</u></b>	<b><u>SCRAP AND WASTE MATERIALS .....</u></b>	<b><u>451</u></b>
<b><u>2.423</u></b>	<b><u>HOUSES OF WORSHIP .....</u></b>	<b><u>453</u></b>
<b><u>2.424</u></b>	<b><u>ELEMENTARY AND SECONDARY SCHOOLS.....</u></b>	<b><u>455</u></b>
<b><u>2.425</u></b>	<b><u>ENERGY FACILITIES .....</u></b>	<b><u>457</u></b>
<b><u>2.425.01</u></b>	<b><u>GENERAL STANDARDS.....</u></b>	<b><u>457</u></b>
<b><u>2.425.02</u></b>	<b><u>TRANSMISSION FACILITY.....</u></b>	<b><u>458</u></b>
<b><u>2.425.03</u></b>	<b><u>WIND ENERGY CONVERSION SYSTEM (WECS).....</u></b>	<b><u>458</u></b>
<b><u>2.425.04</u></b>	<b><u>BIOMASS FACILITY .....</u></b>	<b><u>458</u></b>
<b><u>2.425.05</u></b>	<b><u>GEOTHERMAL FACILITY.....</u></b>	<b><u>459</u></b>
<b><u>2.426</u></b>	<b><u>ELECTRICAL SUBSTATION .....</u></b>	<b><u>461</u></b>
<b><u>2.427</u></b>	<b><u>WIRELESS TELECOMMUNICATION SYSTEMS.....</u></b>	<b><u>463</u></b>
<b><u>2.427.01</u></b>	<b><u>PURPOSE.....</u></b>	<b><u>463</u></b>
<b><u>2.427.02</u></b>	<b><u>DEFINITIONS .....</u></b>	<b><u>463</u></b>
<b><u>2.427.03</u></b>	<b><u>SITING AND REVIEW PROCESS FOR WTS FACILITIES .....</u></b>	<b><u>464</u></b>
<b><u>2.427.04</u></b>	<b><u>ACCEPTABLE SITES .....</u></b>	<b><u>464</u></b>
<b><u>2.427.05</u></b>	<b><u>CONDITIONALLY SUITABLE SITES.....</u></b>	<b><u>464</u></b>
<b><u>2.427.06</u></b>	<b><u>PROHIBITED WTS FACILITIES .....</u></b>	<b><u>465</u></b>
<b><u>2.427.07</u></b>	<b><u>STANDARDS FOR SITING WTS FACILITIES SHALL BE AS FOLLOWS .....</u></b>	<b><u>465</u></b>
<b><u>2.427.08</u></b>	<b><u>SUBMITTAL REQUIREMENTS FOR WTS FACILITIES SHALL BE AS FOLLOWS. ....</u></b>	<b><u>467</u></b>

2.427.09 .....	468
2.427.10 .....	468
<b><u>2.428 TEMPORARY COMMERCIAL ACTIVITIES AT STADIUMS .....</u></b>	<b><u>469</u></b>
2.428.01 .....	469
<b><u>2.429 TRANSIT STATION.....</u></b>	<b><u>471</u></b>
2.429.01 OVERVIEW .....	471
2.429.02 REVIEW PROCEDURE .....	471
2.429.03 SUBMITTAL REQUIREMENTS .....	471
2.429.04 CRITERIA.....	471
<b><u>2.430 PUBLIC WATER SUPPLY.....</u></b>	<b><u>473</u></b>
<b><u>2.431 NURSING AND PERSONAL CARE FACILITES .....</u></b>	<b><u>475</u></b>
2.431.01 OVERVIEW .....	475
2.431.02 REVIEW PROCEDURE .....	475
2.431.03 SUBMITTAL REQUIREMENTS .....	475
2.431.04 CRITERIA.....	475
<b><u>2.432 COTTAGE CLUSTER DEVELOPMENT .....</u></b>	<b><u>476</u></b>
2.432.01 PURPOSE AND DESIGN PRINCIPLES .....	476
2.432.02 PERMITTED BUILDING TYPES WITHIN COTTAGE CLUSTER DEVELOPMENTS .....	476
2.432.03 SITE REQUIREMENTS .....	476
2.432.04 BUILDING REQUIREMENTS .....	479
<b><u>2.433 MARIJUANA SPECIAL PERMITTED USES.....</u></b>	<b><u>481</u></b>
2.433.01 MEDICAL MARIJUANA FACILITIES .....	481
2.433.02 MARIJUANA GROW SITE .....	481
2.433.03 MARIJUANA RETAILER .....	481
2.433.04 MARIJUANA PROCESSOR .....	481
2.433.05 MARIJUANA PRODUCER.....	482
2.433.06 MARIJUANA WHOLESALER.....	482
<b><u>2.434 MOBILE FOOD VENDORS .....</u></b>	<b><u>483</u></b>
<b><u>3.101 SUMMARY OF APPLICATION TYPES.....</u></b>	<b><u>485</u></b>

3.101.01	TYPE I ACTION - SUMMARY .....	485
3.101.02	TYPE II ACTIONS - SUMMARY .....	486
3.101.03	TYPE III ACTIONS - SUMMARY .....	487
3.101.04	TYPE IV ACTIONS - SUMMARY .....	488
<b><u>3.102</u></b>	<b><u>ADMINISTRATIVE LAND USE PROCEDURES .....</u></b>	<b><u>493</u></b>
3.102.01	SIGNS .....	493
3.102.02	FLOODPLAIN DEVELOPMENT PERMIT .....	493
3.102.03	GREENWAY DEVELOPMENT PERMIT .....	493
3.102.04	TEMPORARY USE PERMIT.....	493
3.102.05	DEVELOPMENT REVIEW .....	494
<b><u>3.103</u></b>	<b><u>CONDITIONAL USE PERMITS .....</u></b>	<b><u>495</u></b>
3.103.01	PROCESS.....	495
3.103.02	APPLICATION AND FEE.....	495
3.103.03	CRITERIA FOR APPROVAL .....	495
3.103.04	CONDITIONS .....	495
3.103.05	TRANSFER OF A CONDITIONAL USE .....	495
3.103.06	OTHER CONDITIONAL USE ACTIONS .....	496
<b><u>3.105</u></b>	<b><u>VARIANCES - MINOR AND MAJOR.....</u></b>	<b><u>497</u></b>
3.105.01	PURPOSE.....	497
3.105.02	APPLICATION AND FEE.....	497
3.105.03	APPLICABILITY .....	497
3.105.04	CRITERIA - MINOR VARIANCE .....	497
3.105.05	CRITERIA - MAJOR VARIANCE .....	498
3.105.06	VARIANCE CONDITIONS .....	498
3.105.07	TRANSFER OF A VARIANCE .....	499
3.105.08	OTHER VARIANCE ACTIONS .....	499
<b><u>3.106</u></b>	<b><u>PROPERTY LINE ADJUSTMENT .....</u></b>	<b><u>501</u></b>
3.106.01	PURPOSE.....	501
3.106.02	APPLICATION AND FEE.....	501
3.106.03	APPLICABILITY .....	501
3.106.04	CRITERIA – PROPERTY LINE ADJUSTMENT.....	501
3.106.05	PROCESS FOR FINAL APPROVAL .....	502
<b><u>3.107</u></b>	<b><u>PARTITIONS.....</u></b>	<b><u>503</u></b>
3.107.01	PURPOSE.....	503
3.107.02	APPLICABILITY .....	503
3.107.03	APPLICATION AND FEE.....	503
3.107.04	GENERAL PROVISIONS .....	503
3.107.05	SUBMITTAL REQUIREMENTS FOR PRELIMINARY REVIEW.....	503



3.107.06	PROCESS FOR PRELIMINARY REVIEW .....	504
3.107.07	REVIEW CRITERIA.....	504
3.107.08	PROCESS FOR FINAL PLAT APPROVAL .....	505
<b>3.108</b>	<b><u>SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND MANUFACTURED HOME PARKS .....</u></b>	<b><u>507</u></b>
3.108.01	PURPOSE.....	507
3.108.02	APPLICATION AND FEE.....	507
3.108.03	APPLICABILITY .....	507
3.108.04	SUBMITTAL REQUIREMENTS .....	507
3.108.05	REVIEW PROCEDURES.....	509
3.108.06	REVIEW CRITERIA.....	510
3.108.07	FORM OF FINAL SUBDIVISION PLAT.....	510
3.108.08	FINAL PLAT REVIEW OF SUBDIVISIONS .....	511
<b>3.109</b>	<b><u>COMPREHENSIVE PLAN MAP AMENDMENTS.....</u></b>	<b><u>513</u></b>
3.109.01	PROCESS.....	513
3.109.02	APPLICATION AND FEE.....	513
3.109.03	SUBMITTAL REQUIREMENTS .....	513
3.109.04	CRITERIA FOR APPROVAL .....	514
<b>3.110</b>	<b><u>ZONE CHANGE.....</u></b>	<b><u>515</u></b>
3.110.01	PROCESS.....	515
3.110.02	APPLICATION AND FEE.....	515
3.110.03	SUBMITTAL REQUIREMENTS .....	515
3.110.04	CRITERIA FOR APPROVAL .....	516
3.110.05	ZONE CHANGE CONDITIONS.....	517
<b>3.111</b>	<b><u>TEXT AMENDMENTS .....</u></b>	<b><u>519</u></b>
3.111.01	PURPOSE.....	519
3.111.02	PROCESS.....	519
3.111.03	APPLICATION AND FEE.....	519
3.111.04	CRITERIA FOR APPROVAL .....	519
<b>3.112</b>	<b><u>ANNEXATIONS.....</u></b>	<b><u>523</u></b>
3.112.01	AUTHORITY OF CITY TO ANNEX .....	523
3.112.02	GENERAL ANNEXATION PROCEDURE .....	523
3.112.03	ANNEXATION BY ELECTION.....	524
3.112.04	ANNEXATION PROCEDURE WITHOUT CITY ELECTION.....	525
3.112.05	ANNEXATION PROCEDURE WITH ELECTION IN PROPOSED TERRITORY.....	525
3.112.06	ISLAND ANNEXATION .....	525
3.112.07	SUBMISSION OF ANNEXATION REPORTS .....	526

3.112.08	EFFECTIVE DATE OF ANNEXATION .....	526
3.112.09	ZONE DESIGNATION OF ANNEXED PROPERTY .....	526
<b><u>3.113</u></b>	<b><u>KEIZER STATION MASTER PLAN .....</u></b>	<b><u>527</u></b>
3.113.01	AREA OF APPLICATION .....	527
3.113.02	REVIEW PROCEDURES.....	527
3.113.03	SUBMITTAL REQUIREMENTS .....	527
3.113.04	REVIEW CRITERIA.....	528
3.113.05	CONDITIONS OF APPROVAL .....	532
3.113.06	MASTER PLAN AMENDMENT PROCESS .....	533
<b><u>3.114</u></b>	<b><u>LOCKHAVEN CENTER MASTER PLAN.....</u></b>	<b><u>535</u></b>
3.114.01	PURPOSE.....	535
3.114.02	APPLICABILITY .....	535
3.114.03	REVIEW PROCEDURES.....	535
3.114.04	SUBMITTAL REQUIREMENTS .....	536
3.114.05	REVIEW CRITERIA.....	537
3.114.06	CONDITIONS OF APPROVAL .....	539
<b><u>3.115</u></b>	<b><u>MIDDLE HOUSING LAND DIVISION .....</u></b>	<b><u>541</u></b>
3.115.01	PURPOSE.....	541
3.115.02	APPLICABILITY .....	541
3.115.03	APPLICATION AND FEE.....	541
3.115.04	SUBMITTAL REQUIREMENTS .....	541
3.115.05	PROCESS FOR MIDDLE HOUSING LAND DIVISION REVIEW.....	542
3.115.06	MIDDLE HOUSING LAND DIVISION REVIEW CRITERIA .....	544
3.115.07	PROCESS FOR FINAL PLAT OF MIDDLE HOUSING LAND DIVISIONS .....	546
<b><u>3.116</u></b>	<b><u>EXPEDITED LAND DIVISION .....</u></b>	<b><u>549</u></b>
3.116.01	PURPOSE .....	549
3.116.02	APPLICABILITY .....	549
3.116.03	APPLICATION AND FEE.....	549
3.116.04	SUBMITTAL REQUIREMENTS.....	549
3.116.05	PROCESS FOR EXPEDITED LAND DIVISION REVIEW .....	549
3.116.06	EXPEDITED LAND DIVISION REVIEW CRITERIA .....	552
3.116.07	PROCESS FOR FINAL PLAT OF EXPEDITED LAND DIVISION .....	553
<b><u>3.201</u></b>	<b><u>GENERAL PROVISIONS .....</u></b>	<b><u>555</u></b>
3.201.01	MULTIPLE APPLICATIONS .....	555
3.201.02	AREA-WIDE APPLICATIONS .....	555
3.201.03	APPLICATION REQUIREMENTS .....	555
3.201.04	APPLICATION; BY WHOM FILED.....	556
3.201.05	RESUBMISSION OF APPLICATION .....	556

<b><u>3.202</u></b>	<b><u>GENERAL PROCEDURES –TYPES I, II, AND III ACTIONS .....</u></b>	<b><u>557</u></b>
3.202.01	PROCEDURE FOR TYPE I-A REVIEW .....	557
3.202.02	PROCEDURE FOR TYPE I-B AND I-D REVIEW .....	558
3.202.03	PROCEDURE FOR TYPE I-C REVIEW .....	560
3.202.04	PROCEDURES FOR TYPE II AND TYPE III ACTIONS (6/22).....	561
3.202.05	SPECIAL PROCEDURAL REQUIREMENTS .....	563
<b><u>3.203</u></b>	<b><u>TYPE IV ACTIONS .....</u></b>	<b><u>565</u></b>
3.203.01	INITIATION .....	565
3.203.02	PROCEDURE FOR TYPE IV ACTIONS .....	565
<b><u>3.204</u></b>	<b><u>PUBLIC NOTICE REQUIREMENTS.....</u></b>	<b><u>567</u></b>
3.204.01	TYPE I-A, TYPE I-B AND TYPE I-D ACTIONS.....	567
3.204.02	TYPE II AND TYPE III ACTIONS.....	567
3.204.03	TYPE IV ACTIONS.....	568
3.204.05	NOTICE FOR APPEALS .....	569
<b><u>3.205</u></b>	<b><u>PUBLIC HEARING BEFORE THE HEARINGS OFFICER OR PLANNING COMMISSION .....</u></b>	<b><u>571</u></b>
3.205.01	GENERAL PROVISIONS .....	571
3.205.02	PUBLIC HEARING PROCEDURES .....	571
3.205.03	EVIDENCE.....	572
3.205.04	RECORD OF HEARING .....	572
3.205.05	LIMITS ON ORAL TESTIMONY .....	572
3.205.06	EXHIBITS .....	572
3.205.07	REFEREE.....	572
<b><u>3.206</u></b>	<b><u>REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL.....</u></b>	<b><u>573</u></b>
3.206.01	GENERAL PROVISIONS .....	573
3.206.02	HEARINGS BY CITY COUNCIL .....	573
3.206.03	APPEAL REVIEW BY CITY COUNCIL .....	574
<b><u>3.207</u></b>	<b><u>APPEAL PROVISIONS.....</u></b>	<b><u>575</u></b>
3.207.01	APPEAL PERIOD .....	575
3.207.02	FORM OF APPEAL .....	575
3.207.03	NOTICE REQUIREMENTS .....	575
<b><u>3.208</u></b>	<b><u>FEES .....</u></b>	<b><u>577</u></b>
3.208.01	PURPOSE.....	577

3.208.02	GENERAL PROVISIONS .....	577
<u>3.209</u>	<u>REVOCATION OR REVERSAL OF DECISION .....</u>	<u>579</u>
3.209.01	COMPLIANCE WITH CONDITIONS .....	579
3.209.02	GENERAL PROVISIONS .....	579
3.209.03	CRITERIA FOR REVOCATION .....	579
3.209.04	CRITERIA FOR REVERSAL .....	579
3.209.05	REMEDIES.....	579
<u>3.210</u>	<u>PRE-APPLICATION CONFERENCE .....</u>	<u>581</u>
3.210.01	PURPOSE.....	581
3.210.02	APPLICABILITY AND REQUIREMENTS .....	581
3.210.03	PARTICIPANTS AND NOTICE .....	581

## **1.101 TITLE**

This ordinance shall be known as the City of Keizer Development Code. (5/98)

## **1.102 PURPOSE AND SCOPE**

### **1.102.01 Purpose**

This Ordinance is enacted to:

- A. Implement the goals and policies of the City of Keizer Comprehensive Plan;
- B. Provide methods of administering and enforcing the provisions of this Ordinance; and
- C. Promote the public health, safety, and general welfare of the community. (5/98)

### **1.102.02 Conformance Required**

The use of all land, as well as the construction, reconstruction, enlargement, structural alteration, use, or occupation of any structure within the City of Keizer shall conform to the requirements of this Ordinance except in the case of a legally established non-conforming use. (5/98)

### **1.102.03 Administration**

The City of Keizer and its authorized Zoning Administrator shall administer this Ordinance. The Zoning Administrator shall be designated by the City Manager. Unless otherwise specifically prohibited, the Zoning Administrator has the authority to delegate his/her duties under this ordinance. (5/98)

### **1.102.04 Interpretation**

The provisions of this Ordinance shall be interpreted as minimum requirements. When this Ordinance imposes a greater restriction than is required by other provisions of law, or by other regulations, resolutions, easements, covenants or agreements between parties, the provisions of this Ordinance shall control. (5/98)

When a certain provision of this Ordinance conflicts with another provision of this Ordinance or is unclear, the correct interpretation of the Ordinance shall be determined by the Zoning Administrator. The Zoning Administrator may, at his/her discretion, request that City Legal Council, the Planning Commission or the City Council resolve the conflict or uncertainty. (5/98)

### **1.102.05 Effect on Other Public and Private Regulations and Restrictions**

It is not the intent of this Ordinance to interfere with other laws or Ordinances relating to the use of structures, vehicles or land, or, relating to the construction or alteration of any buildings or improvements. It is not the intent of this Ordinance to interfere with any easement, deed restriction, covenant or other legally enforceable restriction imposed on the use or development of land more restrictive than the provisions of this Ordinance. (5/98)

### **1.102.06 Violations**

Violations of the Development Code are considered infractions and subject to the civil infraction provisions of the City. In addition, violations are hereby declared to be nuisances and may be abated under the Keizer Nuisance Abatement Procedures Ordinance, or restrained or enjoined by a court of competent jurisdiction. (5/98)

### **1.102.07 Savings Clause**

Should any section, clause, or provision of this Ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase is declared severable. (5/98)

### **1.102.08 Conflicting Ordinances**

City of Keizer Ordinance 87-078, as amended, and all other ordinances or parts of ordinances in conflict herewith are hereby repealed. (5/98)

## **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 (02/03)
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
River-Cherry Overlay District	RCOD (12/19)

### **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)



## **1.200 DEFINITIONS**

### **1.200.01 General Provisions**

- A. General and Specific Terms. The definitions contained in this Section include those that are applicable to the entire Keizer Development Code (general), and those terms that are applicable to specific Sections (specific). Terms used in specific Sections are identified as follows:
- |            |   |
|------------|---|
| [Adult]    | Adult Entertainment Business; Section 2.418         |
| [Flood]    | Floodplain Overlay Zone; Section 2.122              |
| [Greenway] | Greenway Management Overlay Zone; Section 2.123     |
| [Historic] | Historic Resources; Section 2.127                   |
| [RV Park]  | Recreational Vehicle Spaces and Park; Section 2.412 |
| [Signs]    | Signs; Section 2.308                                |
- B. Interpretation. When there are two definitions for the same word or phrase, then the definition most applicable for the given situation shall apply. If appropriate, specific terms may be applied to general situations. (5/98)

### **1.200.02 Grammatical Interpretation.**

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

### **1.200.03 Diagrams**

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

### **1.200.04 Definitions.**

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

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

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

Access Easement:

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

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

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

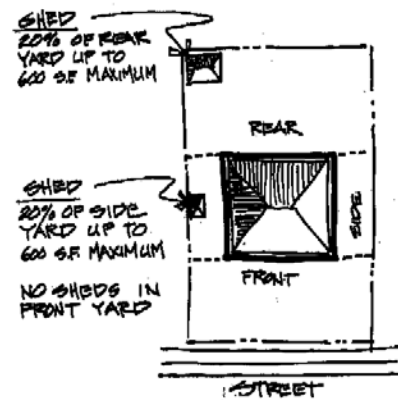
Adjacent: Near or close, but not necessarily abutting or contiguous. For example, a parcel next to, or across the street from, another parcel shall be considered "adjacent." (5/98)

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

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

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

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



Accessory Structure

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

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

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

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

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

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

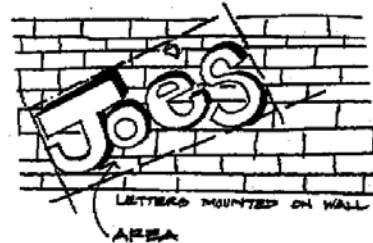
Architectural Rear: For the purposes of determining building setbacks for residential single and multi-family buildings as permitted in the RL, RM, RH, RC and MU zones the architectural rear of a building is opposite the architectural front, or the façade with the main point of entry into the building.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

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

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

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

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



Sign Area

**Attached Dwellings:**

Two or more dwelling units on separate properties that share a common wall for a full story that adjoins enclosed habitable space on each side. Attached dwellings shall be joined along a common wall for no less than one story for a distance of at least 10 feet. (1/02)

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

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

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

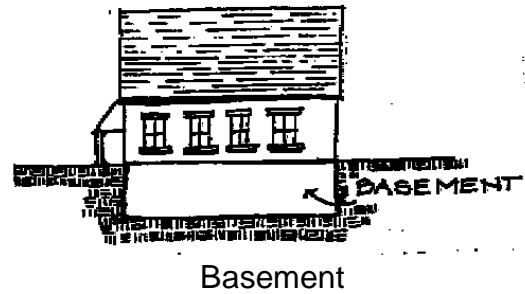


Sign Awning

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

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

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



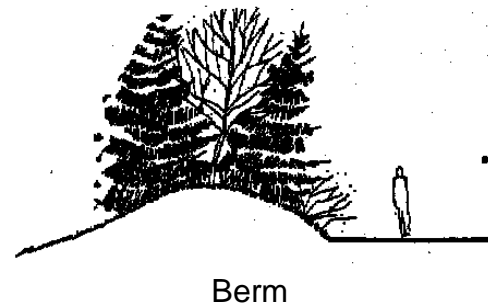
**Basement [Flood]:** Any area of the building having its floor subgrade (below ground level) on all sides. (12/20)

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

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

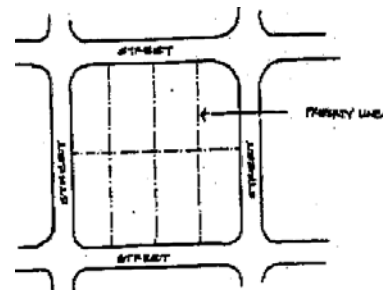
**Bicycle Facilities:** Improvements which provide for the needs of cyclists, including bicycle paths, bicycle routes and bicycle parking. (5/98)

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



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

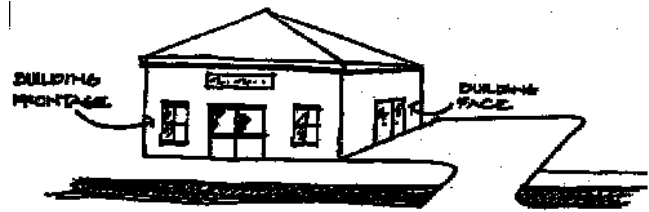
**Building:** A structure having a roof and built for the support, shelter, or enclosure of persons, animals, or property of any kind. Recreational vehicles shall not be considered buildings. (5/98)



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

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

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



Building Face & Frontage

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



Building Height

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

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

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

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

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

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

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



Canopy Sign

**Cemetery:** Land used or intended to be used for the burial of the dead, and dedicated for cemetery purposes, including a columbarium,

crematory, mausoleum, or mortuary, when operated in conjunction with and within the boundary of such cemetery. (5/98)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Development or redevelopment: Man-made changes to property, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations. (1/23)

Development [Flood]: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling,



grading, paving, excavation or drilling operations or storage of equipment or materials. (12/20)

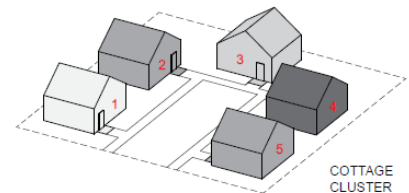
**Dormitory:** A building, under single management, where group sleeping accommodations are provided for in one room or in a series of closely associated rooms and where meals may be provided. (5/98)

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

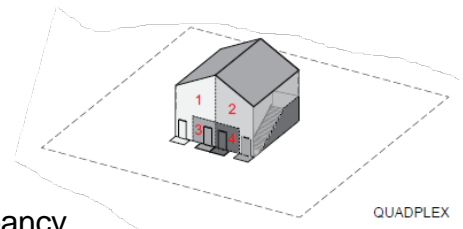
**Drop Station:** Vehicles or structures of less than a total of 400 square feet maintained on a lot solely to provide shelter for no more than four types of recyclable material (such as paper, tin cans, plastic and bottles) deposited by members of the public and collected at regular intervals for further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

**Duplex:** See: "Dwelling, Two-Household (Duplex)." (6/22)

**Dwelling, Cottage Cluster:** A grouping of no less than four detached buildings per acre designed exclusively for the occupancy of separate households living independently of each other in each detached building, or "cottage". Each building shall have a footprint of less than 900 square feet, and the buildings must be oriented around a common courtyard. (6/22)



**Dwelling, Four-Household (Quadplex):** A building containing 4 dwelling units designed exclusively for occupancy by 4 households living independently of each other. (6/22)



**Dwelling Unit:** One or more rooms designed for occupancy by one household providing complete, independent living facilities, including permanent provisions for living, sleeping, eating cooking, and sanitation. (6/22)

**Dwelling, Multi-Household (Multi-Family):** A building containing 5 or more dwelling units designed for occupancy by 5 or more households living independently of each other. (6/22)

**Dwelling, Single-Household (Single Family Detached):** A detached building containing one dwelling unit designed exclusively for occupancy by 1 household. (6/22)

Dwelling, Three-Household (Triplex): A building containing 3 dwelling units designed exclusively for occupancy by 3 households living independently of each other. (6/22)

Dwelling, Two-Household (Duplex): A detached building containing 2 dwelling units designed exclusively for occupancy by 2 households living independently of each other. (6/22)

Dwelling, Townhouse: A building containing 1 dwelling unit designed exclusively for occupancy by 1 household that is part of a row of two or more attached dwellings and shares at least one common wall with an adjacent dwelling. (6/22)

Dwelling, Middle Housing: Refers to housing types required under House Bill 2001 (2019) and associated Administrative Rules. These housing types include duplexes, triplexes, quadplexes, townhouses, and cottage clusters. (6/22)

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

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

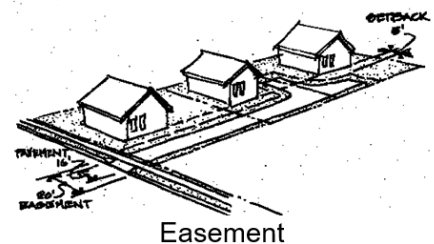
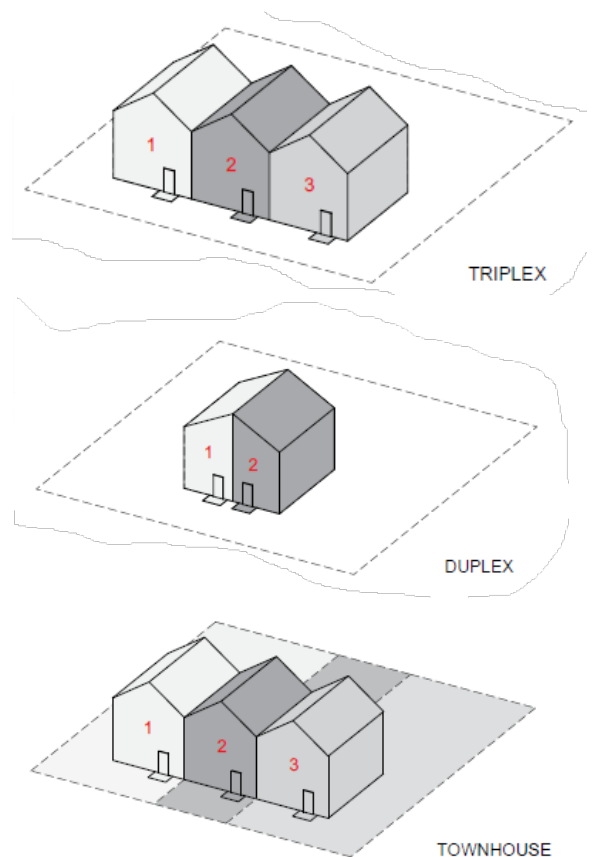
Encroachment [Flood]: Any obstruction in the flood plain which affects flood flows. (5/98)

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

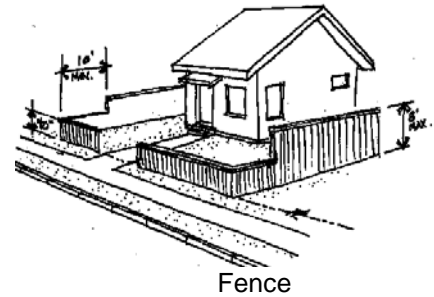
Family Day Care Provider: A day care provider who regularly provides child care in the family living quarters of the home of the provider. (5/98)

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

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



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



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

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

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

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

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

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

Flood or Flooding [Flood]:

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

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

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

Floodplain Management [Flood]: The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations. (12/20)

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

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

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

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

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

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



Free-Standing Sign

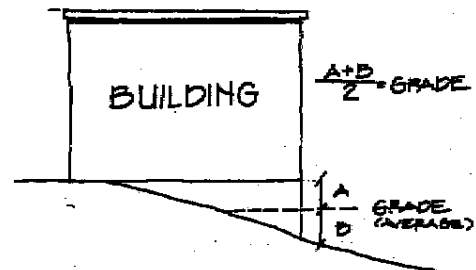
**Frontage:** That portion of a lot or parcel which abuts a public street. (5/98)

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

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

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

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



Grade

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

- a. Room and board facilities where no personal care, training and/or treatment is provided include examples such as dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

- b. Long-term facilities where some level of care is provided includes examples such as hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

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

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

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

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

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

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

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

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

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

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

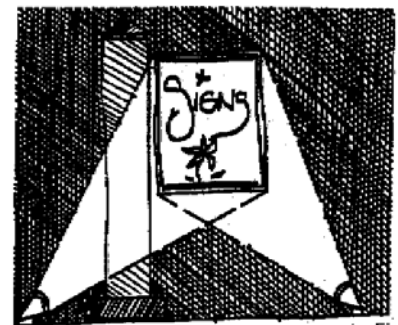
Examples include living in houses, duplexes, apartments, condominiums, retirement center apartments, manufactured housing, houseboats, other structures with self-contained dwelling units, and SROs depending on the number of units rented on a monthly basis and meal preparation.

Exceptions include: (1) Lodging in a dwelling unit or SRO where less than two thirds of the units are rented on a monthly basis is considered a hotel or motel use and is classified in the Retail Sales and Service category. (2) SROs that contain programs which include common dining are classified as Group Living. (3) Guest houses that contain kitchen facilities are prohibited as accessory to Household Living uses. (4) In certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use, such as short term housing or mass shelter. (12/19)

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

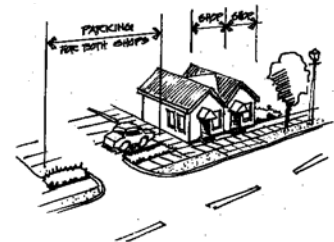
Incidental Signs [Sign]: A sign which is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

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



Indirect Illumination

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



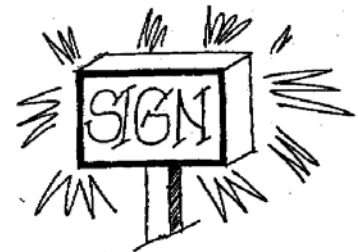
Integrated Business Center - Small

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



Integrated Business Center - Large

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



Internal Illumination

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

Junk: The term "junk" regardless of value, includes but is not be limited to, any derelict, neglected, or wrecked motor vehicle or parts thereof, glass, paper, waste tire, waste or discarded material, or any of the following old items: machinery or parts thereof, used fixtures, metal, lumber, or wood. For the purposes of this definition the following meanings apply:

1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)



Joint Use Sign



3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
4. "Waste tire" means a tire that is not longer suitable for its original intended purpose because of wear, damage, or defect. (5/98)
5. "Wrecked vehicle" means a motor vehicle that is dismantled, or partially dismantled, or having a broken or missing window or windshield, or lacking a wheel or tire. (5/98)

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

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

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

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

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

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

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

1. Conditional Letter of Map Amendment (CLOMA): A CLOMA is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood. (12/20)
2. Conditional Letter of Map Revision (CLOMR): A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area. (12/20)

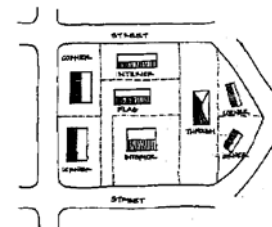
3. Conditional Letter of Map Revision based on Fill (CLOMR-F): A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway. (12/20)
4. Letter of Map Amendment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

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

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

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

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



Lot Types

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

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

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

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

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

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

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

**Lot Line, Front:**

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

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

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

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

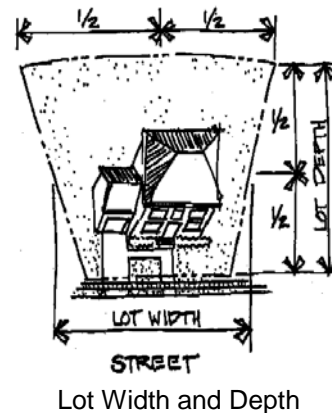
**Lot Line, Side:** Any property line which is not a front or rear lot line. (5/98)

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

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

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

Lowest Floor [Flood]: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, not considered a building's lowest floor, provided such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance. (5/98)



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

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

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

Manufactured Dwelling [Flood]: A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured dwelling" does not include a "recreational vehicle" and is synonymous with "manufactured home". (12/20)

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

Manufactured Home Park: Any place where four or more manufactured homes are located within 500 feet of one another on property under the same ownership, the primary purpose of which is to rent or lease space to any person, or, to offer space free in connection with securing the trade or patronage of such person. A person shall not construct a new manufactured home park or add lots to an existing manufactured home

park without approval by the Department of Commerce. "Manufactured home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured home per lot if the subdivision was approved pursuant to this Ordinance. (5/98)

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

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

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

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

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

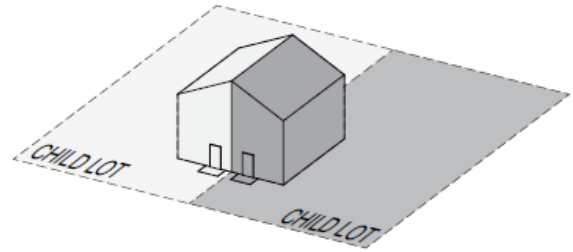
Master Plan: A presentation showing the ultimate development lay-out of a parcel or property that is to be developed in successive stages or subdivisions. (5/98)

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

Medical Marijuana Facility or Facilities: A Medical Marijuana Facility that is registered by the Oregon Health Authority under ORS 475.300-475.346 or other applicable state law and that sells, distributes, transmits, gives, dispenses or otherwise provides Medical Marijuana to qualifying patients. *In addition, as allowed by state law and applicable regulation only, "early sales" of recreational marijuana is permitted.\**  
\*(THIS AMENDMENT SUNSETS ON DECEMBER 31, 2016 AND IS OF NO FORCE OR EFFECT AFTER SUCH DATE). (10/15)

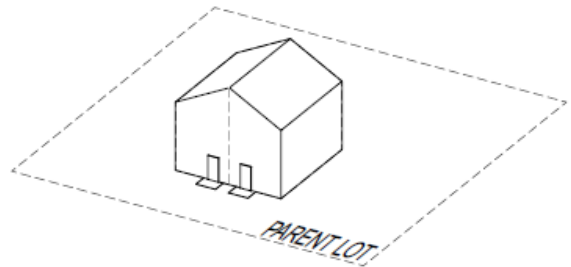
Message Sign [Sign]: A sign which can change its message electronically and is designed to display various messages, including but not limited to signs displaying time and temperature. (5/98)

**Middle Housing Child Lot:** A unit of land created from the division of a middle housing parent lot through a middle housing land division for the purpose of having a single dwelling unit per newly created lot or parcel. (6/22)



**Middle Housing Land Division:** A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under state law and the partition or subdivision is processed in accordance with the provisions of ORS Chapter 92 and KDC 3.202. The lot or parcel that is the subject of the land division is referred to as the middle housing parent lot; a lot created by the division is referred to as a middle housing child lot. (6/22)

**Middle Housing Parent Lot:** A lot or parcel that is developed, or proposed to be developed, with middle housing, and which may therefore be further divided through a middle housing land division to create middle housing child lots. (6/22)



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

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

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

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



Multi-Faced Sign

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

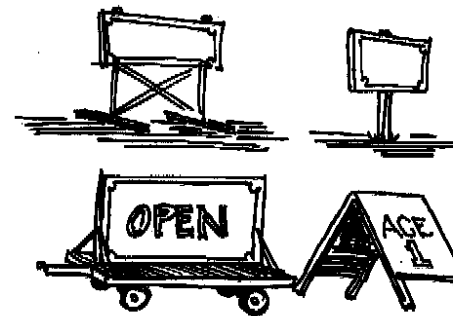
Plan Map: An officially adopted map of the City, including urban growth boundary, showing land use designations identified in the Comprehensive Plan. (5/98)

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

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

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

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



Portable Signs

Primary Building Façade:

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

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

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

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



Projecting Sign

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

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

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

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

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

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

Recreational vehicle includes:

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

Recreational Vehicle [Flood]: A vehicle which is:

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

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

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

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

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

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

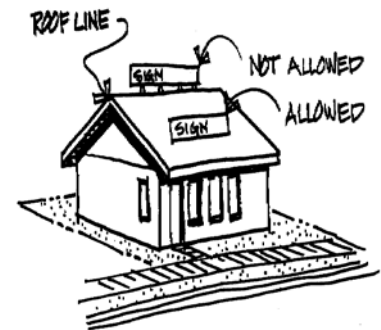
**Residential Home:** A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons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

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

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

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

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



Roof Line & Roof Sign

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Sign Face

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

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



Sign Height

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

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

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

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

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

Specified sexual activities [Adult]: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)

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

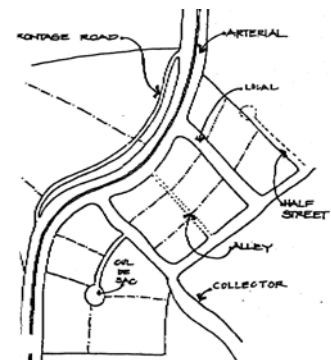
Start of Construction: The actual start of construction, repair, reconstruction, placement or other improvement. (5/98)

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

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

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

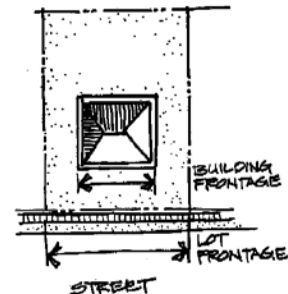
1. Alley: A narrow street through a block used primarily for access by service vehicles to the back or side of properties fronting on another street. (5/98)
2. Arterial: A street of considerable continuity which is used primarily for through traffic and interconnection between major areas of the City. (5/98)



Street Types

3. **Collector:** A street supplementary to the arterial street system, used partly by through traffic and partly for access to abutting properties. (5/98)
4. **Cul-de-sac (dead-end):** A short street with one end open to traffic and the other terminated by a vehicle turn-around. (5/98)
5. **Half Street:** A portion of the width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision of development. (5/98)
6. **Frontage Road, Marginal Access Road:** A service road parallel and adjacent to a major arterial street providing access to abutting properties, but protected from through traffic. (5/98)
7. **Local Street:** A street intended primarily for access to abutting properties, but protected from through traffic. (5/98)
8. **Private Access Easement:** A right-of-way across private property granted by the property owner to owners of one or more lots and allowing vehicles access from a street or roadway to those lots. (5/98)

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



Street & Building Frontage

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

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

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

**Subdivide:** To divide an area or tract of land into four or more parcels within a calendar year for the purpose of transfer of ownership or building development, whether immediate or future, when such parcel exists as a unit or contiguous units under a single ownership as shown on the tax roll for the year preceding the division of property. (5/98)

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



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

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

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

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

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

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

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

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

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

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

Transit Route: An existing or planned route for public intra-city or intra-urban transit service in the local or regional transit plan. Transit routes do not include temporary

routes or routes which are planned to be replaced or relocated in the relevant plan. Transit routes are also referred to as transit streets and transit corridors. (5/98)

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

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

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

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

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

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

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

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

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

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

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

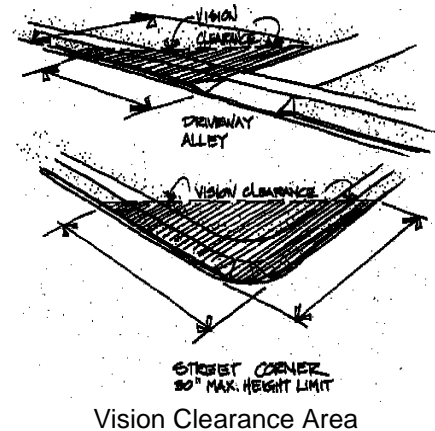
Vegetative Fringe [Greenway]: A line generally parallel with the water line at least 30 feet upland from the ordinary high-water mark including riparian and other vegetation screening upland development or activity areas from visibility from the water surface in the summer months. (5/98)

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

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

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

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



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



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

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

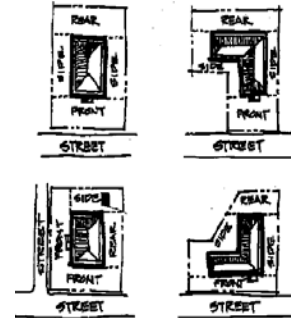
Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking

lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

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

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

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



Yards

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

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

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

## **2.101 GENERAL PROVISIONS**

### **2.101.01 Interpretation of Uses**

- A. Types of Uses. Within each zone, uses are classified as "permitted," "special permitted" and "conditional." Further, uses are functionally classified by description of the particular activity (such as "single-family residence") or by the general category with reference to the "Standard Industrial Classification Manual". (5/98)
- B. Standard Industrial Classification. Uses functionally classified with reference to the Standard Industrial Classification Manual (SIC) are described with the SIC index number assigned in the manual, e.g. (8734). Some activities, otherwise included under an SIC category, may be specifically excluded by this Ordinance. The excluded activity will be placed in the general SIC category but identified by the preceding words - "BUT (or AND) EXCLUDING." For example: "Food store (54), BUT EXCLUDING freezer and locker meat provisioners." (5/98)
- C. Interpretation of Uses. Where a use is not described with reference to SIC or otherwise defined in Section 1.2, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires. (5/98)
- D. Prohibited Uses. Uses not specifically identified as permitted, special permitted or conditionally permitted within the zone, or, otherwise allowed through interpretation, shall be considered prohibited uses. (5/98)



## **2.102 SINGLE FAMILY RESIDENTIAL (RS)**

### **2.102.01 Purpose**

The purpose of the RS (Single Family Residential) zone is to allow development of single family and middle housing type homes on individual lots provided with urban services at low urban densities. This zone also allows duplexes, triplexes, quadplexes, townhouses, and cottage cluster housing. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan. (6/22)

### **2.102.02 Permitted Uses**

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

- A. **Detached single family dwelling.** (6/22)
- B. **Duplexes, triplexes, quadplexes, and townhouses.** (6/22)
- C. **Residential homes.** (5/98)
- D. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- E. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- F. **Child foster home** for five or fewer children. (6/99)

### **2.102.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. **Transit Facilities** (Section 2.305). (5/09)
- F. The following special uses subject to the applicable standards in Section 2.400. (5/98)

1. **Accessory Dwelling Unit** (Section 2.403). (7/23)
2. **Cottage Cluster Development** (Section 2.432) (6/22)
3. **Home occupations** (Section 2.407). (5/98)
4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **House of Worship** (Section 2.423). (5/98)
7. **Manufactured homes** on individual lots (Section 2.402). (5/98)
8. **Recreational vehicle storage** space (Section 2.413). (5/98)
9. **Electrical substation** (Section 2.426) (5/98)
10. **Wireless Telecommunication Facilities (Section 2.427)** (5/98)
11. **Manufactured home parks** (Section 2.405). (5/98)
12. **Public Water Supply** (Section 2.430) (06/10)

#### **2.102.04 Conditional Uses**

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

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



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

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

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

## **2.102.05 Dimensional Standards**

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

A. Minimum Lot Dimension and Height Requirements (6/22)

DIMENSION	Single family detached and duplex	Triplex	Quadplex and cottage cluster	Townhouse	Non-Residential Uses
Lot Size	4000 sq ft	5000 sq ft	7000 sq ft	1500 sq ft	(1)
Average Width	40 feet	40 feet	40 feet	20 feet (3)	None
Average Depth	70 feet	70 feet	70 feet	70 feet	None
Maximum Height	35 feet	35 feet	Quad: 35 ft Cottages: 25 ft	35 feet	(2)

- (1) Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)
- (2) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)
- (3) The width for townhouses must be a minimum of 20 feet instead of average 20 feet.

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have zero-side yard setbacks for interior lot lines. (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (5) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

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

## **2.102.06 Development Standards**

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)
- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RS zone shall comply with the following standards: (5/98)
1. Single family detached dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (6/22)
  2. Residential structures with five or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/22)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. **Density:** When RS zoned property is subdivided the minimum density shall be 4 units per acre; the maximum density shall be 8 units per acre for single family detached or 25 units per acre for townhouses. The maximum density does not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/22)
- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)



## **2.103 LIMITED DENSITY RESIDENTIAL (RL)**

### **2.103.01 Purpose**

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

### **2.103.02 Permitted Uses**

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Duplexes, triplexes, quadplexes, and townhouses.** (6/22)
- D. **Multi-family dwellings.** (6/22)
- E. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- F. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- G. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

### **2.103.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)

- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Accessory Dwelling Unit** (Section 2.403). (7/23)
  - 2. **Cottage Cluster Development** (Section 2.432). (6/22)
  - 3. **Home occupations** (Section 2.407). (5/98)
  - 4. **Residential sales offices** (Section 2.409). (5/98)
  - 5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
  - 6. **House of Worship** (Section 2.423). (5/98)
  - 7. **Boat and RV storage** area (Section 2.411). (5/98)
  - 8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
  - 9. **Recreational vehicle storage** space (Section 2.413). (5/98)
  - 10. **Electrical substations** (Section 2.426). (5/98)
  - 11. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
  - 12. **Manufactured home parks** (Section 2.405). (5/98)

#### **2.103.04 Conditional Uses**

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Civic, social and fraternal organizations** (864). (5/98)
- D. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- E. **Bed and breakfast establishment** (Section 2.408). (5/98)
- F. **Rooming and boarding houses** (702). (5/98)
- G. **Water supply** (494). (5/98)

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

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

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

## 2.103.05 Dimensional Standards

### A. Minimum Lot Dimension and Height Requirements (6/22)

DIMENSION	Single Family Detached & Duplex	Triplex	Quadplex & Cottage Cluster	Townhouse	Multi-Family	Non-Residential
Lot Size	4000 sq ft	5000 sq ft	7000 sq ft	1500 sq ft	10000 sq. ft. (1)	(2)
Average Width	40 feet	40 feet	40 feet	20 feet (4)	50 feet	None
Average Depth	70 feet	70 feet	70 feet	70 feet	80 feet	None
Maximum Height	35 feet	35 feet	Quad:35 ft Cottages:25 ft	35 feet	35 feet	(3)

- (1) *Multi-family development must comply with the density standard in Section 2.103.06.I. (5/98)*
- (2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (3) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*
- (4) *The width for townhouses must be a minimum of 20 feet instead of average 20 feet. (6/22)*

### B. Minimum Yard Setback Requirements (6/22)

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

- (1) *Townhouses may have zero-side yard setbacks for interior lot lines. (6/22)*



- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet.* (6/22)
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street.* (5/98)
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)
- (5) *The minimum front setback from an access easement shall be ten (10) feet.* (10/15)

## **2.103.06 Development Standards**

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RL zone shall comply with the following standards: (5/98)
  1. Single family detached dwellings, duplexes, triplexes, quadplexes, cottage clusters, and townhouses shall comply with the design standards in Section 2.314. (6/22)
  2. Residential structures with five or more attached dwelling units, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/22)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and 25 units per acre for townhouses. (6/22)
  2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)
  3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/22)

## **2.104 MEDIUM DENSITY RESIDENTIAL (RM)**

### **2.104.01 Purpose**

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

### **2.104.02 Permitted Uses**

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Duplexes, triplexes, quadplexes, and townhouses.** (6/22)
- C. **Residential homes and facilities.** (5/98)
- D. **Multi-family dwellings.** (6/22)
- E. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- F. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- G. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

### **2.104.03 Special Permitted Uses**

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

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

- E. Transit Facilities (Section 2.305). (5/09)
- F. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Accessory Dwelling Unit** (Section 2.403). (7/23)
  - 2. **Cottage Cluster Development** (Section 2.432) (6/22)
  - 3. **Home occupations** (Section 2.407). (5/98)
  - 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
  - 5. **Residential sales offices** (Section 2.409). (5/98)
  - 6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
  - 7. **House of Worship** (Section 2.423). (5/98)
  - 8. **Boat and RV storage** area (Section 2.411). (5/98)
  - 9. **Manufactured home parks** (Section 2.405). (5/98)
  - 10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
  - 11. **Accessory commercial uses** (Section 2.416). (5/98)
  - 12. **Recreational vehicle storage space** (Section 2.413). (5/98)
  - 13. **Electrical substation** (Section 2.426). (5/98)
  - 14. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

#### **2.104.04 Conditional Uses**

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)

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

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

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

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

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

## 2.104.05 Dimensional Standards

### A. Minimum Lot Dimension and Height Requirements <sup>(6/22)</sup>

DIMENSION	Single Family Detached & Duplex	Triplex	Quadplex & Cottage Cluster	Townhouse	Multi-Family	Non-Residential
Lot Size	4,000 sq ft	5,000 sq ft	7,000 sq ft	1,500 sq ft	9,000 sq ft (1)	(2)
Average Width	40 feet	40 feet	40 feet	20 feet (4)	50 feet	None
Average Depth	70 feet	70 feet	70 feet	70 feet	80 feet	None
Maximum Height	35 feet	35 feet	Quad: 35 ft Cottages: 25 ft	35 feet	45 feet	(3)

- (1) Multi-family development must comply with the density standard in Section 2.104.06.I. <sup>(5/98)</sup>
- (2) Parcel size shall be adequate to contain all structures within the required yard setbacks. <sup>(5/98)</sup>
- (3) 50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. <sup>(5/98)</sup>
- (4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet. <sup>(6/22)</sup>

### B. Minimum Yard Setback Requirements <sup>(6/22)</sup>

SETBACKS	Single Family, Duplex, Triplex, Quadplex, Cottage Cluster, and Townhouse	Multi-Family	Non- Residential
Front	10 feet (5)	10 feet	20 feet
Side	5 feet (1)	10 feet	10 feet
Rear	(2)	(2)	20 feet
Street-side (3)	10 feet	10 feet	20 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) Townhouses may have a zero-side yard setback for interior lot lines <sup>(6/22)</sup>
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. <sup>(6/22)</sup>
- (3) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the

*edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*

- (4) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (5) The minimum front setback from an access easement shall be ten (10) feet. (5/98)*

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

## **2.104.06 Development Standards**

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RM zone shall comply with the following standards: (5/98)
  - 1. Single family detached dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (6/22)
  - 2. Multi-family units, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/22)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)

- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
  - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre for single family detached and multi-family, and 25 units per acre for townhouses. (6/22)
  - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre for single family detached and 25 units per acre for townhouses. (6/22)
  - 3. Maximum densities do not apply to duplexes, triplexes, quadplexes, or cottage clusters. (6/22)
- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)



## **2.105 HIGH DENSITY RESIDENTIAL (RH)**

### **2.105.01 Purpose**

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

### **2.105.02 Permitted Uses**

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

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

### **2.105.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Cottage Cluster Development** (Section-2.432). (6/22)
  - 2. **Home occupations** (Section 2.407). (5/98)

3. **Bed and breakfast** establishments (Section 2.408). (5/98)
4. **Residential sales offices** (Section 2.409). (5/98)
5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
6. **Boat and RV storage** area (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
9. **Accessory commercial uses** (Section 2.416). (5/98)
10. **Recreational vehicle storage** space (Section 2.413). (5/98)
11. **Electrical substation** (Section 2.426). (5/98)
12. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

#### **2.105.04 Conditional Uses**

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

- A. **Schools** (8211) (Section 2.424). (5/98)
- B. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Civic, social and fraternal organizations** (864). (5/98)
- E. **Rooming and boarding houses** (702). (5/98)
- F. **Water supply** (494). (5/98)
- G. **Child foster home** for six, seven or eight children, providing such home:
  1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
  2. Be located on a lot of no less than 16,000 square feet; The lot shall be located on an arterial or major collector street;
  3. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;

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

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

## **2.105.05 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements (6/22)**

DIMENSION	Residential (Except quadplex, cottage clusters, and townhouse)	Quadplex, Cottage Clusters	Townhouse	Non-Residential
Lot Size	6,000 sq ft (1)	7,000 sq ft	1,500 sq ft	(2)
Average Width	50 feet	50 feet	20 feet (4)	None
Average Depth	80 feet	80 feet	80 feet	None
Maximum Height	(3)	(3)	(3)	(3)

(1) *Multi-family development must comply with the density standard in Section 2.105.06.I. (06/07)*

(2) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*

- (3) *No limit except for cottage cluster (25 feet) - Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (6/22)*
- (4) *The width for townhouses must be a minimum of 20 feet instead of average 20 feet. (6/22)*

**B. Minimum Yard Setback Requirements (6/22)**

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

- (1) *Townhouses may have zero-side yard setbacks for interior lot lines (6/22)*
- (2) *The rear yard setback shall be as follows: 14 feet for a one-story building, and 20 feet for a two-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.105.06 Development Standards**

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

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

- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RH zone shall comply with the following standards: (5/98)
1. Single family detached dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall comply with the design standards in Section 2.314. (6/22)
  2. Residential structures with five or more attached dwelling units, and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/22)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 25% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 75%. Maximum lot coverage does not apply to cottage clusters. (6/22)
- I. **Density:** The minimum development density shall be 16 units per acre; there shall be no maximum density. (5/98)



## **2.106 RESIDENTIAL COMMERCIAL (RC)**

### **2.106.01 Purpose**

The purpose of the Residential Commercial (RC) zone is to provide commercial goods and services specifically designed to serve residential neighborhoods. Suitable businesses include low intensity retail commercial and service activities, and, professional and commercial offices. The Residential Commercial zone is appropriate in those areas designated Low Density Residential, Medium Density Residential and Medium-High Density Residential in the Comprehensive Plan. (5/98)

### **2.106.02 Permitted Uses**

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

- A. **One dwelling per each business use** on the lot or parcel. (5/98)
- B. **Landscape counseling and planning** (0781). (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Travel agency** (4722). (5/98)
- E. **Retail Trade.** (5/98)
  - 1. **Hardware stores** (52). (5/98)
  - 2. **General merchandise stores** (53). (5/98)
  - 3. **Food stores** (54) provided there is no processing or sale of live animals, AND EXCLUDING freezer and locker meat provisioners. (5/98)
  - 4. **Eating and drinking places** (58), BUT EXCLUDING drive-in or drive-through facilities. The establishment may serve alcohol as a secondary use. (5/98)
  - 5. **News dealers and newsstands** (5994). (5/98)
- F. **Business, Professional and Social Services.** (5/98)
  - 1. **Watch, clock, and jewelry repair** (763). (5/98)
  - 2. **Laundries and dry cleaning** (7212, 7215). (5/98)
  - 3. **Photography studios** (7221). (5/98)
  - 4. **Beauty and barber shops** (7231, 7241) (5/98)

5. **Shoe repair (7251).** (5/98)
6. **Stenographic services and reproduction services,** not elsewhere classified (SIC 7339). (5/98)
7. **Computer and data processing services (SIC 737).** (5/98)
8. **Health services (80)** except hospitals (806). (5/98)
9. **Legal services (81)** (5/98)
10. **Accounting, bookkeeping (893)**
11. **Pet Grooming (6/01)**

### **2.106.03 Special Permitted Uses**

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

- A. **Partitions,** subject to the provisions in Section 2.310. (5/98)
- B. The following special uses subject to standards in Section 2.4:
  1. **Bed and breakfast establishments (Section 2.408).** (5/98)
  2. **Accessory structures and uses** prescribed in Section 2.203.02. (5/98)

### **2.106.04 Dimensional Standards**

- A. Minimum Lot Dimension, Building Dimension and Height Requirements

LOT SIZE	6,000 sq. ft. minimum; 20,000 sq. ft. maximum
AVERAGE WIDTH	50 feet minimum
AVERAGE DEPTH	80 feet minimum
BUILDING AREA	A maximum of 50% of the lot area
BUILDING HEIGHT	35 feet maximum (1)



B. Minimum Yard Setback Requirements

SETBACKS	Single Family or Duplex	Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	5 feet	10 feet	10 feet	10 feet
Rear	(1)	(1)	(1)	(1)
Street-side	5 feet	5 feet	5 feet	5 feet
Garage entrance (2)	20 feet	20 feet	20 feet	20 feet

- (1) *The rear yard setback shall be as follows: 14 feet for a one story building and 20 feet for a two story building. (6/07)*
- (2) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.106.05 Development Standards**

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

- A. **Off Street Parking and Loading.** A minimum of two parking spaces per dwelling unit; plus, the greater of one parking space per 1,000 square feet of building area or 2 spaces. Parking may not be located within any required yard area. There are no loading space requirements. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the RC zone shall comply with the following standards: (5/98)
1. Single family homes shall comply with the design standards in Section 2.314. (5/98)
  2. Residential structures with four or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (5/98)
- C. **Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)

- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures.** Accessory structures as provided for in Section 2.313. For the purposes of this section, development within the RC zone shall be considered non-residential. (5/98)
- G. **Landscaping:** A minimum of 20% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 80%. (5/98)
- I. **Yards Adjacent to Residential Uses.** A six foot sight-obscuring fence, wall or hedge shall screen yards adjacent to residentially zoned or used lot. (5/98)
- J. **Hours of operation:** Businesses within the RC zone shall not open for business earlier than 7:00 am and shall close no later than 11:00 PM. (5/98)
- K. **Outdoor storage:** The outdoor storage of materials, equipment or products shall be prohibited. (5/98)
- L. **Architectural:** All buildings shall be designed with a residential architectural character including using only wood or masonry siding, having a pitched roof with shake, shingle, or tile roofing material, having no more than 25% of the total wall area in windows, and having main and trim colors conforming to the allowable colors for main color in the CM zone. (5/98)

#### **2.106.06 RC Zone Location Requirements**

- A. RC zoned property shall either be located on a collector or arterial street, or, be within 300 feet of a collector or arterial street. (5/98)
- B. RC zoned property shall not be located adjacent to MU, CM, CG or industrially zoned property. (5/98)
- C. Except at a public street intersection, no RC zoned parcel can be located within 1000 feet of another parcel zoned RC. This requirement does not apply to the partitioning of an RC zoned parcel. (5/98)

## 2.107 MIXED USE (MU)

### 2.107.01 Purpose

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

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

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

### 2.107.02 Permitted Uses

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

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

- F. **Public or private utility substation**, but excluding electrical substation. (5/98)
- G. **Landscape counseling and planning (078)**. (5/98)
- H. **Transportation, Utilities and Communication**. (5/98)

- 1. **Travel agency (4722)**. (5/98)
- 2. **Communication (48) BUT EXCLUDING** communication services, not elsewhere classified (489). (5/98)
- 3. **Public utility** structures and buildings. (5/98)
- 4. **Transit Facilities (Section 2.305)**. (5/09)

I. **Retail Trade:**

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

- 1. **General merchandise stores (53)**. (4/08)
- 2. **Food stores (54)**. (4/08)
- 3. **Apparel and accessory stores (56)**. (4/08)
- 4. **Home furnishing, appliance and equipment stores (57)**. (4/08)
- 5. **Eating and drinking places (58)**. (4/08)
- 6. **Retail, (59) BUT EXCLUDING** non-store retailers (596) and fuel and ice dealers (598). (4/08)
- 7. Uses listed in 2.107.02.I. through 7 if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (10/15)

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

- 1. **Finance, insurance and real estate (60, 61, 62, 63, 64, 65, 67)**. (5/98)
- 2. **Hotels, motels and lodging facilities (701)**. (5/98)
- 3. **Personal services (72) BUT EXCLUDING:** power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial launders (7218). (5/98)

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

### **2.107.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  1. **Accessory Dwelling Unit (Section 2.403).** (7/23)
  2. **Home occupations (Section 2.407).** (5/98)
  3. **Bed and breakfast** establishments (Section 2.408). (5/98)
  4. **Residential sales offices (Section 2.409).** (5/98)
  5. **Public golf course (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410).** (5/98)

6. **Boat and RV storage area** (Section 2.411). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Recreational vehicle storage** space (Section 2.413). (5/98)
9. **Electrical substations** (Section 2.426). (5/98)
10. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
11. **Cottage Cluster Development** (Section 2.432). (6/22)
12. **Mobile Food Vendor** (Section 2.434). (7/17)

#### **2.107.04 Conditional Uses**

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (5/09)

#### **2.107.05 Use Restrictions**

- A. The following uses are not permitted: (4/08)
  1. Farm Use. (5/98)
  2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
  3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (4/08)
  4. Camping or over-night in parking lots. (4/08)
  5. Hospitals, but not including surgicenters and day surgery facilities. (12/19)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (4/08)
  1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (4/08)

2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (4/08)
  3. In addition to the requirements in Section 2.315.06, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (10/15)
  4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (4/08)
  5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (4/08)
  6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (4/08)
  7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (4/08)
  8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (4/08)
- C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (4/08)
- D. Larger Format Stores.
1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (4/08)

2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (4/08)
  3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (4/08)
- E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Section 2.107.02(I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (9/18)
- F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan or Master Plan Amendment requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (9/18)
- G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (4/08)
1. Pedestrian Access, Safety and Comfort (4/08)
    - a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (4/08)
    - b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (4/08)
    - c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (4/08)
    - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (4/08)



- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (4/08)
- f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (4/08)

2. Vehicular Movement (4/08)

- a. Encourage traffic to enter and exit the development at locations in a safe manner. (4/08)

3. Crime Prevention and Security (4/08)

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

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (4/08)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (4/08)
- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (4/08)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (4/08)

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

4. Reduced Parking (4/08)

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

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

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

6. Human Scaled Building Design (4/08)

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

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

In addition, the provisions within Section 3.113 apply. (9/18)

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

## 2.107.06 Dimensional Standards

### A. Minimum Lot Dimension and Height Requirements <sup>(6/22)</sup>

DIMENSION	Single Family & Duplex	Triplex	Multi-Family	Quadplex & Cottage Clusters	Townhouse	Commercial & Mixed Use
Lot Size	4,000 sq ft	5,000 sq ft	6,000 sq ft (1)	7,000 sq ft	1,500 sq ft	None (2)
Average Width	40 feet	40 feet	40 feet	40 feet	20 feet (4)	None
Average Depth	70 feet	70 feet	70 feet	70 feet	70 feet	None
Maximum Height	35 feet	35 feet	50 feet	Quad: 35 ft Cottages: 25 ft	35 feet	50 feet (3)

- (1) Multi-family development must comply with the density standard in Section 2.107.07.I <sup>(6/07)</sup>
- (2) Parcel size shall be adequate to contain all structures within the required yard setbacks. <sup>(6/07)</sup>
- (3) Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. <sup>(4/08)</sup>
- (4) The width for townhouses must be a minimum of 20 feet instead of average 20 feet. <sup>(6/22)</sup>

B. Minimum Yard Setback Requirements (6/22)

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

- (1) Townhouses may have zero-side yard setbacks for interior lot (6/22)
- (2) The rear yard setback shall be as follows: 14 feet for a 1-story single building; 20 feet for a 2-story building. The rear yard setback for cottage clusters shall be 10 feet. (6/22)
- (3) The rear and side yard setbacks adjacent to a residential zone shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet, except there is no required setback adjacent to a non-residential zone. (5/98)
- (4) Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)
- (5) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)
- (6) The minimum front setback from an access easement shall be ten (10) feet. (10/15)

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

## **2.107.07 Development Standards**

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
  - 1. Single family detached dwellings, duplexes, triplexes, quadplexes, townhouses, and cottage cluster developments shall comply with the design standards in Section 2.314. (6/22)
  - 2. Residential structures with five or more attached dwelling units and non-residential structures shall comply with the provisions in Section 2.315 - Development Standards. (6/22)
  - 3. For MU zoned property fronting Cherry Avenue south of Manbrin Drive; residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property. (5/98)
- C. **Subdivisions and Partitions:** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

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

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

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

- I. **Density:** For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units per acre for single family detached and 25 units per acre for townhouses, except there shall be no maximum density for duplexes, triplexes, quadplexes, and cottage clusters, and there shall be no minimum residential density requirement for multi-family development within a mixed use building. (6/22)
- J. Proposals to develop properties in RCOD are subject to development standards in Section 2.130. (12/19)

## **2.108 COMMERCIAL OFFICE (CO)**

### **2.108.01 Purpose**

The purpose of the CO (Commercial Office) zone is to provide areas suitable for professional and general commercial offices, membership organizations, similar low intensity, non-retail commercial activities and medium and high density residential accommodations. The Commercial Office zone is appropriate in those areas designated Commercial in the Comprehensive Plan where the location calls for limited traffic generation, and no increase in traffic except during normal business hours; or, commercial uses with low-intensity activity. (5/98)

### **2.108.02 Permitted Uses**

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

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot except as provided in (44) (b). (5/98)
- B. **Rooming and boarding houses** (SIC 702). (5/98)
- C. **Organization hotels and lodging houses** on membership basis (SIC 704). (5/98)
- D. **Landscape counseling and planning** (SIC 0781). (5/98)
- E. **Travel agency** (SIC 4722). (5/98)
- F. **Telephone/telegraph communication and radio and television broadcasting** (SIC 481, 482, 483). (5/98)
- G. **Water supply** (SIC 494). (5/98)
- H. **News dealers and newsstands** (SIC 5994). (5/98)
- I. **Finance, insurance and real estate** (SIC 60, 61, 62, 63, 64, 65, 66, 67). (5/98)
- J. **Beauty and barber shops** (SIC 723, 724). (5/98)
- K. **Consumer-credit reporting agencies, mercantile reporting agencies and adjustment and collection agencies** (SIC 732). (5/98)
- L. **Direct mail advertising** services (SIC 7331). (5/98)
- M. **Stenographic services** and reproduction services, not elsewhere classified (SIC 7339). (5/98)
- O. **News syndicates** (SIC 735). (5/98)

- P. **Personnel supply services** (SIC 736). (5/98)
- Q. **Computer and data processing services** (SIC 737). (5/98)
- R. **Management, consulting and public relations** (SIC 7392). (5/98)
- S. **Detective agencies** and protective services (SIC 7393). (5/98)
- T. **Commercial testing laboratories** (SIC 7397). (5/98)
- U. **Parking lots** (SIC 7523). (5/98)
- V. **Health services** (SIC 80) except hospitals (SIC 806) and nursing and personal care facilities (SIC 805). (5/98)
- W. **Legal services** (SIC 81). (5/98)
- X. **Correspondence schools and vocational schools** (SIC 824). (5/98)
- Z. **Schools** and educational services, not elsewhere classified (SIC 829). (5/98)
- AA. **Individual and family services** (SIC 832). (5/98)
- BB. **Social services**, not elsewhere classified (SIC 839). (5/98)
- CC. **Membership organizations** (SIC 86). (5/98)
- DD. **Miscellaneous services** (SIC 89). (5/98)
- EE. **Executive offices** (SIC 911). (5/98)
- FF. **Executive and legislative** combined (SIC 913). (5/98)
- GG. **Finance, taxation, and monetary policy** (SIC 93). (5/98)
- HH. **Administration of human resources** programs (SIC 94). (5/98)
- II. **Administration of environmental quality and housing** programs (SIC 95). (5/98)
- JJ. **Administration of economic** programs (SIC 96). (5/98)
- KK. **National security and international affairs** (SIC 97). (5/98)
- LL. **Community or neighborhood clubs**. (5/98)
- MM. **Swimming pools** open to the public free or for a fee. (5/98)
- NN. **Public parks, playgrounds, and other public and semi-public uses**. (5/98)



- OO. **Public utility structures** and buildings. (5/98)
- PP. **Residential home care** for 5 or fewer persons and adult residential home care. (5/98)
- QQ. **Family day care provider**, for 16 or fewer children consistent with state regulations. (4/16)
- RR. **Child foster home**. (5/98)
- SS. **Elementary and secondary schools** (SIC 8211). (5/98)
- TT. **Transit Facilities** (Section 2.305). (5/09)

### **2.108.03 Special Permitted Uses**

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

- A. **Funeral service** and crematories (SIC 726). (5/98)
- B. **Home occupations**. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
- D. **Domiciliary Care Facility** (SIC 836). (5/98)
- E. **Bed and breakfast** establishments. (5/98)
- F. **Veterinary services** (SIC 074). (5/98)
- G. **Mixed-use buildings**. (5/98)
- H. **House of Worship**. (5/98)
- I. **Wireless Telecommunications Facilities** (Section 2.421) (5/98)
- J. **Medical Marijuana Facilities** (Section 2.433). (10/14)
- K. **Marijuana Retailer** (Section 2.433). (1/16)
- L. **Mobile Food Vendors** (Section 2.434). (5/19)

### **2.108.04 Conditional Uses**

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

- A. **Transit Station** (Section 2.429). (05/09)

## **2.108.05 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements (6/22)**

DIMENSION	Single Family	Duplex, Triplex, Quadplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.107.07. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.108.05. (5/98)*

### **B. Minimum Yard Setback Requirements (6/22)**

SETBACKS	Single Family or Duplex	Triplex, Quadplex or Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet	(2)	(2)	(2)
Rear	(1)	(2)	(2)	(2)
Street-side (4)	10 feet	10 feet	10 feet	10 feet
Garage entrance (5)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (2) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. (5/98)*

- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.108.06 Development Standards**

All development in the CO Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

### **A. Off-street parking:**

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. Parking must be located to the side or rear of newly constructed buildings. If located on the side, parking is limited to 50 percent of the street frontage. (5/98)
3. No off-street parking is required for uses above the ground floor. (5/98)
4. The off-street parking requirement for residential uses is one space per unit. (5/98)
5. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.) (5/98)

### **B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)**

### **C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)**

- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)
- |   |     |
|---|-----|
| Commercial development:                       | 10% |
| Mixed commercial and residential development: | 15% |
| Residential development:                      | 20% |
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)
- |   |             |            |
|---|-------------|------------|
|   | <u>Max.</u> | <u>Min</u> |
| Commercial development:                       | 90%         | 50%        |
| Mixed commercial and residential development: | 85%         | 50%        |
| Residential development:                      | 80%         | 50%        |
- J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
  2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

## **2.108.07 Design Standards**

All development in the CO Zone shall comply with the applicable design standards described below:

- A. Building Design Standards. Primary buildings shall comply with the following design standards:
  - 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CO zone shall comply with the following standards: (5/98)
    - a. Single family homes shall comply with the design standards in Section 2.314. (5/98)
    - b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.315 Development Standards. (4/12)



## **2.109 COMMERCIAL RETAIL (CR)**

### **2.109.01 Purpose**

The purpose of the CR (Commercial Retail) zone is to provide areas suitable for professional and general commercial offices, retail sales within a building, eating and drinking places, commercial accommodations and commercial services. The Commercial Retail zone is appropriate in those areas designated Commercial in the Comprehensive Plan when the location has access to a collector or arterial street. (5/98)

### **2.109.02 Permitted Uses**

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

- A. **One dwelling unit in conjunction with the commercial uses(s)** of the lot. (5/98)
- B. **Offices for any use listed in SIC Division C - Construction.** (5/98)
- C. **Post offices (43).** (5/98)
- D. **Building materials, hardware, retail nurseries, and garden supply (52)** except mobile home dealers (527). (5/98)
- E. **General merchandise stores (53).** (5/98)
- F. **Food stores (54).** (5/98)
- G. **Auto and home supply stores (553).** (5/98)
- H. **Eating and drinking places (58)** except as provided in Section 2.109.05. (10/14)
- I. **Miscellaneous retail (59)** except fuel and ice dealers (598) provided all display is within a building. (5/98)
- J. **Vehicle sales and secondary repair** except as provided in Section 2.109.05. (10/14)
- K. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)
- L. **Hotels, motels, and tourist courts (701).** (5/98)
- M. **Membership organizations (86).** (5/98)
- N. **Public utility structures and buildings** except as provided in Section 2.109.05. (10/14)
- O. **Uses prescribed in Section 2.203** (4/12)

- P. **Unlimited number of guest rooms** including **rooming and boarding houses** (702), organization hotels and lodging homes on membership basis (704). (5/98)
- Q. **Signs** (Section 2.308) (4/12)
- R. **Miscellaneous amusement and recreation services** (799) except golf courses (7992) and amusement parks (7996). (5/98)
- S. **Landscape counseling and planning** (0781). (5/98)
- T. **News dealers and newsstands** (5994). (5/98)
- U. **Commercial printing** (275). (5/98)
- V. **Communications** (48). (5/98)
- W. **Apparel and accessory stores** (56). (5/98)
- X. **Furniture, home furnishings, and equipment stores** (57). (5/98)
- Y. **Electrical and lighting shops and office machines and equipment stores.** (5/98)
- Z. **Personal services** (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218). (5/98)
- AA. **Business services** (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391). (5/98)
- BB. **Automobile parking** (752) except as provided in Section 2.109.05. (10/14)
- CC. **Watch, clock, and jewelry repair** (763). (5/98)
- DD. **Motion picture distribution** and allied services (782). (5/98)
- EE. **Motion picture theaters** (783) except drive-ins (7838). (5/98)
- FF. **Dance halls, studios, and schools** (791). (5/98)
- GG. **Theatrical producers** (except motion pictures), **bands, orchestras, and entertainers** (792). (5/98)
- HH. **Bowling alleys and billiard and pool establishments** (793). (5/98)
- II. **Health services** (80) except hospitals (806). (5/98)



- JJ. **Ambulance service**. (5/98)
- KK. **Legal services (81)**. (5/98)
- LL. **Educational services (82)**. (5/98)
- MM. **Social services (83)**. (5/98)
- NN. **Museums, art galleries, botanical and zoological gardens (84)**. (5/98)
- OO. **Miscellaneous services (89)**. (5/98)
- PP. **Executive offices (911)**. (5/98)
- QQ. **Executive and legislative combined (913)**. (5/98)
- RR. **Finance, taxation, and monetary policy (93)**. (5/98)
- SS. **Administration of human resources programs (94)**. (5/98)
- TT. **Administration of environmental quality and housing programs (95)**. (5/98)
- UU. **Administration of economic programs (96)**. (5/98)
- VV. **National security and international affairs (97)**. (5/98)
- WW. **Automotive Dealers (55)** but excluding gasoline service stations (554) except as provided in Section 2.109.05. (10/14)
- XX. **Residential home care and adult residential home care.**
- YY. **Printing & Publishing**
- ZZ. **Child foster home** for five or fewer children as a secondary use. (6/99)
- AAA. **Pet Grooming** (6/01)
- BBB. **Transit Facilities** (Section 2.305). (5/09)

### **2.109.03 Special Permitted Uses** (10/14)

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

- A. **Partitions**, subject to the provisions in Section 2.310. (10/14)
- B. **Subdivision**, subject to the provisions in Section 2.310. (10/14)

- C. **Planned unit development**, subject to the provisions in Section 2.311. (10/14)
- D. **Gasoline service stations** (554) (Section 2.419) except as provided in Section 2.109.05 below. (10/14)
- E. **Used Merchandise Store** (Section 2.417) provided all display is within a building. (4/12)
- F. **Religious organizations** (Section 2.423) (4/12)
- G. **Veterinary services** (074) (Section 2.414) (4/12)
- H. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.109.05 below (10/14)
- I. **Bed and breakfast establishments** (Section 2.408) (4/12)
- J. **Adult entertainment business** (Section 2.418) (4/12)
- K. **Accessory commercial uses** (Section 2.416) (4/12)
- L. **Medical Marijuana Facilities** (Section 2.433) (10/14)
- M. **Marijuana Retailer** (Section 2.433) (1/16)
- N. **Mobile Food Vendor** (section 2.434) (7/17).

#### **2.109.04 Conditional Uses**

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

- A. **Water supply** (494). (5/98)
- B. **Carpet and upholstery cleaning** (7217). (5/98)
- C. **Automotive rental and leasing, without drivers** (751) except as provided in Section 2.109.05 below. (4/12)
- D. **Automotive repair shops** (753) except as provided in Section 2.109.05 below. (4/12)
- E. **Automotive services, except repair** (754) except as provided in Section 2.109.05 below. (4/12)
- F. **Electrical repair shops** (762). (5/98)
- G. **Reupholstery and furniture repair** (764). (5/98)

- H. **Professional sports clubs and promoters (7941).** (5/98)
- I. **Utilities - secondary truck parking and material storage yard** except as provided in Section 2.109.05. (10/14)
- J. **Manufacture of jewelry, silverware, and plated ware (391).** (5/98)
- K. **Manufacture of costume jewelry, novelties, buttons, etc. (396).** (5/98)
- L. **Local and suburban passenger transportation (411).** (5/98)
- M. **Intercity and rural highway passenger transportation** within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413). (4/12)
- N. **Transit Station (Section 2.429).** (5/09)

## **2.109.05 Prohibited Uses**

The following uses are prohibited from the any property fronting on River Road or Chemawa Road in the following area; the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (5/98)

- A. **Gasoline service stations (554) (Section 2.419).** (4/12)
- B. **Drive-Through windows or car service associated with eating and drinking places (58).** (5/98)
- C. **Vehicle sales and secondary repair.** (5/98)
- D. **Public utility structures and buildings.** (5/98)
- E. **Recreational vehicle parks (7033) (Section 2.412)** (4/12)
- F. **Automobile parking not associated with an allowed use (752).** (5/98)
- G. **Automotive Dealers (55).** (5/98)
- H. **Automotive rental and leasing, without drivers (751).** (5/98)
- I. **Automotive repair shops (753).** (5/98)
- J. **Automotive services, except repair (754).** (5/98)

K. **Utilities – secondary truck parking and material storage yard.** (4/12)

## **2.109.06 Use Restrictions**

A limitation of the total floor area of specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.109.02 (D) – (M), (Z), (CC) – (EE), (CCC) and (DDD). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan (9/18)

## **2.109.07 Dimensional Standards**

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Commercial	Mixed Use
Lot Size	None (1)	None (1)
Average Width	None	None
Average Depth	None	None
Maximum Height	50 feet	50 feet

(1) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.107.07.* (5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Commercial	Mixed Use
Front	10 feet	10 feet
Side	(1)	(1)
Rear	(1)	(1)
Street-side (2)	10 feet	10 feet
Garage entrance (3)	20 feet (3)	20 feet (3)

(1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property* (5/98)

- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.109.08 Development Standards**

All development in the CR Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

### **A. Off-street parking:**

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. No off-street parking is required for uses above the ground floor. (5/98)
3. The off-street parking requirement for residential uses is one space per unit. (5/98)
4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces).

### **B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)**

### **C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)**

### **D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)**

### **E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)**

- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area is 10%. (5/98)
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%

## **2.109.09 Design Standards**

All development in the CR Zone shall comply with the applicable design standards described below:

Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)

- 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CR zone shall comply with the following standards: (5/98)
  - a. Non-residential structures shall comply with the provisions in Section 2.315 – Development Standards. (4/12)
  - b. Residential structures shall comply with the provisions in Section 2.314 – Standards for Single Family Dwellings. (4/12)

## **2.110 COMMERCIAL MIXED USE (CM)**

### **2.110.01 Purpose**

The Commercial Mixed Use (CM) zone is the primary commercial zone within the City. The zone is specifically designed to promote development that combines commercial and residential uses. This zone will support transit use, provide new housing opportunities while allowing a full range of commercial retail, service and office uses. Development is intended to be pedestrian-oriented with buildings close to and oriented to the sidewalk. Parking may be shared between residential and commercial uses. Clusters of residential and commercial uses around landscaping features or parking areas can occur and are encouraged. The Commercial Mixed Use zone is suitable for the Commercial Plan designation. (5/98)

### **2.110.02 Permitted Uses**

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

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (4/16)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (5/98)
- E. **Landscape** counseling and planning (0781). (5/98)
- F. **Offices** for any use listed in SIC Division C - Construction. (5/98)
- G. **Commercial printing** (275). (5/98)
- H. **Transportation, Communication and Utilities.** (5/98)
  - 1. **Public utility** structures and buildings. (5/98)
  - 2. **Post office** (43). (5/98)
  - 3. **Travel agency** (4722). (5/98)
  - 4. **Communications** (48). (5/98)

I. **Retail Trade.** (5/98)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (5/98)
2. **General merchandise stores** (53). (5/98)
3. **Food stores** (54). (5/98)
4. **Automobile, recreational vehicle or trailer sales** (55), BUT EXCLUDING gasoline service stations (554). (5/98)
5. **Apparel and accessory stores** (56). (5/98)
7. **Furniture, home furnishings, and equipment stores** (57). (5/98)
8. **Eating and drinking places** (58) except as provided in Section 2.110.05, below. (5/98)
9. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (5/98)
10. **Electrical and lighting shops and office machines and equipment stores.** (5/98)

J. **Business, Professional and Social Services.** (5/98)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
2. **Hotels, motels and tourist courts** (701). (5/98)
3. **Organization hotels and lodging houses** on membership basis (704). (5/98)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (5/98)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (5/98)
6. **Parking lots** (7523) except as provided in Section 2.110.05, below. (5/98)
7. **Miscellaneous repair services** (76). (5/98)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (5/98)
9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)
10. **Health services** (80), BUT EXCLUDING hospitals (806). (5/98)
11. **Legal services** (81). (5/98)



12. **Elementary and secondary schools** (8211). (5/98)
  13. **Correspondence schools and vocational schools** (824). (5/98)
  14. **Schools and educational services** not elsewhere classified (829). (5/98)
  15. **Social services** (83). (5/98)
  16. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
  17. **Membership organizations** (86). (5/98)
  18. **Miscellaneous services** (89). (5/98)
  19. **Pet Grooming** (6/01)
- K. **Public Administration** (91-97). (5/98)
- L. **Child foster home** for five or fewer children as a secondary use. (6/99)

### **2.110.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. **Transit Facilities** (Section 2.305). (5/09)
- F. The following **special uses** subject to the applicable standards in Section 2.4:  
(6/22)
  1. **Accessory Dwelling Unit** (Section 2.403). (7/23)
  2. **Home occupations** (Section 2.407). (5/98)
  3. **Bed and breakfast establishments** (Section 2.408). (5/98)
  4. **Residential sales offices** (Section 2.409). (5/98)
  5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
  6. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)

7. **House of Worship** (Section 2.423). (5/98)
8. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
9. **Veterinary services** (074) (Section 2.414). (5/98)
10. **Funeral service and crematories** (726) (Section 2.415). (5/98)
11. **Used Merchandise Store** (Section 2.417)
12. **Adult entertainment business** (Section 2.418). (5/98)
13. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
14. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
15. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
16. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
17. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
18. **Medical Marijuana Facilities** (Section 2.433) (10/14)
19. **Marijuana Retailer** (Section 2.433) (1/16)
20. **Mobile Food Vendor** (Section 2.434) (9/16)

## **2.110.04 Conditional Uses**

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. **Transit Station** (Section 2.429). (5/09)
- C. **Gasoline service stations** (554) located in the Chemawa/River Rd restriction area described in Section 2.110.05.C. subject to the following requirements (9/17):
  1. May only sell fuel related products such as gasoline and oil, and non-fuel-related products typically for sale in the primary Food Store use. The building containing the non-fuel related sales shall not exceed a total of 900 square feet, and the sales floor area portion shall not exceed 450 square feet. No service or repair functions are allowed. (9/17)

2. Subject to the provisions in Section 2.419. (9/17)
3. Must be accessory to a **Food store (54)** use. The primary Food Store use must be a minimum of 15,000 square feet in area. (9/17)
4. Must be setback more than 100 feet from adjacent public streets, and must provide pedestrian oriented amenities on the entire site. (9/17)
5. Must provide screening and buffering to adjacent residential uses, and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right of way or adjacent properties. (9/17)
6. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts. (9/17)
7. Comply with all applicable requirements and standards, including, but not limited to KDC 2.301.04 (Traffic Impact Analysis) and all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District. (9/17)

### **2.110.05 Use Restrictions**

No permitted or special permitted use shall in any way involve any of the following:

- A. Farm Use. (5/98)
- B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
- C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)
  1. Gasoline service stations (554) except as provided in Section 2.110.04.C. (9/17)
  2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
  3. Vehicle sales and secondary repair. (5/98)
  4. Public utility structures and buildings. (5/98)

5. Recreational vehicle parks (7033). (5/98)
  6. Automobile parking not associated with an allowed use (752). (5/98)
  7. Automotive Dealers (55). (5/98)
  8. Automotive rental and leasing, without drivers (751). (5/98)
  9. Automotive repair shops (753). (5/98)
  10. Automotive services, except repair (754). (5/98)
  11. Utilities - secondary truck parking and material storage yard. (5/98)
- D. A limitation of the total floor area of specified uses applies to all of Area B – Retail Service Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E) (12) – (14). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (9/18)

## **2.110.06 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements (6/22)**

DIMENSION	Single Family	Duplex, Triplex, Quadplex or Multi-Family	Commercial	Mixed Use
Lot Size	4,000 sq. ft. (1)	6,000 sq. ft. (2)	None (3)	None (3)
Average Width	40 feet	50 feet	None	None
Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet

- (1) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (2) *Multi-family development must comply with the density standard in Section 2.110.07. (5/98)*
- (3) *Parcel size shall be adequate to contain all structures within the required yard setbacks and, where applicable, comply with residential density standards in Section 2.110.07. (5/98)*

B. Minimum Yard Setback Requirements (6/22)

SETBACKS	Single Family or Duplex	Triplex, Quadplex or Multi-Family	Commercial	Mixed Use
Front	10 feet	10 feet	10 feet	10 feet
Side	5 feet	(2)	(2)	(2)
Rear	(1)	(2)	(2)	(2)
Street-side (3)	10 feet	10 feet	10 feet	10 feet
Garage entrance (4)	20 feet (4)	20 feet (4)	20 feet (4)	20 feet (4)

- (1) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (2) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.110.07 Development Standards**

All development in the CM Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements. If a conflict exists with a specific standard found in this section and a standard found elsewhere in this Ordinance, the standard in this section shall govern. (5/98)

A. Off-street parking:

1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
2. No off-street parking is required for uses above the ground floor. (5/98)

3. The off-street parking requirement for residential uses is one space per unit. (5/98)
  4. If mixed uses on the ground floor exhibit peak parking demand at different times, the resulting parking requirement is limited to the number of spaces generated at the highest combined peak demand at any one particular time. (For example, if there is a movie theater exhibiting peak parking demand between 7:00 and 10:00 PM with a total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.)
- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
  - C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
  - D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
  - E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
  - F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
  - G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.
    1. The minimum landscaped area requirements shall be as follows:
 

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
    2. Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan. (12/03)
  - H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
  - I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Max.</u>	<u>Min</u>
Commercial development:	90%	50%
Mixed commercial and residential development:	85%	50%
Residential development:	80%	50%

- J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)
1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
  2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

## **2.110.08 Design Standards**

All development in the CM Zone shall comply with the applicable design standards described below:

- A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)
1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CM zone shall comply with the following standards: (5/98)
    - a. Single family homes shall comply with the design standards in Section 2.314. (5/98)
    - b. Multi-family buildings and non-residential structures shall comply with the provisions in Section 2.315 – Development Standards. (4/12)





## **2.112 COMMERCIAL GENERAL (CG)**

### **2.112.01 Purpose**

The purpose of the CG (Commercial General) zone is to provide areas suitable for warehousing, wholesale commercial sales and services with related outdoor storage or retail sales. The Commercial General zone is appropriate in those areas designated Commercial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials and where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local streets. (5/98)

### **2.112.02 Permitted Uses**

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

- A. **One dwelling unit in conjunction with the commercial use(s)** of the lot. (5/98)
- B. **Recycling Depots.** (5/98)
- C. **Auctions yards.** (5/98)
- D. **Landscape and horticultural services (078).** (5/98)
- E. **Construction contractor's offices** and related outdoor storage (15, 16, 17) (5/98)
- F. **Printing and publishing (27).** (5/98)
- G. **Transportation and Utilities.** (5/98)
  - 1. Transportation, communication, electric, gas, and sanitary services (40 - 49). (5/98)
  - 2. Utilities - secondary truck parking and material storage yard. (5/98)
  - 3. Public utility structures and buildings. (5/98)
- H. **Wholesale trade (50)** except scrap and waste materials (5093). (5/98)
- I. **Retail Trade.** (5/98)
  - 1. Building materials, hardware, retail nurseries, and garden supply (52). (5/98)

2. General merchandise stores (53). (5/98)
  3. Food stores (54). (5/98)
  4. Automobile, recreational vehicle or trailer sales and supply stores (55), BUT EXCLUDING gasoline service stations (554). (5/98)
  5. Apparel and accessory stores (56). (5/98)
  7. Furniture, home furnishings, and equipment stores (57). (5/98)
  8. Eating and drinking places (58). (5/98)
  9. Miscellaneous retail (59). (5/98)
  10. Electrical and lighting shops, office machines and equipment stores, and tractor and farm equipment shops. (5/98)
- J. **Business, Professional and Social Services.** (5/98)
1. Finance, insurance, and real estate (60, 61, 62, 63, 64, 65, 67). (5/98)
  2. Personal Services (72). (5/98)
  3. Business services (73). (5/98)
  4. Automotive repair services and garages (75). (5/98)
  5. Miscellaneous repair services (76). (5/98)
  6. Motion picture production and allied services (78), BUT EXCLUDING drive-ins (7832). (5/98)
  7. Amusement and recreation service (79), BUT EXCLUDING racing (7948). (5/98)
  8. Pet Grooming (6/01)
- K. **Public Administration.** (5/98)
1. Fire protection (9224). (5/98)
- L. **Child foster home** for five or fewer children as a secondary use. (6/99)

### **2.112.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)

- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Veterinary services** (074) (Section 2.414). (5/98)
  - 2. **Funeral service** and crematories (726) (Section 2.415). (5/98)
  - 3. **House of Worship** (Section 2.423). (5/98)
  - 4. **Used Merchandise Store** (Section 2.417). (5/98)
  - 5. **Home occupations** (Section 2.407). (5/98)
  - 6. **Adult entertainment business** (Section 2.418). (5/98)
  - 7. **Service stations** (554) (Section 2.419). (5/98)
  - 8. **Recreational vehicle storage** space (Section 2.413). (5/98)
  - 9. **Wireless Telecommunications Facilities (Section 2.427)**. (5/98)
  - 10. **Medical Marijuana Facilities** (Section 2.433). (10/14)
  - 11. **Marijuana Retailer** (Section 2.433) (1/16)
  - 12. **Mobile Food Vendor** (Section 2.434). (7/17)

#### **2.112.04 Conditional Uses**

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)

#### **2.112.05 Dimensional Standards**

- A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	50 feet provided required setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.

B. Minimum Yard Setback Requirements (6/22)

ADJACENT PROPERTY USE (6/22)

SETBACKS	Single Family or Duplex	Triplex, Quadplex or Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1)	(1)	(1)	(1)
Rear	(1)	(1)	(1)	(1)
Street-side (2)	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CG zone, the rear yard setback is 0 feet. (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.112.06 Development Standards**

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

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the CG zone shall comply with the Development Standards in Section 2.315. A caretaker's dwelling shall comply with the design standards in Section 2.314. (5/98)
- C. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)



## **2.113 INDUSTRIAL BUSINESS PARK (IBP)**

### **2.113.01 Purpose and Uses**

- A. Purpose. The IBP zone is intended to provide for high quality light industrial and office parks with related commercial uses. It sets high design standards focusing on visual aesthetics, while providing a framework for the marketplace to work within creating vibrant, economically viable commerce centers. (5/98)
- B. Classification of Uses: Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC), Manual, Numbers in parenthesis following a use designation indicate that the use is listed and described under the number in the SIC. Where particular activities otherwise included under a SIC category are excluded from the permitted, a special, or conditional uses, those particular activities are listed, preceded by the words, "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter. The IBP zone may be utilized in conjunction with overlay zones, such as the AC (Activity Center) overlay zone used within the Keizer Station Plan, which may include use and development standards which are more restrictive than those found in this chapter. (02/03)

### **2.113.02 Permitted Uses.**

The following uses, when developed under the general development standards in this zoning code applicable to the IBP district and to all such uses, generally, are permitted in the IBP district: (5/98)

- A. **Agriculture forestry and fishing;** (5/98)
  - 1. Agricultural production-crops (01). (5/98)
- B. **Manufacturing;** (5/98)
  - 1. Grain mill products (204). (5/98)
  - 2. Bakery products (205). (5/98)
  - 3. Beverages (208). (5/98)
  - 4. Miscellaneous food preparations and kindred products (209). (5/98)
  - 5. The manufacture of meat products (201) but excluding both meat packing plant and any on site abattoirs and slaughtering (2011), rendering of fats (2077), processing of hides and maintenance of live animals or fowl. (5/98)

6. Textile mill products (22). (5/98)
7. Apparel and other finished products made from fabrics and similar products (23). (5/98)
8. Wood kitchen cabinets (2434). (5/98)
9. Nailed and lock corner wood boxes and shook (2441). (5/98)
10. Wood products, not elsewhere classified (2499). (5/98)
11. Furniture and fixtures (25). (5/98)
12. Paperboard containers and boxes (265). (5/98)
13. Printing, publishing, and allied industries (27). (5/98)
14. Drugs (283). (5/98)
15. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284). (5/98)
16. Miscellaneous plastic products (308). (5/98)
17. Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311). (5/98)
18. Glass products, made of purchased glass (323). (5/98)
19. Pottery and related products (326). (5/98)
20. Metal cans and shipping containers (341). (5/98)
21. Cutlery, hand tools, and general hardware (342). (5/98)
22. Heating equipment, except electric and warm air, and plumbing fixtures (343). (5/98)
23. Fabricated structural metal products (344). (5/98)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers (345). (5/98)
25. Metal forgings and stampings (346). (5/98)
26. Metalworking machinery and equipment (354). (5/98)



27. Special industry machinery, except metalworking machinery (355). (5/98)
  28. Pumps and pumping equipment (3561). (5/98)
  29. Office, computing, and accounting machines (357). (5/98)
  30. Electrical and electronic machinery, equipment, and supplies (36). (5/98)
  31. Transportation Equipment (37). (5/98)
  32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38). (5/98)
  33. Miscellaneous manufacturing industries (39). (5/98)
- C. **Transportation, communications, electric, gas, and sanitary services;**
1. Motor freight transportation and warehousing (42). (5/98)
  2. Communication (48). (5/98)
  3. Public Utility Structures and Buildings (49). (5/98)
- D. **Wholesale trade-nondurable goods** (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (5169), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified (5199). (5/98)
- E. **Wholesale trade-durable goods** (50) BUT EXCLUDING automobiles and other motor vehicles (501), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials (5093). (5/98)
- F. The uses (b) through (e), excluding c) iii) shall:
1. Be within an enclosed building; and
  2. Permit retail sales of products manufactured on the site. (5/98)
- G. **Services** (5/98)
1. Computer and data processing services (737). (5/98)
  2. Research and development laboratories (873). (5/98)
  3. Management, consulting, and public relations services (874). (5/98)

4. Noncommercial educational, scientific, and research organizations (8733). (5/98)
- H. **Public administration;** (5/98)
1. Public order and safety (922) except correctional institutions (9223). (01/07)
- I. **Office Uses;** (5/98)
1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in 2.108.02.A, B, C, PP, and RR. (5/98)
- J. **Retail trade;** (5/98)
1. Eating and drinking places (58). (5/98)
- K. **Finance, Insurance, and Real Estate;** (5/98)
1. Commercial and Stock Savings Banks (602). (5/98)
  2. Mutual Savings Bank (603). (5/98)
  3. Savings and Loan Associations (603). (5/98)
  4. Personal Credit Institutions (606). (5/98)
- L. **Services** (7/06)
1. Hotels, motels, and tourist courts (7011). (5/98)
  2. **Day care facility** for 17 or more children consistent with state regulations. (8351). (4/16)
  3. Membership sports and recreation clubs (7997). (5/98)
  4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)
  5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (7/06)
  6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
  7. Miscellaneous services. (5/98)

**M. Transit facilities.** (05/09)

**N. Flexible Space Uses**

1. The following uses, when restricted, developed, and conducted as required in subsections 2 and 3 below, are permitted in the IBP district
  - a. Food Stores (54). (5/98)
  - b. Apparel and Accessory Stores (56). (5/98)
  - c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
  - d. Miscellaneous Retail (59); BUT EXCLUDING used merchandise stores (5932). (5/98)
  - e. Business Services (73). (5/98)
  - f. Miscellaneous Repair Services (76). (5/98)
2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply; (02/03)
  - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection 1(a) through (d). (7/04)
  - b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the IBP district. "IBP district" is defined as IBP zoned property within the Keizer Station, including any internal public streets. In no case shall each contiguously zoned IBP district within the Keizer Station exceed 32,400 square feet of Flexible Use Space as set forth in sub-sections 1.a through d. (7/04)
  - c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the IBP district. (5/98)
  - d. Any outdoor storage area shall:
    - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;

- ii. Be enclosed with a sight-obscuring fence or wall;
    - iii. Have at least one side coterminous with the building that it serves;
    - iv. Have no opening within fifty feet and visible from any property boundary; and
    - v. Meet the other applicable requirements of this ordinance. (5/98)
  - e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary. (5/98)
  - f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. (5/98)
  - g. All buildings shall be capable of development as flexible industrial space. (5/98)
3. For land that is outside of the Keizer Station where no master plan is established and where Flexible Space uses are to be developed the following development limits apply; (01/07)
- a. Properties to be developed with Flexible Space uses shall have frontage along an arterial street. (01/07)
  - b. Any outdoor storage area shall: (01/07)
    - i. Be enclosed with a sight-obscuring fence or wall; (01/07)
    - ii. Have at least one side coterminous with the building that it serves; (01/07)
    - iii. Have no opening for loading that is within fifty feet of a property boundary unless it is screened in accordance with provisions as specified in Section 2.113.05; and (01/07)
    - iv. Meet the other applicable requirements of this ordinance. (01/07)
  - c. Buildings fronting a street shall have not less than thirty-five percent of the area of the street front wall with windows, displays or doorway openings. (01/07)

**O. Wireless Telecommunications Facilities (Section 2.427). (5/98)**

- P. **Medical Marijuana Facilities** (Section 2.433). (10/14)
- Q. **Marijuana Grow Site** (Section 2.433). (10/14)
- R. **Marijuana Retailer** (Section 2.433). (1/16)
- S. **Marijuana Processor** (Section 2.433). (1/16)
- T. **Marijuana Producer** (Section 2.433). (1/16)
- U. **Marijuana Wholesaler** (Section 2.433). (1/16)
- V. **Mobile Food Vendor** (Section 2.434). (7/17)

### **2.113.03 Conditional Use**

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

- A. **Transit Station** (Section 2.429). (05/09)

### **2.113.04 Prohibited Uses.**

Within any IBP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under this chapter. (5/98)

### **2.113.05 Industrial Performance Standards.**

In an IBP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law. (5/98)

### **2.113.06 Development Standards**

- A. **Design Standards** – Unless specifically modified by provisions in this Section, buildings located within the IBP zone shall comply with the Development Standards in Section 2.315. (5/98)
- B. **Location Standards.** (5/98)
  - 1. Each IBP district shall have direct access onto an arterial or collector street. (5/98)

2. Access to a local street abutting the district shall not be permitted from any lot within the IBP district; except that, access may be permitted to a local street if 75 percent of the property is zoned industrial or designated industrial in the Keizer Comprehensive Plan along both sides of the street for a distance of 600 feet from the center line of a proposed access in both directions along the street, or for the distance from said centerline to the next intersecting arterial or collector street in both directions, whichever is less. (5/98)
  3. Calculation of the percent of industrial property shall be based upon the street frontage of properties having frontage on the local street within the described distance of the centerline of the proposed access. (5/98)
  4. The Zoning Administrator may require street right-of-way and improvements for streets abutting or within the IBP district in accordance with the Development Code, except that for local streets to which access is not allowed under 2. above, the Zoning Administrator may only require right-of-way dedication, and not improvements. (5/98)
- C. **Height.** Within the IBP district buildings and structures erected, altered or enlarged shall not exceed 100 feet in height, except for the area within 50 feet of any residential zone where the maximum height shall be 15 feet. (5/98)
- D. **Lot Area and Dimensions.** There are no minimum lot area requirements in an IBP district. (5/98)
- E. **Yards Adjacent to Streets.** Within an IBP district:
1. Along the full extent of each lot line adjacent to a street, there shall be a required yard 20 feet in depth. (5/98)
  2. Setbacks for accessory building and structures, except fences, shall be the same as for primary buildings. (5/98)
  3. No parking will be allowed in required yards. (5/98)
  4. No buildings or structures except transit shelters approved by the Salem Area Transit District shall be permitted in a required yard adjacent to a street. (5/98)
- F. **Yards Adjacent to Other Districts.** (5/98)
1. Where an IBP district within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)

2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)
3. Where an IBP district within the Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street. (5/98)

**G. Side and Rear Yards.** Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:

1. As may be required for a yard adjacent to another district as defined above. (5/98)
2. Where a side or rear yard is not required but is provided it shall:
  - a. Be at least ten feet in depth;
  - b. Not include buildings, structure, parking or driveways; and
  - c. Be landscaped. (5/98)
3. Driveways and accessways shall set back at least ten feet from property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard shall exist parallel and along each side of the common driveway. (7/06)

**H. Lot Coverage.** Each lot within an IBP district shall have a least 20 percent of its gross area landscaped; that portion of the required yards, which are landscaped, may be included in the calculation to meet the 20 percent landscaped area. (5/98)

**I. Open Storage**

1. Open storage of materials and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall or berm at least six feet in height, or a sight obscuring hedge no less than four feet in height and capable of obtaining a height of six feet within two years, any of which shall be located on the property at the required set back line in the same manner as if such berm, fence, wall, or hedge were a building. (5/98)
2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)

**J. Landscaping**

1. Landscaping shall meet the requirements of the Keizer Development Code as well as the following requirements. (5/98)
2. Required yards shall include the following plant materials:. (5/98)

**Number of Plant Units or Square Feet of Living Ground Cover  
Per 1000 Square Feet of Landscaped yard**

Plant Type	Boundary of IBP District	Other Locations
Trees	2	1
Shrubs	5	3
Evergreens and Conifers	1	
Living Ground Cover	500 sq. ft.	500 sq. ft.

3. Plant units shall be distributed not less than two units per each 100 linear feet of boundary or lot line and each ten feet of depth. (5/98)
4. Plant units meeting the above standards shall also be planted and maintained in any planting strip or area within the public right of way adjacent to a use. Trees within the planting strip shall be in conformance with City standards for street trees. (5/98)

- K. Off-Street Parking and Loading.** Within an IBP district all uses shall meet the requirements of the Parking Chapter of the Keizer Development Code as well as the additional requirements of this section:



1. Parking

- a. All parking shall be set back at least ten feet from all interior property lines. (5/98)
- b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)
- c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements. (5/98)
- d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)

2. Loading

- a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)
- b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings. (5/98)

L. **Lighting.** Exterior lights fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground and five feet outside the boundary of the IBP district, shall within 50 feet of the base of the light standard be either:

- 1. Completely shielded from direct view, or. (5/98)
- 2. Not greater than five foot candles. (5/98)



## **2.114 GENERAL INDUSTRIAL (IG)**

### **2.114.01 Purpose**

The purpose of the IG (General Industrial) zone is to provide appropriate areas suitable for warehousing primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The General Industrial zone is appropriate in those areas designated General Industrial in the Comprehensive Plan where the location has access to an arterial street or highway for transport of bulk materials and where the noises, lights, odors, and traffic hazards associated with permitted uses will not conflict with local and collector streets. (5/98)

### **2.114.02 Permitted Uses**

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

- A. **Dwelling unit or guest room for a caretaker** or watchman on the premises being cared for or guarded. (5/98)
- B. **Recycling depots.** (5/98)
- C. **Agricultural services (07).** (5/98)
- D. **Construction contractor's offices** and related outdoor storage (15, 16, 17). (5/98)
- E. **Manufacturing and Assembly (20-39); BUT EXCLUDING.** (5/98)
  - 1. Pulp, paper and paper board mills (261, 262, 263, 266). (5/98)
  - 2. Agricultural chemicals (287) and miscellaneous chemical products (289). (5/98)
  - 3. Leather tanning and finishing (311). (5/98)
  - 4. Cement (324); structural clay products (325), concrete, gypsum and plaster products (327) and abrasive, asbestos and miscellaneous non-metallic mineral products (329). (5/98)
  - 5. Metal forgings and stamping (346) and ordnance and accessories (348). (5/98)
  - 6. Storage batteries (3691) and primary batteries (3692),. (5/98)
- F. **Transportation, utilities and communication (40 - 49), BUT EXCLUDING** travel agencies (4722). (5/98)
- G. **Wholesale trade (50, 51), BUT EXCLUDING** scrap and waste materials establishments (5093) livestock (5154). (5/98)

- H. **Food stores and eating and drinking places (58).** (5/98)
- I. **Business and Professional Services:** The following business and professional services are permitted provided the gross floor area shall not exceed 10,000 square feet. (5/98)
  - 1. Cleaning services, including power laundries, family and commercial (7211), dry cleaning plants (7216), carpet and upholstery cleaning (7217), industrial launderers (7218) and laundry and garment services, not elsewhere classified (7219). (5/98)
  - 2. Business services (73). (5/98)
  - 3. Repair shops and related services, not elsewhere classified (7699). (5/98)
  - 4. Vocational schools; except vocational high schools, not elsewhere classified (8249). (5/98)
  - 5. Miscellaneous services (89). (5/98)
- J. **Research, development and testing services** (873)
- K. **Fire protection** (9224). (5/98)
- L. **Public and Private Utilities.** (5/98)
- M. **Uses clearly accessory to and subordinate** to the above. (5/98)

### **2.114.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Energy facility** (Section 2.425). (5/98)
  - 2. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
  - 3. **Medical Marijuana Facilities** (Section 2.433). (10/14)
  - 4. **Marijuana Grow Site** (Section 2.433). (10/14)

5. **Marijuana Retailer** (Section 2.433). (1/16)
6. **Marijuana Processor** (Section 2.433). (1/16)
7. **Marijuana Producer** (Section 2.433). (1/16)
8. **Marijuana Wholesaler** (Section 2.433). (1/16)
9. **Mobile Food Vendor** (Section 2.434). (7/17)

#### **2.114.04 Conditional Uses**

All uses in SIC categories 20 to 51 and not specifically identified as a permitted use in, or specifically excluded from, Section 2.114.03 may be established by a conditional use permit. The following shall also require a conditional use permit:

- A. **Wrecking yards.** (5/98)
- B. **Solid waste transfer facility.** (5/98)
- C. **Composting Facilities** allowed and properly permitted under state laws when such facilities are enclosed and do not utilize outside static pile or windrow composting methods. (3/21)

#### **2.114.05 Prohibited Uses**

- A. The following uses are prohibited on properties within the Keizer Station Plan boundary: (2/03)
  1. Manufacturing of grain mill products (204) (2/03)
  2. Manufacturing of biological products, except diagnostic substances (2836) (2/03)
  3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284) (2/03)
  4. Miscellaneous plastic products (308) (2/03)
  5. Motor freight transportation and warehousing (42) (2/03)

## **2.114.06 Dimensional Standards**

### **A. Minimum Lot Dimension and Height Requirements**

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	100 feet (1)

*(1) Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet. (5/98)*

*(2) Within the Keizer Station Plan boundary, one additional foot in height is permitted for every five feet of additional setback within fifty feet from property lines adjacent to residential uses. (02/03)*

### **B. Minimum Yard Setback Requirements (6/22)**

#### **ADJACENT PROPERTY USE (6/22)**

SETBACKS	Single Family or Duplex	Triplex, Quadplex or Multi-Family	Commercial	Industrial
Front	5 feet	5 feet	5 feet	5 feet
Side	(1), (2)	(1), (2)	(1)	(1)
Rear	(1), (2)	(1), (2)	(1)	(1)
Street-side	5 feet	5 feet	5 feet	5 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the IG zone, the rear yard setback is 0 feet. (5/98)*
- (2) A sight-obscuring fence shall contain yards adjacent to residential zones, wall, or hedge a minimum of 8 feet in height. (5/98)*
- (3) The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

## **2.114.07 Development Standards**

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

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the IG zone shall comply with the Development Standards in Section 2.315. A caretaker's dwelling shall comply with the design standards in Section 2.314. (5/98)
- C. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- D. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)
- I. **Open Storage:** Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)





## **2.115 AGRICULTURAL INDUSTRIAL (AI)**

### **2.115.01 Purpose**

The purpose of the AI (Ag-Industrial) zone is to provide appropriate areas suitable for agricultural uses, agricultural related industries, warehousing, transportation facilities, and other agricultural, industrial, and recreational uses that have relatively low employees per acre ratios. The Ag-Industrial zone is appropriate in those areas designated Ag-Industrial in the Comprehensive Plan where the location is impacted by the Willow Lake Wastewater Treatment Plan and the site has access to an arterial street for transport of bulk materials. (5/98)

### **2.115.02 Permitted Uses**

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

- A. **Lawful uses existing on a property at the time of the effective date of this zone.** (5/98)
- B. **Farm Use**, including farm dwellings as defined in ORS 215.213(e), (f), and (g). (5/98)
- C. **Timber tracts** (081) and forest nurseries (083). (5/98)
- D. **Agricultural services** (07). (5/98)
- E. **Wholesale** (5193) and **retail nurseries** (5261). (5/01)
- F. **Food and kindred products** (20). (5/98)
- G. **Recycling Centers and Depots.** (5/98)

### **2.115.03 Special Permitted Uses**

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

- A. **Non-Residential Partitions**, subject to the provisions in Section 2.310. (5/01)
- B. **Non-Residential Subdivision**, subject to the provisions in Section 2.310. (5/01)
- C. **Non-Residential Planned unit development**, subject to the provisions in Section 2.311. (5/01)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

- E. The following special uses subject to the applicable standards in Section 2.4:
  - 1. **Energy facility** (Section 2.425). (5/98)
- F. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
- G. **Medical Marijuana Facilities** (Section 2.433). (10/14)
- H. **Marijuana Grow Site** (Section 2.433). (10/14)
- I. **Marijuana Retailer** (Section 2.433). (1/16)
- J. **Marijuana Processor** (Section 2.433). (1/16)
- K. **Marijuana Producer** (Section 2.433). (1/16)
- L. **Marijuana Wholesaler** (Section 2.433). (1/16)
- M. **Mobile Food Vendors** (Section 2.434). (5/19)

#### **2.115.04 Conditional Uses**

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

- A. **Solid waste transfer facility**. (5/98)
- B. **Public or Private Golf Course** or Driving Range. (5/98)
- C. **Public or Semi-Public Recreation Facility** incorporating outdoor fields for organized team play along with related concession, storage, and maintenance facilities. (5/98)
- D. **Composting and recycling facility** for organic yard debris. (5/98)
- E. **Construction contractor's offices** and related outdoor storage (15, 16, 17). (5/98)
- F. **Manufacturing and Assembly**. (5/98)
  - 1. Textile products and apparel (22). (5/98)
  - 2. Millwork (2431). (5/98)
  - 3. Wood kitchen cabinets (2434). (5/98)
  - 4. Structural wood members, not elsewhere classified (2439). (5/98)

5. Furniture and fixtures (25). (5/98)
6. Chemicals and allied products (28) except miscellaneous chemical products (289). (5/98)
7. Rubber and miscellaneous plastics products (30). (5/98)
8. Leather and leather products (31) except leather tanning and finishing (311). (5/98)
9. Stone, clay, glass products (32) except cement (324); structural clay products (325), concrete, gypsum and plaster products (327) and abrasive, asbestos and miscellaneous non-metallic mineral products (329). (5/98)
10. Fabricated metal products including metal forging and stamping (346) but excluding ordnance and accessories (348). (2/04)
11. Machinery and equipment manufacturers (35). (5/98)
12. Transportation equipment (37). (5/98)
13. Miscellaneous manufacturing industries (39). (5/98)
14. Grain mill products. (2/04)
15. Bakery products. (2/04)
16. Beverages. (2/04)
17. Miscellaneous food preparations and kindred products. (2/04)
18. The manufacture of meat products but excluding both meat packing plant and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (2/04)
19. Apparel and other finished products made from fabrics and similar products. (2/04)
20. Wood kitchen cabinets. (2/04)
21. Nailed and lock corner wood boxes. (2/04)
22. Wood products, not elsewhere classified. (2/04)
23. Furniture and fixtures. (2/04)

24. Paperboard containers and boxes. (2/04)
25. Printing, publishing, and allied industries. (2/04)
26. Drugs. (2/04)
27. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (2/04)
28. Miscellaneous plastic products. (2/04)
29. Glass products, made of purchased glass. (2/04)
30. Cutlery, hand tools, and general hardware. (2/04)
31. Heating equipment, except electric and warm air, and plumbing fixtures (19). (2/04)
32. Screw machine products, and bolts, nuts, screws, rivets, and washers. (2/04)
33. Pumps and pumping equipment. (2/04)
34. Electrical and electronic machinery, equipment, and supplies. (2/04)
35. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (2/04)
36. Miscellaneous manufacturing industries. (2/04)

**H. Transportation, communications, electric, gas, and sanitary services;**

1. Motor freight transportation and warehousing. (2/04)
2. Communication. (2/04)
3. Public Utility Structures and Buildings. (2/04)
4. Ancillary facilities for wastewater treatment including but not limited to administrative offices and vehicle maintenance shops. (2/04)

**I. Wholesale trade-nondurable goods BUT EXCLUDING poultry and poultry products, livestock, farm-product raw materials, not elsewhere classified, chemicals and allied products, tobacco and tobacco products, and nondurable goods, not elsewhere classified. (2/04)**

**J. Wholesale trade-durable goods BUT EXCLUDING automobiles and other motor vehicles, lumber and other construction materials, coal and other**

minerals and ores, construction and mining machinery and equipment and scrap and waste materials. (2/04)

- K. **Transportation, utilities and communication** (40 - 49), BUT EXCLUDING travel agencies (4722). (5/98)
- L. **Biomass facility** (Section 2.425). (5/98)
- M. **Boat & RV Storage** (section 2.411). (5/98)
- N. **Public and Semi-Public buildings** and structures excluding office space except as specified in H. (2/04)
- O. **Services** (2/04)
  - 1. Research and development laboratories. (2/04)
  - 2. Noncommercial educational, scientific, and research organizations. (2/04)
  - 3. Membership sports and recreation clubs. (2/04)
  - 4. Amusement and recreation (79). (2/04)
  - 5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/04)
  - 6. Miscellaneous services. (2/04)
- P. **Public administration;** (5/98)
  - 1. Fire protection. (5/98)
- Q. **Transit stop shelters.** (5/98)

In addition to any other notice required by law, notice shall be also sent to Marion County and the City of Salem for any hearing regarding any conditional use or other land use applications for property within the AI zone. (5/01)

## **2.115.05 Prohibited Use**

The following uses are prohibited in the AI zone:

- A. **Wastewater treatment** including but not limited to primary clarifiers, trickling filters, aeration basins, secondary clarifiers, disinfection facilities and dewatering facilities. (2/04)

## **2.115.06 Dimensional Standards**

### **A. Minimum Lot Dimension and Maximum Height Requirements (5/01)**

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
MAXIMUM STRUCTURE HEIGHT	35 feet

### **B. Minimum Yard Setback Requirements (5/01)**

ADJACENT PROPERTY USE		
SETBACKS	Residential	Non-Residential
Front	20 feet	20 feet
Side	20 feet*	15 feet
Rear	20 feet*	15 feet
Street-side	20 feet	20 feet
*Plus 1 foot for each foot of building height over 10 feet		

Adjacent to residential zones, an eight (8) foot sight obscuring fence, wall or hedge is required. (5/01)

## **2.115.07 Development Standards**

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

- A. Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. Non Residential Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/01)
- C. Design Standards -** Unless specifically modified by provisions in this Section, buildings located within the AI zone shall comply with the Development Standards in Section 2.315. (5/98)
- D. Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- E. Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)

- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 10% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 90%. (5/98)
- I. **Open Storage:** (5/98)
1. Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)
  2. Materials and equipment stored as permitted in this section shall be no more than 14 feet in height above the elevation of the storage area. (5/98)
  3. Landscaping shall screen open storage over six feet in height above the elevation of the storage area. (5/98)
- J. **Easement/Waiver:** As a condition of approval of any building permit or land use action in the AI zone, and as a precondition of any occupancy permit, the property owner shall sign and cause to be recorded in the real property records of Marion County a document granting an easement and a waiver of claims with regard to impacts from the Willow Lake Wastewater Treatment Plant. Such easement/waiver shall be approved by the City Attorney and be in substantially the same form as that attached to that certain Willow Lake Settlement Agreement executed by Salem, Marion County and Keizer. The recorded easement/waiver shall also be referenced on the plat of any partition, subdivision or PUD. (5/01)





## **2.116 PUBLIC (P)**

### **2.116.01 Purpose**

The purpose of the P (PUBLIC) zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use. If the use existing at the time the P zone is applied is discontinued or if a proposed use is not established, it is the intent that the land be rezoned to conform to surrounding zoning or be devoted to permitted uses. (5/98)

The Public zone is applicable to those properties designated Civic, Schools and Park in the Comprehensive Plan. (5/98)

### **2.116.02 Permitted Uses**

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

- A. **Farm use.** (5/98)
- B. **Forest use.** (5/98)
- C. **Utility facilities** necessary for public service except public power generation. (5/98)
- D. **Park and other recreational facility** improvements as part of a Master Parks Plan adopted by the Keizer City Council. (5/98)
- E. **Temporary commercial activities** which are subordinate and ancillary to the primary use. (5/98)

### **2.116.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Accessory structures** and uses prescribed in Section 2.203. (5/98)
- D. **Wireless Telecommunications Facilities** (Section 2.427) (5/98)

- E. **Recreation Vehicle Space** for One (1) Recreational Vehicle in Conjunction with the Stadium or a Ballpark with seating for 4000 or more Persons. (Section **2.412(D)**) (12/98)
- F. **Temporary commercial activities at stadiums in excess of 4,000 person capacity** (Section 2.428) (2/00)
- G. **Mobile Food Vendor** (Section 2.434) (7/17)

## **2.116.04 Conditional Uses**

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

- A. **Dwelling for the caretaker or watchman**; housing for the staff required for an approved conditional use. (5/98)
- B. **Transportation, utilities and communication** (40 - 49) BUT EXCLUDING travel agencies (4722). (5/98)
- C. **Solid waste disposal** site. (5/98)
- D. **Business, Professional and Social Services**
  - 1. Cemeteries, crematoriums, and mausoleums (6553). (5/98)
  - 2. Commercial sports (794). (5/98)
  - 3. Public golf courses (7992) (Section 2.411). (5/98)
  - 4. Amusement parks (7996). (5/98)
  - 5. Amusement and recreation services not elsewhere classified (7999). (5/98)
  - 6. Health services (80). (5/98)
  - 7. Educational services (82). (5/98)
  - 8. Social services (83). (5/98)
  - 9. Museums, art galleries, botanical and zoological gardens (84). (5/98)
  - 10. Ball parks, parks, playgrounds, and parkways, public or private open space. (5/98)
- E. **Chamber of Commerce.** (5/98)

F. **Public Administration** (91 - 97). (5/98)

G. **Energy facility** (Section 2.425). (5/98)

## **2.116.05 Dimensional Standards**

A. Minimum Lot Dimension and Height Requirements

LOT SIZE	The parcel size shall be adequate to contain all structures within the required yard setbacks.
STRUCTURE HEIGHT	50 feet provided setbacks shall be increased 1 foot for every foot the structure height exceeds 35 feet.

B. Minimum Yard Setback Requirements

### ADJACENT PROPERTY USE (6/22)

SETBACKS	Single Family or Duplex	Triplex, Quadplex or Multi-Family	Commercial	Industrial
Front	10 feet	10 feet	10 feet	10 feet
Side	(1), (2)	(1), (2)	(1)	(1)
Rear	(1), (2)	(1), (2)	(1)	(1)
Street-side	10 feet	10 feet	10 feet	10 feet
Garage entrance (3)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the P zone, the rear yard setback is 10 feet.* (5/98)
- (2) *Yards adjacent to residential zones shall be contained by a sight-obscuring fence, wall, or hedge a minimum of 8 feet in height.* (5/98)
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks.* (5/98)

## **2.116.06 Development Standards**

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

- A. **Off Street Parking.** Parking shall be as specified in Section 2.303. (5/98)
- B. **Subdivisions and Partitions.** Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. **Yards and Lots.** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Signs.** Signs shall conform to the requirements of Section 2.308. (5/98)
- E. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. **Landscaping:** A minimum of 20% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- G. **Lot Coverage:** The combined maximum building and parking area coverage shall not exceed 80%. (5/98)
- H. **Open Storage:** Open storage of materials used for the manufacture or assembly of goods, and equipment is prohibited in required yards, but is otherwise permitted provided that such storage is enclosed with a sight-obscuring fence, wall, hedge, or berm a minimum of 8 feet in height. (5/98)

## **2.117 EXCLUSIVE FARM USE (EFU)**

### **2.117.01 Purpose**

The purpose of the EFU (EXCLUSIVE FARM USE) zone is to allow the continued practice of commercial agriculture in areas planned for future urban development. The Exclusive Farm Use zone is to be applied in those areas designated as Special Policy Area in the City of Keizer Comprehensive Plan. (5/98)

It is not the intent in the EFU zone to allow partitioning that creates residential acreage because fragmentation makes it difficult to achieve efficient urbanization when development is appropriate. The EFU zone is intended to be a farm zone consistent with ORS 215.203. (5/98)

### **2.117.02 Permitted Uses**

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

- A. **Farm use** (see farm use definition). (5/98)
- B. The propagation or harvesting of **forest products**. (5/98)
- C. **Utility facilities** necessary for public service including transmission towers up to 200 feet high, except commercial facilities for power generation. (5/98)
- D. A **solid waste disposal site** that has been ordered to be established by the Environmental Quality Commission. (5/98)
- E. **Signs**. (5/98)

### **2.117.03 Conditional Uses**

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

- A. **Dwellings** or mobile homes in conjunction with farm use. (5/98)
- B. **Single-family dwelling** or mobile home not in conjunction with farm use. (5/98)
- C. **Home occupations**. (5/98)
- D. Exploration, and processing of **geothermal** or other subsurface resources not used exclusively in conjunction with farm or forest management. (5/98)
- E. Portable or temporary facility for **primary processing of forest products** as defined in ORS 215. (5/98)

- F. **Commercial** activities in conjunction with farm use. (5/98)
- G. Private **power generation** facilities. (5/98)
- H. Personal-use **airports** for airplanes and helicopter pads, including associated hangar, maintenance, and service facilities as defined in ORS 215. (5/98)
- I. Public **stables**. (5/98)
- J. Private parks, playgrounds, hunting and fishing preserves, and campgrounds serving the general public. (5/98)
- K. **Parks, playgrounds, campgrounds, group camping, or community centers** owned and operated by a governmental agency or non-profit community organization. (5/98)
- L. Public **power generation** facilities. (5/98)
- M. **Houses of Worship, public and private schools**. (5/98)
- N. **Golf** courses. (5/98)
- O. **Wireless Telecommunication Facilities**. (5/98)
- P. **Kennels**. (5/98)
- Q. **Marijuana Grow Site** (Section 2.433). (10/14)
- R. **Marijuana Processor** (Section 2.433). (1/16)
- S. **Marijuana Producer** (Section 2.433). (1/16)
- T. **Marijuana Wholesaler** (Section 2.433). (1/16)

## **2.117.04 Development Standards**

The standards and regulations in this chapter and the additional standards and regulations of this ordinance apply to all lots, structures, and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied. (5/98)

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply. (5/98)

- A. **Height.** Within an EFU zone, there is no height limit, except a maximum of 35 feet for dwellings, structures associated with special uses, and conditional uses. Greater height may be requested and approved as a conditional use. (5/98)
- B. **Lot Area Standards For Existing Dwellings.** For lots approved before adoption of this ordinance or lots created through partitioning containing an existing dwelling established prior to the adoption of this ordinance, the minimum lot sizes are:
1. Served by both public sewer and water: 6,000 square feet. (5/98)
  2. Lacking public sewer or water: 20,000 square feet. (5/98)
  3. Lacking both public sewer and water: 1 acre. (5/98)
- C. **Lot Area Standards For New Development.** Additional partitioning of an undeveloped property to a parcel of less than 5 acres in area shall not be allowed. Minimum lot dimension standards are:
1. The property shall have no dimension less than 100 feet. (5/98)
  2. The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way width of not less than 40 feet. (5/98)
- D. **Front Yards And Yards Adjacent To Streets.** Within an EFU zone:
1. Along the full extent of each front lot line and lot line adjacent to a street, there shall be a required yard 20 feet in depth; provided however, that any corner lot having one single-family dwelling shall have a required yard of 20 feet along the front lot line and 15 feet along the side lot line adjacent to the street. (5/98)
  2. Notwithstanding the provisions of subsections 1. and 2. of this section, there shall be a required yard of 20 feet from the right-of-way of a designated arterial or collector street. (5/98)
  3. Setbacks for accessory structures shall be subject to the requirements of Section 2.313. (5/98)
- E. **Interior Side Yards.** Within an EFU zone, a side yard a minimum of 10 feet shall be provided. (5/98)
- F. **Interior Rear Yards.** Within an EFU zone, a rear yard a minimum of 30 feet shall be provided. (5/98)

## **2.117.05 Requirements For On-Site Sewage Disposal Permits**

The following conditions shall be met prior to the approval of an on-site sewage disposal system permit in conjunction with other criteria when applicable:

- A. The property shall not lie within the boundary of a sewer service district as it was drawn prior to the inclusion within the City limits or within the boundary of an improvement district for sewer services that have been established by the City. (5/98)
- B. The property must lie more than 300 feet in a straight line from an existing sewer line which can be extended to the property to provide gravity sewer service. (5/98)
- C. The property shall not be serviced by a city or district water system. (5/98)
- D. The property shall not be zoned or used for commercial or industrial purposes. (5/98)
- E. The on-site sewage disposal system shall be limited to serve one single-family residence on the property. (5/98)
- F. The property owner shall sign a non-remonstrance agreement for future sewer service by the City. (5/98)
- G. The property shall have no dimension less than 100 feet. (5/98)
- H. The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet. (5/98)
- I. Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system. (5/98)
- J. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the building. (5/98)



## 2.118 URBAN TRANSITION (UT)

### 2.118.01 Purpose

The UT (URBAN TRANSITION) zone is generally located in the north part of Keizer and includes a number of parcels which are not contiguous to each other. The zone is intended to retain and protect for future urban use properties which are undeveloped or underdeveloped and do not have available urban facilities such as sanitary sewer, water, drainage, and streets. The zone allows the continuation of legally established uses and certain other limited uses that will not interfere with the efficient, later use of the land for urban development. Properties that have available urban services, or can be served by the City's infrastructure system will be allowed to develop with a demonstration that the efficient use of the land proposed for development will be made and will not impair the development of surrounding properties. (9/19)

### 2.118.02 Permitted Uses

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

- A. Lawful uses other than those listed in this Section 2.118.02 on a property at the time of the effective date of this zone except as provided in Section 2.118.03. (5/98)
- B. **Farm use.** (5/98)
- C. The propagation of **forest products.** (5/98)
- D. **Public and semi-public buildings and structures** rendering direct service to the public in local areas, such as fire stations, utility substations, pump stations, reservoirs, and electrical transmission lines. (5/98)
- E. **A mobile home customarily provided in conjunction with farm use** subject to an agreement requiring removal if the property is subsequently placed in a zone that does not permit mobile homes. (5/98)
- F. **A mobile home subject to an agreement** requiring removal if the property is subsequently placed in a zone that does not permit mobile homes, and subject to Sections 2.118.10 and other applicable standards. (9/19)
- G. **Nursery.** (5/98)
- H. **Child foster home** for five or fewer children. (6/99)
- I. **For parcels less than ½ acre in size,** any permitted or special permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation. (9/19)

## **2.118.03 Conditional Uses**

The following uses may be permitted subject to obtaining a conditional use permit (see Section 2.118.04): (9/19)

- A. **For parcels ½ acre or larger**, any permitted use listed in the most restrictive zone in this zoning ordinance that can be applied in the applicable Comprehensive Plan designation subject to meeting the criteria in Section 3.103.03, as well as Section 2.118.04. (9/19)
- B. Commercial and industrial activities in conjunction with farm or forest use occurring on the same parcel. (9/19)
- C. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- D. Child foster home for six, seven or eight children, providing such home:
  - 1. Is properly accredited by the Council on Accreditation on Child and Family Programs;
  - 2. Be located on a lot of no less than 16,000 square feet;
  - 3. The lot shall be located on an arterial or major collector street;
  - 4. Shall be no less than 2,400 square feet in size, excluding attached garages, carports, patios, and all unfinished space;
  - 5. Shall have setbacks for all structures of no less than 16 feet on each side and 30 feet along the back of the property;
  - 6. Shall have usable paved off-street parking for no less than 6 vehicles, plus one additional usable off-street paved parking space is to be provided for each foster child that owns or is the principal driver of any vehicle;
  - 7. At least on half of the lot area (no less than 8,000 square feet) shall consist of open space, grass and landscaping, including landscaping area at least 8 feet wide for permanent visual screening along the sides and back of the property. (which landscaping along sides and back of the property shall be designed for a minimum height of no less than 6 feet after five years) Decks, patios, paved areas, and parking areas, (paved or unpaved) shall not be included when calculating the amount of required open space, grass and landscaping.
  - 8. Is not located within one-half (1/2) mile of another child foster home of six to eight children, as measured between the closest lot lines of the existing child foster home and the proposed child foster home.

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

#### **2.118.04 Conditional Use Criteria**

Before a conditional use permit may be approved, it must be found that the following criteria applicable to the proposed use will be satisfied:

- A. The use will not increase traffic beyond the capacity of existing roads. (5/98)
- B. It will be located in such a manner that any significant unused portion of the property has adequate development options and will not restrict development options on adjacent properties. (5/98)
- C. The use can utilize rural services or existing urban services, and will not individually or together with nearby uses increase pressure for installation of new urban services. (5/98)
- D. The use meets the development standards of the most restrictive zone in the zoning ordinance consistent with the Comprehensive Plan designation. (5/98)
- E. The expansion will result in an accumulated increase of no greater than 50 percent of the total ground floor and outside storage area lawfully existing on the effective date of the application of this zone to the property. (5/98)
- F. The Comprehensive Plan designation clearly indicates that the use to be expanded will be a permitted use in the zones typically applied in the applicable designation. (5/98)
- G. No new residential structures or mobile homes except as provided for in section 2.118.02.E are permitted unless the area is designated for residential development and the most restrictive zone would permit the residential use or mobile home. (5/98)

#### **2.118.05 Development Standards**

The standards and regulations in this chapter and the additional standards and regulations referenced in the Development Code apply to all lots, structures and uses unless indicated otherwise. No structure or use shall be approved until all requirements in this chapter have been satisfied. (5/98)

The provisions of this chapter are complementary and supplementary to other provisions of this ordinance. In the event of a conflict between a provision of this chapter and a more restrictive provision of this ordinance applicable to a particular lot, structure or use, the more restrictive provision shall apply. (5/98)

## **2.118.06 Height**

Within an UT zone, there is no height limit except a maximum of 35 feet for dwellings, and structures associated with special uses, and conditional uses. Buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height. (9/19)

## **2.118.07 Dimensional Standards**

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

### **A. Minimum Yard Setback Requirements (6/22)**

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

- (1) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (2) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (3) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*
- (4) *The minimum front setback from an access easement shall be ten (10) feet. (10/15)*

## **2.118.08 Other Development Standards**

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

- A. Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. Subdivisions and Partitions:** Land divisions shall comply with provisions of Section 2.310. (5/98)

- C. **Yards and Lots:** Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the UT zone shall comply with the following standards: (5/98)
  - 1 Single family homes shall comply with the design standards in Section 2.314. (5/98)
- E. **Signs:** Signs shall conform to the requirements of Section 2.308. (5/98)
- F. **Accessory Structures:** Accessory structures shall conform to requirements in Section 2.313. (5/98)
- G. **Landscaping:** A minimum of 30% of the property shall be landscaped, including all required yards. Landscaped areas shall be landscaped as provided in Section 2.309. (5/98)
- H. **Lot Coverage:** The maximum coverage allowed for buildings, accessory structures and paved parking shall be 70%. (5/98)

## **2.118.09 Divisions of Land and Automatic Rezoning**

- A. A subdivision, residential planned development or other residential development involving the division of land into 4 or more lots intended to be occupied by dwellings or mobile homes, or the establishment of a mobile home park, may be considered on property in the UT zone if public sewer and water will be available at the time of development. Notwithstanding the zone change procedures in Section 3.1, upon approval and recordation of the plat, or establishment of the mobile home park, the land included in the plat or park shall automatically be rezoned to the RS (SINGLE-FAMILY RESIDENTIAL) Zone. (5/98)
- B. Residential developments that are not allowable in the RS zone may only be considered as part of, or subsequent to, a change to a zone that allows the proposed development. (5/98)
- C. Notwithstanding the zone change procedures in Section 3.110, upon approval and recordation of a partition plat, the land included in the plat shall automatically be rezoned to the RS (SINGLE FAMILY RESIDENTIAL) Zone. The following regulations shall apply when property line adjustments and partitionings of land within the UT zone are proposed: (9/19)
  - 1. Existing parcels with dwellings may be separated from the remaining property provided the dwelling parcel does not preclude future redevelopment of the remaining parcel to maximum densities allowed in the Comprehensive Plan designation, and any additional street right-of-way required by adopted standards is dedicated along the

parcel's street frontage. In addition, the following minimum lot sizes apply for the parcel containing the dwelling: (5/98)

- a. Served by both public sewer and water: 5,000 square feet. (9/19)
  - b. Lacking public sewer or water: 20,000 square feet. (5/98)
  - c. Lacking both public sewer and water: 1 acre. (9/19)
2. Street and drainage improvements applicable to any parcel created under Subsection 1 shall be imposed at the time the remnant parcel is developed for urban use. (5/98)
3. The location of parcel lines shall not significantly reduce feasible options for the future location of urban roads or services, or preclude basic development options on the property or adjacent properties. A development plan may be required which indicates how the proposed division will not preclude future development at densities allowed in the Comprehensive Plan. (5/98)

#### **2.118.10 Requirements for On-Site Sewage Disposal Permits**

The following conditions shall be met prior to the approval of an on-site sewage disposal system permit in conjunction with other criteria when applicable:

- A. The property shall not lie within the boundary of a sewer service district as it was drawn prior to the inclusion within the City limits or within the boundary of an improvement district for sewer services that has been proposed by the City. (5/98)
- B. The property must lie more than 300 feet in a straight line from an existing sewer line which can be extended to the property to provide gravity sewer service. (5/98)
- C. The property shall not be serviced by a city or district water system. (5/98)
- D. The property owner shall sign a non-remonstrance agreement for future sewer service by the City. (5/98)
- E. The property shall have no dimension less than 100 feet. (5/98)
- F. The property shall have not less than 100 feet of frontage on a dedicated street which shall have a right-of-way of not less than 40 feet. (5/98)
- G. Applicant shall have obtained from the County Sanitarian a favorable site evaluation to install an on-site sewage disposal system. (5/98)
- H. The applicant will be required to connect the proposed improvements to the public sewer system if, in the future, the public sewer system comes to within 300 feet of the property. (9/19)

## **2.119 GENERAL EMPLOYMENT (EG)**

### **2.119.01 Purpose**

The General Employment (EG) zone is located within the Keizer Station Plan (KSP) Area A – Village Center, and it corresponds directly with the Special Planning District (SPD) designation as described in the KSP and the Keizer Comprehensive Plan. Consistent with the KSP, the EG zone promotes a complementary mix of economic uses, development intensity, and development standards along with a wide range of employment opportunities. The EG zone regulations protect the health, safety and welfare of the public, address area character, and address environmental concerns, while enhancing economic opportunities in Keizer. The intent is to promote attractive industrial/commercial areas, which will support the economic viability of the City. In addition, the regulations provide certainty to property owners, developers, and neighbors about the limits of what is allowed. (2/03)

### **2.119.02 Commercial and Industrial Use Limitations**

- A. To implement the KSP, the EG zone requires that a minimum of 25% of all the EG zone land area be devoted to listed Industrial Uses and allows a maximum of 75% of the EG zone land area to be developed with Commercial Uses. The specific Industrial and Commercial Uses are defined in this chapter. The EG zone is unique because the location of the particular areas devoted to Industrial and Commercial Uses shall be determined as part of the required Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (9/18)
- B. The land use limitations of the EG zone include: (2/03)
  - 1. Permitted and Special Permitted Industrial Uses, in Sections 2.119.03 and 2.119.04 respectively, represent the allowable uses for the portion of the EG zone so designated as part of the Master Plan approval required by Chapter 2.125. A minimum of 25% of the land area of the EG zone shall be devoted to these uses. (9/18)
  - 2. Permitted and Special Permitted Commercial Uses, in Sections 2.119.05 and 2.119.06 respectively, represent the allowable uses for the portion of the EG zone so designated as part of a Master Plan approval required by Chapter 2.125. A maximum of 75% of the land area of the EG zone may be devoted to these uses. (9/18)
  - 3. Use restrictions, which apply to the entire EG zone, are identified in Section 2.119.07. (2/03)

## **2.119.03 Permitted Industrial Uses**

Industrial Development. The following uses, drawn from the IBP and IG zones, when developed under the applicable development standards in the Zoning Ordinance, are permitted in the EG zone on a minimum 25% gross acreage of the Village Center: (2/03)

### **A Construction contractor's offices. (15) (2/03)**

### **B. Manufacturing;**

1. Bakery products. (205) (2/03)
2. Beverages. (208) (2/03)
3. Miscellaneous food preparations and kindred products. (209) (2/03)
4. The manufacture of meat products (201) but excluding both meat packing plant (2011) and any on site abattoirs and slaughtering, rendering of fats, processing of hides and maintenance of live animals or fowl. (Poultry slaughtering and processing (2015)) (2/03)
5. Textile mill products. (22) (2/03)
6. Apparel and other finished products made from fabrics and similar products. (23) (2/03)
7. Wood kitchen cabinets. (2434) (2/03)
8. Nailed and lock corner wood boxes and shook. (2441) (2/03)
9. Wood products, not elsewhere classified. (2499) (2/03)
10. Furniture and fixtures. (25) (2/03)
11. Paperboard containers and boxes. (265) (2/03)
12. Printing, publishing, and allied industries. (27) (2/03)
13. Drugs (283), **BUT EXCLUDING biological products, except diagnostic substances (2836)** (2/03)
14. Leather and leather products (31) **BUT EXCLUDING** leather tanning and finishing. (311) (2/03)
15. Glass products, made of purchased glass. (323) (2/03)
16. Pottery and related products. (326) (2/03)



17. Metal cans and shipping containers. (341) (2/03)
18. Cutlery, hand tools, and general hardware. (342) (2/03)
19. Heating equipment, except electric and warm air, and plumbing fixtures. (343) (2/03)
20. Fabricated structural metal products. (344) (2/03)
21. Screw machine products, and bolts, nuts, screws, rivets, and washers. (345) (2/03)
22. Metal forgings and stampings. (346) (2/03)
23. Metalworking machinery and equipment. (354) (2/03)
24. Special industry machinery, except metalworking machinery. (355) (2/03)
25. Pumps and pumping equipment. (3561) (2/03)
26. Office, computing, and accounting machines. (Computer and Office Equipment (357); Calculating and Accounting Machines, Except Electronic Computers (3578); Office Machines, Not Elsewhere Classified (3579) (2/03)
27. Electrical and electronic machinery, equipment, and supplies. (Electronic and other electrical equipment and components, except computer equipment (36) (2/03)
28. Transportation Equipment. (37) (2/03)
29. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (38) (2/03)
30. Miscellaneous manufacturing industries. (39) (2/03)

**C. Transportation, communications, electric, gas, and sanitary services;**

1. Communication. (48) (2/03)
2. Public Utility Structures and Buildings. (Electric, Gas, and Sanitary Services (49)) (2/03)

**D. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (516), tobacco and**

tobacco products (5194), and nondurable goods, not elsewhere classified. (5199) (2/03)

- E. **Wholesale trade-durable goods (50) BUT EXCLUDING** automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials. (5093) (2/03)

- F. **The uses listed in above A through D, excluding B(1) shall:**

1. Be within an enclosed building; and (2/03)
2. Permit retail sales of products manufactured on the site. (2/03)

- G. **Services**

1. Computer and data processing services. (737) (2/03)
2. Research and development laboratories. (2/03)
3. Management, consulting, and public relations services. (Management and Public Relations Services (874) (2/03)
4. Noncommercial educational, scientific, and research organizations. (2/03)

- H. **Office Uses:**

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in Section 2.108.02A, B, C, PP, and RR and parking lots U. (2/03)

- I. **Finance, Insurance, and Real Estate;**

1. Commercial and Stock Savings Banks. (602) (2/03)
2. Mutual Savings Bank. (2/03)
3. Savings and Loan Associations. (603) (2/03)
4. Personal Credit Institutions. (614) (2/03)

- J **Public Administration;** (2/03)

1. Fire Protection. (9224) (2/03)

**K. Retail trade;**

1. Eating and drinking places. (2/03)

**L. Services;**

1. Hotels, motels, and tourist courts. (2/03)
2. **Day care facility** for 17 or more children consistent with state regulations. (4/16)
3. Membership sports and recreation clubs. (2/03)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)
5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (7/06)
8. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
9. Miscellaneous services, including pest control (7342). (2/03)

**M. Transit facilities (Section 2.305) (05/09)**

**N. Flexible Space Uses. (2/03)**

1. The following flexible space uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:
  - a. Food Stores (54). (2/03)
  - b. Apparel and Accessory Stores (56). (2/03)
  - c. Furniture, Home Furnishings and Equipment Stores (57). (2/03)
  - d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (2/03)
  - e. Business Services. (2/03)
  - f. Miscellaneous Repair Services. (2/03)
2. In the Keizer Station where Flexible Space uses are to be developed as industrial business park uses within the EG zone, the following development limits apply; (2/03)

- a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection (L)(1)(a) – (d). (2/03)
- b. The aggregate floor area for uses devoted to food stores (54), apparel and accessory stores (56), furniture, home furnishings, and equipment stores (57), and miscellaneous retail (59) shall not exceed two percent of the total land area in the acreage identified for IBP uses within the EG zone. The acreage identified for IBP uses within the EG zone is defined as parcel or area of land used for IBP use land development including building site, parking, landscaping, drainage facilities and any other development on site to support the use on site. (2/03)
- c. The area developed in all flexible space uses shall in the aggregate not exceed 30 percent of the gross area of the acreage identified for IBP uses within the EG zone. (2/03)
- d. Any outdoor storage area shall:
  - 1) Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building; (2/03)
  - 2) Be enclosed with a sight-obscuring fence or wall; (2/03)
  - 3) Have at least one side conterminous with the building that it serves; (2/03)
  - 4) Have no opening within fifty feet and visible from any property boundary; and (2/03)
  - 5) Meet the other applicable requirements of this ordinance. (2/03)
- e. Loading doors shall have no opening within 75 feet and visible from any street or property boundary. (2/03)
- f. All buildings shall be capable of being redeveloped as flexible industrial space. (2/03)

#### **2.119.04 Special Permitted Industrial Uses**

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.03 under the applicable development standards in this Zoning Ordinance. (2/03)

- B. Medical Marijuana Facilities (Section 2.433). (10/14)
- C. Marijuana Grow Sites (Section 2.433). (10/14)
- D. Marijuana Retailer (Section 2.433). (1/16)
- E. Marijuana Processor (Section 2.433). (1/16)
- F. Marijuana Producer (Section 2.433). (1/16)
- G. Marijuana Wholesaler (Section 2.433). (1/16)
- H. Mobile Food Vendor (Section 2.434). (7/17)

### **2.119.05 Conditional Uses (Industrial Uses)**

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

- A. Transit Stations (Section 2.429). (05/09)

### **2.119.06 Permitted Commercial Uses**

Commercial Development. The following uses, when developed under the applicable development standards in this Zoning Ordinance, are permitted in the EG zone on a maximum 75% gross acreage of the Village Center: (2/03)

- A. **One or more buildings with one or more dwelling units** or guest rooms, and/or, one or more other uses allowed in this section on a lot. (2/03)
- B. **Residential homes** and facilities. (2/03)
- C. **Day care facility** for 17 or more children consistent with state regulations, including Family day care provider for 16 or fewer children consistent with state regulations. (8351) (4/16)
- D. **Public parks, playgrounds, community clubs** including swimming, tennis and similar recreational facilities, and other public and semi-public uses. (2/03)
- E. **Landscape** counseling and planning (0781). (2/03)
- F. **Offices** for any use listed in SIC Division C - Construction. (2/03)
- G. **Commercial printing** (275). (2/03)
- H. **Transportation, Communication and Utilities.** (2/03)
  - 1. **Public utility structures and buildings.** (2/03)
  - 2. **Post office** (43). (2/03)
  - 3. **Travel agency** (4722). (2/03)
  - 4. **Communications** (48). (2/03)

5. **Transit Facilities** (Section 2.305). (05/09)

I. **Retail Trade.** (2/03)

1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (2/03)
2. **General merchandise stores** (53). (2/03)
3. **Food stores** (54). (2/03)
4. **Apparel and accessory stores** (56). (2/03)
5. **Home furniture, furnishings, and equipment stores** (57). (2/03)
6. **Eating and drinking places** (58). (2/03)
7. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (2/03)
8. **Electrical and lighting shops and office machines and equipment stores.** (2/03)

J. **Business, Professional and Social Services.** (2/03)

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (2/03)
2. **Hotels, motels and tourist courts** (701). (2/03)
3. **Organization hotels and lodging houses** on membership basis (704). (2/03)
4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (2/03)
5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (2/03)
6. **Parking lots** in accordance with Section 2.303.04 of this Ordinance. (7521) (2/03)
7. **Miscellaneous repair services** (76). (2/03)
8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (2/03)
9. **Amusement and recreation** (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)
10. **Health services** (80), BUT EXCLUDING hospitals (806). (2/03)
11. **Legal services** (81). (2/03)

12. **Elementary and secondary schools** (8211). (2/03)
  13. **Correspondence schools and vocational schools** (824). (2/03)
  14. **Schools and educational services** not elsewhere classified (829). (2/03)
  15. **Social services** (83). (2/03)
  16. **Museums, art galleries, botanical and zoological gardens** (84). (2/03)
  17. **Membership organizations** (86). (2/03)
  18. **Miscellaneous services** (89). (2/03)
- K. **Public Administration** (91 - 97). (2/03)

### **2.119.07 Special Permitted Commercial Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone: (2/03)

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.05 under the applicable development standards in this Zoning Ordinance. (2/03)
- B. The following **special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone: (2/03)
  1. **House of Worship** (Section 2.423). (2/03)
  2. **Veterinary services** (074) (Section 2.414). (2/03)
  3. **Funeral service and crematories** (726) (Section 2.415). (2/03)
  4. **Used Merchandise Store** (Section 2.417). (2/03)
  5. **Service stations** (554) (Section 2.419) (2/03)
  6. **Automobile services** (75) (Section 2.420) BUT EXCLUDING automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754). (2/03)
  7. **Commuter Rail Station** (2/03)

### **2.119.08 Conditional Uses (Commercial Uses)**

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

- A. **Transit Station** (Section 2.429). (05/09)

## **2.119.09 Use Restrictions**

- A. The following uses are **prohibited** to be established in the EG zone: (2/03)
1. Farm Use. (2/03)
  2. The rendering, processing, or cleaning of animals, fish, seafood's, fowl, poultry, fruits, vegetables, or dairy products for wholesale use.
  3. Vehicle sales and secondary repair.
  4. General Storage, including boat and RV storage.
  5. Recreational vehicle parks (7033).
  6. Automotive Dealers (55).
  7. Automotive rental and leasing, without drivers (751).
  8. Automotive repair shops (753).
  9. Automotive services, except repair (754).
- B. A limitation of the total floor area of specified uses applies to all of Area A – Village Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.119.03 (K) and 2.119.06 (I). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (9/18)

## **2.119.10 Development Standards**

- A. Purpose. The Keizer Station Plan requires the development of Master Plans for each of the four areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Master Plans and Master Plan Amendments for each Area are required to meet the criteria identified in Section 3.113 of the Code. (9/18)
- B. Master Plan Required. A Master Plan must be approved by the City Council prior to subdivision platting or development. The Master Plan shall be reviewed through a Type III review process in accordance with this Section. It is recognized that the applicant of the Master Plan for the area may not own or control all the land within the Master Plan boundary. The Master Plan shall still cover the entire EG zone. For those portions not owned or controlled by the applicant, the Master Plan shall focus on a cohesive interconnected system of planned public facilities and shall set general guidelines to be used throughout the Master Plan area. Subdivision approval shall be based upon the zone and Section 3.108 as applicable. (9/18)



1. The Master Plan or Master Plan Amendment will be developed and considered in accordance with the requirements of the Activity Center Overlay provisions (Section 2.125 of the Keizer Development Code). Once a Master Plan or Master Plan Amendment is adopted, the proposed development of each use shall be reviewed as required in Section 2.315 of the Keizer Development Code during the building permit process. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply. (9/18)
2. The Master Plan shall include a detailed transportation system design plan for the EG zone. The location of transit facilities shall conform to Section 2.305 of the Code. (9/18)

## **2.119.11 Dimensional Standards**

- A. Purpose. The lot size standards promote new lots and parcels with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots or parcels, which are difficult to develop or to aggregate with other lots or parcels. The standards also discourage narrow lots or parcels, which increase demand for curb cuts. The EG zone is specifically designed for the property Contained in Area A – Village Center in the Keizer Station Plan. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial uses listed in Sections 2.119.05 and .06 and a minimum twenty-five percent (25%) industrial uses listed in Sections 2.119.03 and 04. Uses shall be established in conformity with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below. (7/06)
- B. Minimum Lot Dimension Requirements.
  1. Unless exempted under Section (4) below, within the acreage identified for commercial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard A stated in the table within this subsection and the remainder lots or parcels must meet Standard B. (7/06)
  2. Unless exempted under Section (4) below, within the acreage identified for industrial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard C stated in the table within this subsection and the remainder of the lots or parcels must meet Standard D. (7/06)

3. Qualified abutting lots:
  - a. Qualified abutting lots are defined as lots or parcels having the same classification as either all industrial or all commercially designated lands, that abut one another on at least one side and where there is no plan or proposal for curb cuts that would otherwise not be allowed if each individual lot was required to meet the dimensional standards of this Section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of determining such qualified abutting lots' compliance with the dimensional standards of this Section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of classification of such qualified abutting lots under Section A, B, C, or D below. (7/06)
  - b. In the absence of the approval of a variance, for purposes of determining compliance with the dimensional standards below, any groups of qualified abutting lots shall consist of no more than four (4) individual lots or parcels. (7/06)
4. Exempt Lots, Parcels or Tracts. Lots, parcels or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section. Lots, parcels, or tracts that are less than one acre in size, the perimeter of which is 80% or more surrounded by existing public rights of way or land that has previously been dedicated to the public for public access purposes are exempt from the classification standards and dimensional standards in the chart in the section that immediately follows. (7/06)

Development Type	Lot or Qualified Abutting Lots Standard	Minimum Lot or Qualified Abutting Lots Area	Minimum Average Width of individual Lot or of Qualified Abutting Lots*	Minimum Average Depth of individual Lots or of Qualified Abutting Lots*
COMMERCIAL (2.119.05 & .06)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
INDUSTRIAL (2.119.03 & .04)	Standard C	3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

\*Note: by definition, Qualified Abutting lots are lots or parcels of the same use type designation – either commercial or industrial – that may be considered as if they are single lot or parcel for purposes of determining compliance with applicable dimensional standards and to determine classification as Standard A-D under this chart.

## 2.119.12 Development Standards

### A. Height, Setback, Coverage, and Landscaping Requirements (7/06)

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot or parcel Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot or parcel Area
Commercial (2.119.05 & .06)	100 ft. (1)	85% (2)	10 ft.	20 ft. (3)	None	40 ft.	15% (5)(6)
Industrial (2.119.03 & .04)	100 ft. / 15ft. within 50 of any residential zone (1)	80% (2)	10 ft.	None	None	40 ft.	20% (5)(6)

(1) *Height Exceptions. Exceptions to the maximum height standard are stated below.*

- a. *Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.*
- b. *Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.*
- c. *Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.*

(2) *Maximum lot coverage allowed for buildings, accessory structures and paved parking.*

- (3) *Alternative maximum setback option for large commercial uses.*
- a. *Purpose. The intent of these regulations is to allow significantly deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks. (2/03)*
  - b. *Regulation. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A. provided the pedestrian system connects buildings on the site to all adjacent properties. (2/03)*
- (4) *Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Keizer Development Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (7/06)*
- “Landscaped Area” must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably requires and continues to reasonably require human management to distinguish the area from a natural area. (7/06)*
- Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement. (2/03)*
- (5) *Streetscaping. Streetscaping is defined as pedestrian oriented improvements to property. Streetscaping may include, but is not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (7/06)*
- (a) *In accordance with Section 3.113 Keizer Station Master Plan, at the time of master plan approval by the Council, the Council may*

*determine if streetscaped areas may be included in the minimum landscape area for a proposed development. (9/18)*

(6) Parking

- (a) *Averaging. KSP areas are master planned and as such are designed to be both planned and developed as a whole. Shared parking is encouraged in master planned areas. Therefore, parking within the KSP areas subject to a master plan, shall be deemed to meet the maximum and the minimum parking requirements set forth in the City's code so long as a parking plan is approved that contains a total number of parking spaces which is neither above the aggregate maximums nor below the aggregate minimums which result when parking requirements for the individual uses within the parking plan are calculated separately and the resulting maximums and minimums are totaled. (7/06)*
- (b) *Modify or waive off-street parking standards. The applicant may request a modification to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of carpool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (7/06)*

B. Design Standards. All development in the EG zone shall comply with applicable standards in Section 2.315 of the Keizer Development Code, in addition to the standards below: (7/06)

- 1. Exterior Display, Storage, and Work Activities.
  - a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)
  - b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)

2. All development must comply with the applicable standards identified in the Keizer Development Code including, but not limited to, the following:  
(2/03)

Section 2.125	Activity Overlay Zone
Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	Stormwater Management
Section 2.307	Utility Lines and Facilities
Section 2.308	Signs
Section 2.309	Site and Landscaping Design
Section 2.310	Development Standards for Land Divisions
Section 2.312	Yard and Lots Standards
Section 2.315	Development Standards
Section 2.4	Special Uses

## **2.120 SPECIAL AGRICULTURE (SA)**

### **2.120.01 Purpose**

The purpose of the Special Agriculture (SA) zone is to provide areas for the practice of commercial agriculture. It is intended to be applied in those areas composed of tracts that are predominantly high value farm soils as defined in OAR 660-033-020(8). It is also applied to small inclusions of tracts composed predominantly of non-high value farm soils to avoid potential conflicts between commercial farming activities and the wider range of non-farm uses otherwise allowed on non-high value farmland. Moreover, to provide the needed protection within cohesive areas it is sometimes necessary to include incidental land unsuitable for farming and some preexisting residential acreage. It is not the intent in the SA zone to create, through land divisions, small scale farms. Subdivisions and planned developments are not consistent with the purpose of this zone and are prohibited. (12/10)

To minimize impacts from potentially conflicting uses it is necessary to apply to non-farm uses the criteria and standards in OAR 660-033-130 and in some cases more restrictive criteria are applied to ensure that adverse impacts are not created. Non-farm dwellings may create conflicts with accepted agricultural practices. Therefore, the SA zone does not include the lot of record non-farm dwelling provisions in OAR 660-033-130(3). The provisions limiting new non-farm dwellings to existing parcels composed on Class IV-VIII soils [OAR 660033-130(4)] are included because the criteria adequately limit applications to a very few parcels and allow a case by case review to determine whether the proposed dwelling will have adverse impacts. The SA zone is intended to be a farm zone consistent with OAR 660 Division 033 and ORS 215.283. (12/10)

### **2.120.02 Permitted Uses**

Within a SA zone no building, structure or premise shall be used, arranged or designed to be used, erected, structurally altered or enlarged except for one or more of the following uses: (12/10)

- A. Farm uses (see farm use definition, KDC 2.120.140.C). (12/10)
- B. The propagation or harvesting of a forest product. (12/10)
- C. Buildings, other than dwellings, customarily provided in conjunction with farm use. (12/10)
- D. Alteration, restoration, or replacement of a lawfully established dwelling with filing of the Declaratory Statement in KDC 2.120.100(C), when the dwelling: (12/10)
  - 1 Has a “percentage good” rating of 40 percent or more in the current County Assessor’s records. (12/10)

- 2 In the case of replacement, the replaced dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the occupancy of the replacement dwelling. (12/10)
  - 3 In the case of replacement of a manufactured dwelling, the unit to be replaced is a manufactured home as defined in ORS 446.003 [manufactured after June 15, 1976]. (12/10)
  - 4 If the dwelling to be replaced is located on a portion of the lot or parcel not zoned SA (Special Agriculture) the applicant shall execute and record in the deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this section regarding replacement of dwellings have changed to allow the siting of another dwelling. (12/10)
- E. Operations for the exploration for geothermal resources as defined by ORS 522.005 and oil and gas as defined by ORS 520.005, including the placement and operation of compressors, separators, and customary production equipment for an individual well adjacent the wellhead. Any activities or construction relating to such operations shall not be a basis for an exception under ORS 197.732. (12/10)
- F. Operations for the exploration for minerals as defined by ORS 517.750. (12/10)
- G. Widening of roads including public road and highway projects as follows: (12/10)
- 1 Climbing and passing lanes within the street right of way existing as of July 1, 1987. (12/10)
  - 2 Reconstruction or modification of public streets, including the placement of utility facilities overhead and in the subsurface of public roads and highways along public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new parcels result. (12/10)
  3. Temporary public street detours that will be abandoned and restored to original condition or use at such time as no longer needed. (12/10)
  4. Minor betterment of existing public street related facilities such as maintenance yards, weigh stations and rest areas, within rights of way existing as of July 1, 1987, and contiguous public owned property utilized to support the operation and maintenance of public streets. (12/10)
- H. Creation, restoration, or enhancement of wetlands. (12/10)
- I. Onsite filming and activities accessory to filming, as defined in KDC 2.120.140(A), if the activity would involve no more than 45 days on any site within a one year period. (12/10)



### **2.120.03 Dwelling Permitted Subject to Standards**

The following dwellings may be established in the SA zone with filing of the declaratory statement in KDC 2.120.100(C), subject to approval by the Director, based on satisfaction of the standards and criteria listed for each type of dwelling. (12/10)

- A. Primary Farm Dwellings. A single family dwelling customarily provided in conjunction with farm use. The dwelling will be considered customarily provided in conjunction with farm use when: (12/10)
1. It is located on high value farmland, as defined in KDC 2.120.140(D) and satisfies following standards: (12/10)
    - a. There is no other dwelling on the subject farm operation on lands zoned SA other than seasonal farm worker housing. The term “farm operation” means all lots or parcels of land in the same ownership that are used by the farm operator for farm use; (12/10)
    - b. The subject tract produced in the last two years or three of the last five years at least \$80, 000 in gross annual income from the sale of farm products. In determining gross annual income from the sale of farm products, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented shall be counted; (12/10)
    - c. The subject tract is currently employed for the farm use that produced the income required in subsection (A)(1)(b) of this section; (12/10)
    - d. The proposed dwelling will be occupied by a person or persons who produced the commodities which generated the income in subsection (A)(1)(b) of this section; or (12/10)
  2. It is not located on high value farmland, as defined in KDC 2.120.140(D) and satisfies the following standards: (12/10)
    - a. There is no other dwelling on the subject farm operation on lands zoned SA other than seasonal farm worker housing. The term “farm operation” means all lots or parcels of land in the same ownership that are used by the farm operator for farm use; (12/10)
    - b. The subject tract produced at least \$40,000 in gross annual income from the sale of the farm products in the last two or three of the last five years. In determining gross income, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. Only gross income from land owned, not leased or rented shall be counted; (12/10)

- c. The subject tract is currently employed for the farm use that produced the income required in subsection (A)(2)(b) of this subsection; (12/10)
  - d. The dwelling will be occupied by a person or persons who produced the commodities which generated the income required in subsection (A)(2)(b) of this subsection; or (12/10)
- 3. It is not located on high value farmland, as defined in KDC 2.120.140(D) and satisfies the following standards: (12/10)
  - a. There is no other dwelling on the subject farm operation on lands zoned SA other than seasonal farm worker housing. The term “farm operation” means all lots or parcels of land in the same ownership that are a used by the farm operator for farm use; (12/10)
  - b. The parcel on which the dwelling will be located is at least 160 acres; (12/10)
  - c. The subject tract is currently employed for farm use, as defined in ORS 215.203; (12/10)
  - d. The dwelling will be occupied by a person or person who will be principally engaged in the farm use of the land, such as planting, harvesting, marketing, or caring for livestock, at a commercial scale; or (12/10)
- 4. It is in conjunction with a commercial dairy farm as defined in this chapter and if: (12/10)
  - a. The subject tract will be employed as a commercial dairy as defined; and (12/10)
  - b. The dwelling is sited on the same lot or parcel as the buildings; and (12/10)
  - c. Except as permitted by ORS 215.283(1)(p) (1999 Edition), (Seasonal Farm Worker Housing), there is no other dwelling on the subject tract; and (12/10)
  - d. The dwelling will be occupied by a person or persons who will be principally engaged in the operation of the commercial dairy farm, such as the feeding, milking or pasturing of the dairy animals or other farm activities necessary to the operation of the commercial dairy farm; and (12/10)
  - e. The building permits, if required, have been issued for and construction has begun for the buildings and animal waste facilities required for a commercial dairy farm; and (12/10)

- f. The Oregon Department of Agriculture has approved the following: (12/10)
    - i. A permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and (12/10)
    - ii. A producer license for the sale of dairy products under ORS 621.072. (12/10)
5. The applicant had previously operated a commercial farm use and if: (12/10)
- a. Within the previous two years, the applicant owned and operated a farm or ranch operation that earned the gross farm income in the last five years or four of the last seven years as required by KDC 2.120.030(A)(1) or (2) of this section, whichever is applicable. (12/10)
  - b. The subject lot or parcel on which the dwelling will be located is: (12/10)
    - i. Currently employed for the farm use, as defined in this title, that produced in the last two years or three of the last five years the gross farm income required by KDC 2.120.030(A)(1) or (2) of this section, whichever is applicable, and (12/10)
    - ii. At least the size of the applicable minimum lot size in this chapter; and (12/10)
      - (a) Except as permitted in ORS 215.283(1)(p)(1999 Edition) (Seasonal Farm Worker Housing) there is no other dwelling on the subject tract; and (12/10)
      - (b) The dwelling will be occupied by a person or persons who produced the commodities, that grossed the income in subsection (A)(2)(b) of this section; (12/10)
      - (c) In determining the gross income required by subsections (A)(5)(a) and (b) of this section, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract, and only gross income from land owned not leased or rented, shall be counted. (12/10)
6. All of the property in a tract used for the purpose of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions:

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling. These

covenants, conditions, and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006--0027. (12/10)

- B. Secondary Farm Dwellings. Secondary (accessory) dwellings customarily provided in conjunction with farm use will be considered customarily provided in conjunction with farm use when: (12/10)
1. The primary dwelling and the proposed dwelling will each be occupied by a person or persons who will be principally engaged in the farm use of the land and whose seasonal or year –round assistance in the management of the farm uses, such as planting, harvesting, marketing or caring for livestock, is or will be required by the farm operator. (12/10)
  2. There is no other dwelling on lands in the SA zone owned by the farm operator that is vacant or currently occupied by persons not working on the subject farm and could reasonably be used as an additional farm dwelling. (12/10)
  3. The proposed dwelling will be located: (12/10)
    - a. On the same lot or parcel as the primary farm dwelling; or (12/10)
    - b. On the same contiguous ownership as the primary dwelling, and the lot or parcel on which the proposed dwelling will be sited is consolidated into a single parcel with all other contiguous lots and parcels in the same ownership; or (12/10)
    - c. On a lot or parcel on which the primary farm dwelling is not located, when the secondary farm dwelling is limited to only a manufactured dwelling with a deed restriction filed with the county clerk. The deed restriction shall require the additional dwelling to be removed when the lot or parcel is conveyed to another party. Occupancy of the additional farm dwelling shall continually comply with subsection (B)(1) of this section; or (12/10)
    - d. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is limited to only attached multi-unit residential structures allowed by the applicable state building code or similar types of farm labor housing as existing farm labor housing on the farm operation registered with the Department of Consumer and Business Services, Oregon Occupational Safety and Health Division under ORS 658.750. The city shall require all

accessory farm dwellings approved under this subsection to be removed, demolished or converted to a nonresidential use when farm worker housing is no longer required; or (12/10)

- e. On a lot or parcel on which the primary farm dwelling is not located, when the accessory farm dwelling is located on a lot or parcel at least the size of the applicable minimum lot size and the lot or parcel complies with the gross farm income requirements in subsection (B)(4) below, whichever is applicable. (12/10)
4. The primary farm dwelling to which the proposed dwelling would be accessory satisfies the following criteria: (12/10)
- a. On land not identified as high value farmland, the primary farm dwelling is located on land that is currently employed for farm use and produced at least \$40,000 gross annual income from the sale of farm products in the last two or three of the last five years; or (12/10)
  - b. On land identified as high value farmland, the primary farm dwelling is located on land that is currently employed for farm use and produced at least \$80,000 in gross annual income from the sale of farm products in the last two or three of the last five years; or (12/10)
  - c. The primary dwelling is located on a commercial dairy farm as defined in this chapter; and (12/10)
    - i. The building permits, if required, have been issued and construction has begun or been completed for the buildings and animal waste facilities required for a commercial dairy farm; and (12/10)
    - ii. The Oregon Department of Agriculture has approved a permit for a “confined animal feeding operation” under ORS 468B.050 and ORS 468B.200 to 468B.230; and (12/10)
    - iii. Producer License for the sale of dairy products under ORS 621.072. (12/10)
  - d. In determining the gross income in subsections (B)(4)(a) and (b) of this subsection, the cost of purchased livestock shall be deducted from the total gross income attributed to the tract. (12/10)
5. The dwelling will be consistent with the fish and wildlife habitat policies of the Comprehensive Plan if located in a designated big game habitat area. (12/10)
6. Secondary farm dwellings shall be a manufactured home, or other type of attached multiunit residential structure allowed by the applicable state building code, and a deed restriction filed with the county clerk requiring

removal of the manufactured home or removal, demolition or conversion to a nonresidential use if other residential structures are used, when the occupancy or use no longer complies with the criteria or standards under which the manufactured home was originally approved. (12/10)

- C. A secondary single family dwelling on real property used for farm use subject to the following standards: (12/10)
1. A dwelling on property used for farm use located on the same lot or parcel as the dwelling of the farm operator, and occupied by a relative of the farm operator or farm operator's spouse, which means grandparent, step grandparent, grandchild, parent, stepparent, child, stepchild, brother, sister, stepsibling, niece, nephew or first cousin of either, if the farm operator does or will require the assistance of the relative in the management of the farm use. (12/10)
  2. The farm operator shall continue to play the predominant role in management and farm use of the farm. A farm operator is a person who operates a farm, doing the work and making the day to day decisions about such things as planting, harvesting, feeding, and marketing. (12/10)
  3. A deed restriction is filed with the county clerk requiring removal of the dwelling when the occupancy or use no longer complies with the criteria or standards under which the dwelling was originally approved. (12/10)
  4. For purposes of this subsection, a commercial farm operation is one that meets the income requirements for a primary farm dwelling identified in subsection (A)(1)(b) of this section, and the parcel where the dwelling is proposed contains a minimum of 80 acres. (12/10)
  5. All of the property in a tract used for the purposes of establishing a farm dwelling shall be held, sold and conveyed subject to the following covenants, conditions and restrictions: (12/10)

It is not lawful to use the property described in this instrument for the construction or siting of a dwelling or to use the acreage of the tract to qualify another tract for the construction or siting of a dwelling. (12/10)

These covenants, conditions, and restrictions can be removed only and at such time as the property described herein is no longer protected under the statewide planning goals for agricultural and forest lands or the legislature otherwise provides by statute that these covenants, conditions and restrictions may be removed and the authorized representative of the county or counties in which the property subject to these covenants, conditions and restrictions are located executes and records a release of the covenants, conditions and restrictions, consistent with OAR 660-006--0027. (12/10)

- D. Dwelling Alteration and Replacement. Alteration, restoration, or replacement of a lawfully established dwelling with filing of the declaratory statement in KDC 21.120.100(C), other than as permitted in KDC 2.120.020(D), when the dwelling: (12/10)
- 1 Has intact exterior walls and roof structure; (12/10)
  - 2 Has indoor plumbing consisting of a kitchen sink, toilet, and bathing facilities connected to a sanitary waste disposal system; (12/10)
  - 3 Has interior wiring for interior lights; (12/10)
  - 4 Has a heating system; and (12/10)
  - 5 In the case of replacement, the replaced dwelling is removed, demolished or converted to an allowable nonresidential use within three months of the occupancy of the replacement dwelling. (12/10)
  - 6 For the case in which the applicant has requested a deferred replacement permit, the dwelling to be replaced shall be removed or demolished within three months after the deferred replacement permit is issued. A deferred replacement permit allows construction of the replacement dwelling at any time. If, however, the established dwelling is not removed or demolished within three months after the deferred replacement permit is issued, the permit becomes void. The replacement dwelling must comply with applicable building codes, plumbing codes, sanitation codes and other requirements relating to health and safety or to siting at the time of consideration. A deferred replacement permit may not be transferred, by sale or otherwise, except by the applicant to the spouse or a child of the applicant. (12/10)
  - 7 If the dwelling to be replaced is located on a portion of the lot or parcel not zoned SA the applicant shall execute and record in the deed records a deed restriction prohibiting the siting of a dwelling on that portion of the lot or parcel. The restriction imposed shall be irrevocable unless a statement of release is placed in the deed records for the county. The release shall be signed by the county or its designee and state that the provisions of this section regarding replacement dwellings have changed to allow the siting or another dwelling. (12/10)

#### **2.120.04 Uses Permitted Subject to Standards**

The following uses may be permitted in the SA zone subject to approval of the request by the planning director, based on satisfaction of the standards and criteria specified for each use. (12/10)

- A. Farm Stand. Farm stand subject to the following standards: (12/10)

1. Structures shall be designed used for the sale of farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. (12/10)
    - a. As used in this section, “farm crops or livestock” includes both fresh and processed farm crops and livestock grown on the farm operation, or grown on the farm operation and other farm operations in the local agricultural area. As used in this subsection, “processed crops and livestock” includes jams, syrups, apple cider, animal products and other similar farm crops and livestock that have been processed and converted into another produce but not prepared food items. (12/10)
    - b. As used in this section, “local agricultural area” is limited to the State of Oregon. (12/10)
  2. The sale of incidental retail items and fee based activity to promote the sale of farm crops or livestock sold at the farm stand is permitted provided the annual sales of the incidental items and fees from promotional activity do not make up more than 25 percent of the total annual sales of the farm stand. (12/10)
  3. Farm stand shall not include structures designed for occupancy as a residence or for activities other than the sale of farm crops and livestock and does not include structures for banquets, public gatherings or public entertainment. (12/10)
- B. Winery. Winery, as defined in KDC 2.120.140(G). The winery shall include only the sale of: (12/10)
- 1 Wines produced in conjunction with the winery. (12/10)
  - 2 Items directly related to wine, the sales of which are incidental to the sale of wine onsite. Such items include those served by a limited service restaurant, as defined in ORS 624.010. (12/10)
- C. Religious Organization and Cemeteries. Religious organization and cemeteries in conjunction with religious organizations subject to the following: (12/10)
- 1 New religious organizations may not be established on high value farmland. Existing religious organizations and cemeteries in conjunction with religious organizations may be maintained, enhanced, or expanded on the same tract wholly within a farm zone. (12/10)
  - 2 No new religious organizations, and cemeteries in conjunction with religious organizations, may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004. (12/10)



- D. Public and Private Schools. Public or private schools, including all building essential to the operation of a school, subject to the following: (12/10)
- 1 New schools may not be established on high value farmland. Existing schools may be maintained, enhanced, or expanded on the same tract wholly within a farm zone. (12/10)
  - 2 No new school may be established within three miles of an urban growth boundary of a city unless an exception is approved pursuant to OAR Chapter 660, Division 004. (12/10)
- E. Filming Activities. Onsite filming and activities accessory to filming if the activity: (12/10)
- 1 Involves filming or activities accessory to filming for more than 45 days; or (12/10)
  - 2 Involves erected of sets that would remain in place longer than any 45 day period. (12/10)
  - 3 The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. (12/10)
- F. Facilities for Processing Farm Crops. A facility for processing of farm crops, or the production of biofuel as defined in ORS 315.141, subject to the following: (12/10)
- 1 The farm on which the processing facility is located must provide at least one quarter of the farm crops processed at the facility. (12/10)
  - 2 The building established for the processing facility shall not exceed 10,000 square feet of floor area exclusive of the floor area designated for preparation, storage or other farm use or devote more than 10,000 square feet to the processing activities within another building supporting farm use. (12/10)
  - 3 The processing facility shall comply with all applicable siting standards but the standards shall not be applied in a manner that prohibits siting of the processing facility. (12/10)
  - 4 Division of a lot or parcel that separates a processing facility from the farm operation on which is it is located shall not be approved. (12/10)
- G. Model Aircraft. A site for the takeoff and landing of model aircraft, including such building or facilities as may reasonably be necessary subject to the following: (12/10)
- 1 Buildings and facilities shall not be more than 500 square feet in floor area or placed on a permanent foundation unless the building or facility pre-existed the use. (12/10)

- 2 The site shall not include an aggregate surface or hard area surface unless the surface pre-existed the use. (12/10)
  - 3 As used in this section “model aircraft” means a small scale version of an airplane, glider, helicopter, dirigible or balloon that is used or intended to be used for flight and controlled by radio, lines or design by a person on the ground. (12/10)
- H. Wildlife Habitat Conservation. A wildlife habitat conservation and management plan on a lot or parcel subject to the following: (12/10)
- 1 The lot or parcel contains an existing legally established dwelling; or (12/10)
  - 2 Approval for the dwelling is obtained under provisions contained in KDC 2.120.030(A), (D) or 2.120.050(A). (12/10)
  - 3 The dwelling is situated on a legally created lot or parcel existing on November 4, 1993. (12/10)
  - 4 The lot or parcel is not predominantly composed of soils rated Class I or II, when not irrigated, or rated prime or unique by the Natural Resource Conservation Service, or any combination of such soils. (12/10)
- I. Other Uses. Utility facilities necessary for public service, including wetland waste treatment systems, but not including commercial facilities for the purpose of generating electrical power for public use by sale or transmission towers over 200 feet in height. A facility is “necessary” if it must be situated in the SA zoning order for the service to be provided. An applicant must demonstrate that reasonable alternatives have been considered and that the facility must be sited in a SA zone due to one or more of the following factors as found in OAR 660-33-130(16): (12/10)
1. Technical and engineering feasibility; (12/10)
  2. The proposed facility is locationally dependent. A utility facility is locationally dependent if it must cross land in one or more areas zoned for Special Agriculture in order to achieve a reasonably direct route or to meet unique geographical needs that cannot be satisfied on other lands; (12/10)
  3. Lack of available urban and non-resource lands; (12/10)
  4. Availability of existing right of way; (12/10)
  5. Public health and safety; and (12/10)
  6. Other requirements of state and federal agencies. (12/10)
    - a. Costs associated with any of the factors listed above may be considered, but cost alone may not be the only consideration in determining that a utility facility is necessary for public service.

Land costs shall not be included when considering alternative locations for substantially similar utility facilities and the siting of utility facilities that are not substantially similar. (12/10)

- b. The owner of a utility facility approved under this section shall be responsible for restoring, to its former condition as nearly as possible, any agricultural land and associated improvements that are damaged or otherwise disturbed by the siting, maintenance, repair or reconstruction of the facility. Nothing in this subsection shall prevent the owner of the utility facility from requiring a bond or other security from a contractor or otherwise imposing upon a contractor the responsibility for restoration. (12/10)
  - c. The applicant shall address the requirements of KDC 2.120.060(A). (12/10)
  - d. In addition to the provisions above, the establishment or extension of a sewer system as defined by OAR 660-011-0060(1)(f) in an exclusive farm use zone shall be subject to the provisions of OAR 660-011-0060. (12/10)
  - e. The provisions of this subsection do not apply to interstate natural gas pipelines and associated facilities authorized by and subject to regulation by the Federal Energy Regulatory Commission. (12/10)
- J. Parking of not more than seven log trucks on a tract when the use will not: (12/10)
  - 1 Force a significantly change in accepted farm or forest practices on surrounding lands devoted to farm or forest use. (12/10)
  - 2 Significantly increase the cost of accepted farm or forest practices on surrounding land devoted to farm or forest use. (12/10)
- K. Fire service facilities providing rural fire protection services. (12/10)
- L. Irrigation canals, delivery lines and those structures and accessory operational facilities associated with a district as defined in ORS 540.505. (12/10)
- M. Utility facility service lines. Utility facility service lines and accessory facilities or structures that end at the point where the utility service is received by the customer and that are located on one or more of the following: a public right of way; land immediately adjacent to a public right of way, provided the written consent of all adjacent property owners has been obtained; or the property to be served by the utility. (12/10)
- N. Subject to the issuance of a license, permit or other approval by the Department of Environmental Quality under ORS 454.695, 459.205, 468B.050, 468B.053 or 468B.055, or in compliance with rules adopted under ORS 468B.095, and with the requirements of ORS 215.246, 215.247, 215.249 and 215.251 the land application of reclaimed water, agricultural process or industrial process water or

biosolids for agricultural, horticultural or silvicultural production, or for irrigation in connection with a use allowed in an exclusive farm use zone under this division. (12/10)

### **2.120.05 Conditional Uses**

The following uses may be permitted in a SA zone subject to obtaining a conditional use permit and satisfying the criteria in KDC 2.120.060(A), and any additional criteria, requirements, and standards specified for the use: (12/10)

- A. Single family dwelling or manufactured home not in conjunction with farm use, subject to the criteria and standards in KDC 2.120.060(B), 2.120.070 and 2.120.100. (12/10)
- B. Home occupations subject to the criteria in KDC 2.120.060(C). (12/10)
- C. Public parks, open spaces, and playgrounds including only those uses specified under OAR 660-034-035 or OAR 660-034-0040, whichever is applicable, and consistent with ORS 195.120 and with filing of the declaratory statement in KDC 2.120.100(C). (12/10)
- D. A replacement dwelling to be used in conjunction with farm use or non-farm use and with filing of the declaratory statement in KDC 2.120.100(C). (12/10)

### **2.120.06 Conditional Use Review Criteria**

In addition to the criteria in Section 3.103 KDC the uses identified in KDC 2.120.050 shall satisfy criteria in the applicable subsections below. (12/10)

- A. The following criteria apply to all conditional uses in the SA zone:
  - 1 The use will not force a significant change in, or significantly increase the cost of, accepted farm or forest practices on surrounding lands devoted to farm or forest use. Land devoted to farm or forest use does not include farm or forest use on lots or parcels upon which a non-farm or non-forest dwelling has been approved and established, in exception areas approved under ORS 197.732, or in an acknowledged urban growth boundary. (12/10)
  - 2 Adequate fire protection and other services are, or will be, available when the use is established. (12/10)
  - 3 The use will not have a significant adverse impact on watersheds, groundwater, fish and wildlife habitat, soil and slope stability, air and water quality. (12/10)
  - 4 Any noise associated with the use will not have a significant adverse impact on nearby land uses. (12/10)
  - 5 The use will not have a significant adverse impact on potential water impoundments identified in the Comprehensive Plan, and not create

significant conflicts with operations included in the Comprehensive Plan inventory of significant mineral and aggregate sites. (12/10)

B. Non-Farm Dwellings. The following additional criteria apply to non-farm dwelling requests: (12/10)

1. The dwelling will be sited on a lot or parcel that is predominantly composed of Class IV through Class VIII soils that would not, when irrigated, be classified as prime, unique, Class I or Class II soils. Soils classifications shall be those of the Soil Conservation Service in its most recent publication, unless evidence is submitted as required in KDC 2.120.130. (12/10)
2. The dwelling will be sited on a lot or parcel that does not currently contain a dwelling and was created before January 1, 1993. The boundary of the lot or parcel cannot be changed after November 4, 1993, in any way that enables the lot or parcel to meet the criteria for non-farm dwelling. (12/10)
3. The dwelling will not materially alter the stability of the overall land use pattern of the area. In making this determination the cumulative impact of possible new non-farm dwellings on other lots or parcel in the area similarly situated shall be considered. To address this standard, the following information shall be provided: (12/10)
  - a. Identify a study area for the cumulative impact analysis. The study area shall include at least 2000 acres or a smaller area not less than 1000 areas, if the smaller area is a distinct agricultural area based on topography, soil types, land use pattern, or the type of farm or ranch operations or practices that distinguish it from other, adjacent agricultural areas. Findings shall describe the study area, its boundaries, the location of the subject parcel within this area, why the selected area is representative of the land use pattern surrounding the subject parcel and is adequate to conduct the analysis required by this standard. Lands zoned for rural residential or other urban or non-resource uses shall not be included in the study area; (12/10)
  - b. Identify within the study area the broad types of farm uses (irrigated or non-irrigated crops, pasture or grazing lands), the number, location and type of existing dwellings (farm, non-farm, hardship, etc.), and the dwelling development trends since 1993. Determine the potential number of non-farm dwellings that could be approved under KDC 2.120.050(A), including identification of predominant soil classifications and parcels created prior to January 1, 1993. The findings shall describe the existing land use pattern of the study area including the distribution and arrangement of existing uses and the land use pattern that could result from approval of the possible non-farm dwellings under this provision; (12/10)

- c. Determine whether approval of the proposed non-farm dwellings together with existing non-farm dwellings will materially alter the stability of the land use pattern. The stability of the land use pattern will be materially altered if the cumulative effect of existing and potential non-farm dwellings will make it more difficult for the existing types of farms in the area to continue operation due to diminished opportunities to expand, purchase, lease farmland, acquire waste rights or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the study area. (12/10)
- C. Home Occupations. Home occupations are subject to the criteria specified in Section 2.407 KDC. (12/10)
- D. Public Parks. Public parks, playgrounds, shall meet the following criteria: (12/10)
  - 1. Shall be developed in accordance with a master plan. (12/10)
  - 2. Shall not be connected to the city's sanitary sewer service. However, a connection to the city's public water system may be allowed. (12/10)
  - 3. Shall be developed in conjunction with an adjacent park use. (12/10)
  - 4. Shall provide connections to the local neighborhood where they are determined to be appropriate so as to encourage pedestrian and bicycle access to the park. (12/10)
  - 5. Shall provide for adequate screening and buffering to adjacent residential uses to mitigate any identified impacts associated from the development such as through the use of berms or other light damping structures. (12/10)
  - 6. Shall provide appropriate directional signage to mitigate traffic. (12/10)

### **2.120.07 Non-Farm Dwelling Requirements.**

The following shall apply to non-farm dwellings. (12/10)

- A. Special Setbacks: (12/10)
  - 1. Dwellings. A special dwelling setback of 200 feet from any abutting parcel in farm use or timber production is required. (12/10)
  - 2. Accessory buildings. A special setback of 100 feet is required for buildings accessory to a dwelling from any abutting parcel in farm use or timber production. (12/10)
  - 3. Adjustments. The special setbacks in subsection (A)(1) and (2) of this section may be reduced if it is determined that a lesser setback will prevent activities associated with the dwelling or accessory building from seriously interfering with farming practices. (12/10)

4. The special setback in subsection (A)(1) of this section shall not be applied in a manner that prohibits dwellings approved pursuant to ORS 195.300 to 195.336 nor should the special setback in subsection (A)(1) of this section prohibit a claimant's application for home sites under ORS 195.300 to 195.336. (12/10)
- B. Fire Hazard Reduction: As a condition of approval for any non-farm dwelling located closer than 200 feet to timber, the owner shall be required to maintain a fuel free break area in accordance with Oregon Department of Forestry and or State Fire Marshall requirements. (12/10)
- C. Prior to issuance of any residential building permit for an approved non-farm dwelling under KDC 2.120.050(A), evidence shall be provided that the county assessor has disqualified the lot or parcel for valuation at true cash value for farm or forest use; and that the additional tax or penalty has been imposed, if any is applicable, as provided by ORS 308A.113 or ORS 308A.724 or ORS 321.359(1)(b), ORS 321.842(1)(A) and 321.716. A parcel that has been disqualified under this section shall not requalify for special assessment unless, when combined with another contiguous parcel, it constitutes a qualifying parcel. (12/10)

## **2.120.08 Existing Dwellings and Other**

For the purpose of regulating dwellings and structures at the time the SA zone is applied, the following regulations shall apply. (12/10)

- A. Legally established dwellings existing when the SA zone is applied shall be considered in conformance with the SA zone and may be repaired, altered, enlarged or replaced pursuant to KDC 2.120.020(D) or 2.120.030(D). (12/10)
- B. Legally established structures accessory to a dwelling, farm or forest use, or other authorized use, existing when the SA zone is applied shall be considered in conformance with the SA zone and may be repaired, altered, or enlarged unless conditions applied to the use require that changes to the structure be reviewed. (12/10)
- C. Notwithstanding KDC 2.120.070, if a legally established non-resource use exists in the SA zone and is unintentionally destroyed by fire, other casualty or natural disaster, the use may be reestablished to its previous nature, but the reestablishment shall satisfy other building codes, ordinance and permit requirements. Efforts to establish the use shall commence within one year of destruction of the use or structure. (12/10)

## **2.120.09 Minimum Parcel Size, Divisions of Land, and Property Line Adjustments**

The following apply when property line adjustments and partitioning of land within a SA zone are proposed: (12/10)

A. Minimum Parcel Size for Newly Created Parcels: (12/10)

1. Farm Parcels: The minimal parcel size for new farm parcels shall be calculated as follows: (12/10)
  - a. All parcels wholly or in part within 500 feet of the subject parcel shall be identified. (12/10)
  - b. The average (mean) size of all parcels larger than 40 acres identified in subsection (A)(1)(a) of this section shall be determined. (12/10)
  - c. The acreage size calculated in subsection (A)(1)(b) of this subsection, rounded to the nearest 10 acres, is the minimum parcel size unless such parcel size is less than 80 acres, in which case the minimum parcel size is 80 acres. (12/10)
2. A new non-farm parcel created pursuant to KDC 2.120.090(B) shall only be as large as necessary to accommodate the use and any buffer needed to ensure compatibility with adjacent farm uses. (12/10)

B. Requirements for Creation of New Non-farm Parcels: (12/10)

1. A new non-farm parcel may be created for uses listed in KDC 2.120.040(C) and 2.120.050, except the residential uses in KDC 2.120.050(A) and (B). (12/10)
2. The criteria in KDC 2.120.060 applicable to the use shall apply to the parcel. (12/10)
3. A non-farm parcel shall not be approved before the non-farm use is approved. (12/10)
4. A division of land for non-farm use shall not be approved unless any additional tax imposed for the change has been paid, or payment of any tax imposed is made a condition of approval. (12/10)
5. If the land division is for the purpose of allowing a provider of public parks or open space, or a not for profit land conservation organization, to purchase at least one of the resulting parcels subject to the following criteria: (12/10)
  - a. A parcel created by the land division that contains a dwelling is large enough to support continued residential use of the parcel. (12/10)
  - b. A parcel created pursuant to this subsection that does not contain a dwelling:
    - i. Is not eligible for siting a dwelling, except as may be



authorized under ORS 195.120; (12/10)

- ii. May not be considered in approving or denying an application for any other dwelling; (12/10)
  - iii. May not be considered in approving a redesignation or rezoning of forestlands or farmlands except for a redesignation or rezoning to allow a public park, open space or other natural resource use; and (12/10)
- c. May not be smaller than 25 acres unless the purpose of the land division is: (12/10)
- i. To facilitate the creation of a wildlife or pedestrian corridor or the implementation of a wildlife habitat protection plan; or (12/10)
  - ii. To allow a transaction in which at least one party is a public park or open space provider, or a not for profit land conservation organization, that has cumulative ownership of at least 2,000 acres of open space or park property. (12/10)

C. Property Line Adjustments:

1. When one or more lots or parcels subject to a proposed property line adjustment are larger than the minimum parcel size pursuant to KDC 2.120.090(A)(1), the same number of lots or parcels shall be as large or larger than the minimum parcel size after the adjustment. When all lots or parcels subject to the proposed adjustment are as large or larger than the minimum parcel size, no lot or parcel shall be reduced below the applicable minimum parcel size. If all lots or parcels are smaller than the minimum parcel size before the property line adjustment, the minimum parcel size pursuant to this section does not apply to those lots or parcels. (12/10)
2. If the minimum parcel size in KDC 2.120.090(A)(1) is larger than 80 acres, and a lot or parcel subject to property line adjustment is smaller than the minimum parcel size but larger than 80 acres, the lot or parcel shall not be reduced in size through property line adjustment to less than 80 acres. (12/10)
3. Any property line adjustment shall result in a configuration of lots or parcels that are at least as suitable for commercial agriculture as were the parcels prior to the adjustment. (12/10)
4. A property line adjustment may not be used to: (12/10)
  - a. Decrease the size of a lot or parcel that, before the relocation or elimination of the common property line, is smaller than the minimum lot or parcel size for the applicable zone and contains an

existing dwelling or is approved for the construction of a dwelling, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling; (12/10)

- b. Decrease the size of a lot or parcel that contains an existing dwelling or is approved for construction of a dwelling to a size smaller than the minimum lot or parcel size, if the abutting vacant tract would be increased to a size as large as or larger than the minimum tract size required to qualify the vacant tract for a dwelling. (12/10)

## **2.120.10 Development Requirements**

The following standards apply to development in a SA zone: (12/10)

- A. Maximum Height: (12/10)
  - 1 Dwellings: 35 feet. (12/10)
  - 2 Farm related structures on farm parcels: none. (12/10)
  - 3 Nonresidential and non-farm structures: 35 feet unless it is in conjunction with conditional uses allowed in KDC 2.120.050, and a greater height is approved as part of the conditional use permit. (12/10)
- B. Minimum Setbacks: Except as required in KDC 2.120.070(A), the following setback requirements shall be implemented for all new structures other than farm exempt buildings, signs and fences: (12/10)
  - 1 Rear Yard. A minimum of 20 feet. (12/10)
  - 2 Side Yard. A minimum of 10 feet. (12/10)
  - 3 Front Yard. A minimum of 20 feet. (12/10)
- C. Declaratory Statement. For all dwellings, and other uses deemed appropriate, the property owner shall be required to sign and allow of the entering the following declaratory statement into the chain of the parcel(s):

“The property herein described is situated in or near a farm or forest zone or area where the intent is to encourage, and minimize conflicts with, farm and forest use. Specifically, residents, minimize conflicts with, farm and forest use. Specifically, residents, property owners and visitors may be subjected to common, customary and accepted farm or forest management practices conducted in accordance with federal and state laws which ordinarily and necessarily produce noise, dust, smoke and other impacts. The grantees, including their heirs, assigns and lessees do hereby accept the potential impacts from farm and forest practices as normal and necessary and part of the risk of establishing a dwelling, structure or use in this area, and I/We

acknowledge the need to avoid activities that conflict with nearby farm and forest uses and practices I/We will not pursue a claim for relief or course of action alleging injury from farming or forest practice for which no action is allowed under ORS 30.936 or 30.937". (12/10)

### **2.120.12 Permit Expiration Dates**

Notwithstanding other provisions of this ordinance, a discretionary decision, except for a land division, approving a proposed development in the SA zone expires two years from the date of the final decision if the development action is not initiated in that period. The Director may grant an extension period of up to 12 months if an applicant makes a written request for an extension of the development approval period; the request is submitted to the city prior to expiration of the approval period; the applicant states the reasons that prevented the applicant from beginning or continuing development within the approval period and the city determines that the applicant was unable to begin or continue development during the approval period for reasons for which the applicant was not responsible. Approval of an extension granted under this section is not land use decision described in ORS 197.015 and is not subject to appeal as a land use decision. Additional one year extensions may be authorized where applicable criteria have not changed. (12/10)

### **2.120.13 Consideration of Soil Classification Changes For Non-Farm**

For purposes of approving an application for a non-farm dwelling the soil class, soil rating, or other soil designation of a specific lot or parcel may be changed if the property owner submits a report from a consulting soils scientist whose credentials may have been certified as acceptable to the State Department of Agriculture that the soil class, soil rating, or other soil designation should be changed, and the report satisfies the most recent requirements in the Oregon Administrative Rules for acceptable soils reports. (12/10)

### **2.120.14 Definition of Terms Used In This Chapter**

The following terms apply to this chapter and have no relevance to the same term used in other chapters of this ordinance unless specifically stated. (12/10)

- A. "Farm Use" means the current employment of land for the primary purpose of obtaining a profit in money by raising, harvesting and selling crops or the feeding, breeding, management and sale of, or the produce of, livestock, poultry, fur-bearing animals or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof. "Farm use" includes the preparation, storage and disposal by marketing or otherwise of the products or by-products raised on such land for human or animal use. "Farm use" also includes the current employment of land for the primary purpose of obtaining a profit in money by stabling or training equines including but not limited to providing riding lessons, training clinics and schooling shows. "Farm use" also includes the propagation, cultivation, maintenance and harvesting of aquatic species and bird and animal species to the extent allowed

by the rules adopted by the State Fish and Wildlife Commission. "Farm use" includes the on-site construction and maintenance of equipment and facilities used for the activities described in this subsection. "Farm use" does not include the use of land subject to the provisions of ORS Chapter 321, except land used exclusively for growing cultured Christmas trees as defined in ORS 215.203 (3) of this section or land described in ORS 321.267 (3) or 321.824(3). (12/10)

Preparation of products or by-products includes but is not limited to the cleaning, treatment, sorting, or packaging of the products or by-products. Products or by-products raised on such land means that those products or byproducts are raised on the farm operation where the preparation occurs or on other farm land provided the preparation is occurring only on land being used for the primary purpose of obtaining a profit in money from the farm use of the land.

B. "High value farmland" means a tract composed predominantly of: (12/10)

- 1 Soils rated Class I or II, prime, or unique, either irrigated or not irrigated; (12/10)
- 2 The following Class III soils: Chehalem (CeC), Concord (Co), Hultt (HuD), Jory (JoD), Nekia (NeC, NeD, NkC), Salkum (SkD), Silverton (SuD), and Woodburn (WuD); (12/10)
- 3 The following Class IV soils: Bashaw (Ba), Camas (Ca), Courtney (Cu), Dayton (Da), and Jory (JoE). (12/10)

## **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 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: (7/23)

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 Section includes methods and provisions for: (7/23)

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 Section Applies. This Section shall apply to all special flood hazard areas within the jurisdiction of the City of Keizer. (7/23)
- 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 Section. The FIS and FIRM panels

are on file at the Community Development Department located in the City of Keizer City Hall. (7/23)

- 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 Section is intended to be administered and enforced in conjunction with the Oregon Specialty Codes. (7/23)
- D. Compliance and Penalties for Noncompliance
1. Compliance. All development within special flood hazard areas is subject to the terms of this Section and required to comply with its provisions and all other applicable regulations. (7/23)
  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 Section and other applicable regulations. Violations of the provisions of this Section 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. (7/23)
- E. Abrogation and Severability
1. Abrogation. This Section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (7/23)
  2. Severability. This Section and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of this Section 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 Section. (7/23)
- F. Interpretation. In the interpretation and application of this Section, all provisions shall be: (7/23)
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 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 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. (7/23)
2. Disclaimer Of Liability. This 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 Section or any administrative decision lawfully made hereunder. (7/23)

### **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 Section by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions. (7/23)
- 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 Section have been satisfied; (7/23)
    - 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 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; (7/23)

- g. Maintain all floodproofing certificates required under this Section; (7/23)
  - 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 Section. (7/23)
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 Section and all applicable state and federal permits. (7/23)

- 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. Criteria for Variances (7/23)

- 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)



## **2.123 GREENWAY MANAGEMENT OVERLAY ZONE (GMO)**

### **2.123.01 Purpose**

The purpose of the GM (GREENWAY MANAGEMENT OVERLAY) Zone is to protect the natural, scenic, and recreation qualities of lands along the Willamette River in the City of Keizer; preserve and allow the restoration of historic resources along the Willamette River; implement the goals and policies of the State of Oregon's Willamette River Greenway Program; implement goals and policies of the City of Keizer's Comprehensive Plan; and establish standards and requirements for the use of lands within the Willamette River Greenway. (9/18)

### **2.123.02 Application**

The provisions of this overlay zone shall apply to all lands within the Willamette River Greenway Boundary of the City of Keizer as shown on the official zoning map. The boundary is shown in detail on aerial photomaps on file with the City of Keizer. The Zoning Administrator shall make interpretation of the exact location of the boundary from these photomaps. (5/98)

### **2.123.03 Definitions**

The following definitions shall be used in administering this overlay zone:

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

Intensification: Any additions that increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures necessary for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification

of existing structures, or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purpose of this Goal. Seasonal increases in gravel operations shall not be considered an intensification of use. (5/98)

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

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

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

Water-Related: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or services offered. Except as necessary for water-dependent or water-related uses or facilities, residences, parking lots, spoil and dump sites, roads and highways, restaurants, businesses, factories and trailer parks are not generally considered dependent on or related to water location needs. (5/98)

## **2.123.04 Review of Uses**

Within the GM (GREENWAY MANAGEMENT OVERLAY) Zone, a conditional use permit shall be required for all use changes, intensification of uses or site alteration on land or water otherwise permitted in the underlying zone except for the following activities which are not subject to review in this overlay zone:

- A. Customary dredging and channel maintenance conducted under permits from the State of Oregon. (5/98)
- B. Seasonal increases in gravel operations as provided under permit from the State of Oregon. (5/98)
- C. The placing by a public agency of signs, markers, aids, etc. to serve the public. (5/98)
- D. Activities to protect, conserve, enhance, and maintain public recreational, scenic, historical and natural uses of public lands, identified in a public park master plan approved by the City Council. If the responsible agency did not hold a public hearing prior to plan adoption, the City shall hold a hearing under the procedures

for a conditional use permit and make findings that the criteria in this Chapter are satisfied before approving a park plan. (5/98)

- E. Erosion control operations not requiring a permit from the Division of State Lands. (5/98)
- F. Farm uses. (5/98)
- G. Reasonable emergency procedures necessary for the safety or protection of property. (5/98)
- H. Maintenance and repair usual and necessary for the continuance of an existing use. (5/98)
- I. Landscaping, propagation of timber, construction of driveways, and the construction or placement of accessory structures other than guest houses, provided that such activities are conducted in conjunction with uses already existing on the same property, are accomplished in a manner compatible with the purpose of this zone, and are located at least 30 feet upland from ordinary high water unless unusual site conditions are present. Setbacks are to be established on a case-by-case basis through the Greenway Development Conditional Use process. (5/98)
- J. The partial harvesting of timber in accordance with a plan approval under the Forest Practices Act on lands upland beyond the vegetative fringe. (5/98)
- K. Water intakes and utilities in conjunction with an agricultural use and single-family residences. (5/98)

#### **2.123.05 Process**

- A. Application Process. A conditional use for development within the Greenway Management Overlay Zone shall be reviewed as a Type I-B action. The conditional use may be processed independently or in conjunction with other land use actions required for development of the property. (5/98)
- B. Additional Information. In addition to the submittal requirements for a conditional use application, the applicant shall supply the following:
  - 1. Plot plan showing the following:
    - a. The area of the proposed use or activity. (5/98)
    - b. The proximity of the activity to the Willamette River at low and high water level and the location of the top of the terrace bank. (5/98)
    - c. The location of any existing vegetative fringe along the riverbank or other significant vegetation. (5/98)

2. Statements, drawings, or photos of the proposed external appearance of proposed activity as viewed from the river. (5/98)
3. Statements demonstrating compliance with the provisions of this zone. (5/98)
4. Any additional information determined by the Zoning Administrator to be necessary to demonstrate compliance with this zone. (5/98)

### **2.123.06 Review Standards and Criteria**

A conditional use permit within the Greenway Management Overlay Zone, shall indicate how: (a) the proposal will not affect the following factors; (b) the proposal can be mitigated in some manner to minimize or eliminate potential harmful impacts; or, (3) the factors do not apply to the request. The factors include: (5/98)

- A. Significant fish and wildlife habitats, significant natural and scenic areas, viewpoints and vistas identified in the Comprehensive Plan shall be preserved. (5/98)
- B. Areas of ecological, scientific, historical or archeological significance identified in the Comprehensive Plan shall be protected, preserved, restored, or enhanced to the maximum extent possible. (5/98)
- C. The quality of the air, water, and land resources in and adjacent to the Greenway shall be preserved in the development, change of use or intensification of use of land within the Greenway Management Zone. (5/98)
- D. Areas of annual flooding, flood plains, and wetlands shall be preserved in their natural state to the maximum possible extent to protect water retention, overflow and other natural functions. (5/98)
- E. The natural vegetative fringe along the river shall be maintained to the maximum extent that is practical in order to assure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river. (5/98)
- F. Only partial harvesting of timber shall be allowed. It shall be conducted in a manner consistent with the requirements under the Forest Practices Act. Wildlife habitat and the natural scenic qualities of the Greenway shall be maintained or be restored. The extent or type of harvest shall be limited as necessary to satisfy the appropriate standards and criteria in this subsection. Harvesting shall only occur beyond the vegetative fringe. (5/98)
- G. The proposed development, change, or intensification of use is compatible with existing uses on the site and the surrounding area. (5/98)

- H. Areas considered for development, change, or intensification of use which have erosion potential shall be protected from loss by appropriate means which are compatible with the provisions of the Greenway Management Zone. (5/98)
- I. Extraction of aggregate deposits shall be conducted in a manner designed to minimize adverse effects on water quality, fish and wildlife, vegetation, bank stabilization, stream flow, visual quality, noise and safety and to guarantee necessary reclamation. (5/98)
- J. Any public recreational use or facility shall not substantially interfere with the established uses on adjoining property. (5/98)
- K. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable. (5/98)
- L. Except for water-related and water-dependent buildings and structures, buildings and structures shall be located 30 feet or more upland from the ordinary high water line unless it can be shown that the parcel size makes meeting this requirement impossible, or significant natural features would be lost if the standard is met. (5/98)
- M. Public access to and along the river shall be provided in conjunction with subdivision, commercial and industrial development, and public lands acquisition where appropriate. This access should be located and designed to minimize trespass and other adverse affects on adjoining property. (5/98)
- N. The development shall be directed away from the river to the greatest possible extent. (5/98)
- O. The development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river. (5/98)
- P. Private docks and wharves shall be limited to one per property ownership, and shall be limited to 150 square feet of gross area per property served. Walkways to the dock or wharf shall be not more than 5 feet wide. Covered storage facilities shall not extend more than 10 feet above water level and shall be designed and painted to blend into the natural environment as much as possible. (5/98)
- Q. Comply with the floodplain or floodway development requirements of this Ordinance. (5/98)

### **2.123.07 Notice of Decision**

Notice of Decision approving conditional uses in the Greenway Management Overlay Zone shall be sent to the Division of Parks and Recreation in the same manner as required in Section 3.204, except notice shall be provided by certified mail. (5/98)



## **2.124 LIMITED USE OVERLAY ZONE (LUO)**

### **2.124.01 Purpose**

The purpose of the Limited Use Overlay Zone is to reduce the list of permitted uses in a zone to those that are suitable for a particular location. Zones permit a number of uses without notification or opportunity for a hearing. These uses are included in the zone because they are considered basically equivalent in terms of the type and intensity of activity. However, on a particular property certain permitted uses may conflict with adjacent land uses. Rather than deny appropriate permitted uses because the proposed zone would permit an objectionable use, the Limited Use Overlay can be used to identify the appropriate uses and require a conditional use permit for other uses normally permitted in the zone. It is the intent that the maximum number of acceptable uses be permitted so that the use of the property is not unnecessarily limited. (5/98)

### **2.124.02 Overlay Zone Requirements**

When the Limited Use Overlay zone is applied, the uses permitted in the underlying zone shall be limited to those permitted uses specifically referenced in the order or ordinance adopting the Limited Use Overlay zone. Until the Overlay zone has been removed or amended, the only permitted uses in the zone shall be those specifically referenced in the adopting ordinance. Uses that would otherwise be permitted may only be allowed if a conditional use permit is approved. (5/98)

### **2.124.03 Procedures and Criteria**

- A. The Limited Use Overlay zone is applied at the time the underlying zone is being changed. It shall not be necessary to mention in the hearing notice of a rezoning application that this overlay zone may be applied. The order or ordinance adopting the overlay zone shall include findings to the following:
  - 1. No zone has a list of permitted uses where all uses would be appropriate. (5/98)
  - 2. The proposed zone is the best suited to accommodate the desired uses. (5/98)
  - 3. It is necessary to limit the uses permitted in the proposed zone. (5/98)
  - 4. The maximum number of acceptable uses in the zone have been identified and will be permitted. (5/98)
- B. The order or ordinance adopting the overlay zone shall by section reference, or by name, identify those permitted uses in the zone that will remain permitted uses. A permitted use description may be segmented to require a conditional use for distinct uses that may not be compatible. (5/98)

#### **2.124.04 Official Zoning Map**

The official zoning map shall be amended to show an LUO suffix on any parcel where the Limited Use Overlay zone has been applied. (5/98)

#### **2.124.05 Site Plan Requirement**

In addition to limiting the uses in the zone, it may be necessary to require City approval of the location of buildings, access and parking, screening and other site planning considerations in order to ensure the compatibility of the permitted uses with the area. This requirement may be added by specific reference in the adopting order or ordinance. The document shall indicate any special concerns or locational requirements that must be addressed in the site plan and approved by the Zoning Administrator. (5/98)

## **2.125 ACTIVITY CENTER OVERLAY ZONE (ACO)**

### **2.125.01 Purpose**

The ACO (ACTIVITY CENTER OVERLAY) zone is adopted to implement the policies of the Comprehensive Plan for Activity Centers which include provisions for a mixture of intensive land uses emphasizing employment opportunities, transit and pedestrian facilities, and circulation. (5/98)

### **2.125.02 Application**

The provisions of this Section apply to Activity Centers as identified in the Comprehensive Plan. (5/98)

### **2.125.03 Uses**

Uses allowed in an Activity Center shall be as specified in the underlying district. (5/98)

### **2.125.04 General Development Standards**

All development within an Activity Center is subject to City review as provided in Chapter 3.101, and shall also include the following factors: (2/03)

- A. Activity Center Design Plan. All new developments and expansions of existing developments shall comply with the adopted activity center design plan for each Activity Center. (5/98)
- B. Master Plan. Developments in an activity center shall be required to submit a Master Plan application for approval. The elements of such Master Plan shall include, but are not limited to, the following: (9/18)
  - 1. A Master Plan map showing the location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (9/18)
  - 2. For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (5/98)

## **2.125.05 Keizer Station Plan Development Standards – IBP Zone**

All development within the Keizer Station Activity Center, which is zoned Industrial Business Park (IBP) shall be subject to the following additional requirements. (2/03)

- A. Specific Use Restrictions. A limitation of the total floor area of specified IBP uses applies to all of Area A – Sports Center and Area D – Commerce Center of the Keizer Station Plan. The uses identified in Sections 2.113.02 (J) and (N) shall be subject to total floor area limitations. This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved Master Plan. (9/18)
- B. Flexible Space Uses. The following uses, when restricted, developed, and conducted as required in Section 2.113.02 N. 2. are also permitted in the IBP district: (2/03)
  - 1. Within Area A “Sports” of the Keizer Station Plan boundary: (2/03)
    - a. Recreational Vehicle Parks and Campsites (7033), provided, however, that such uses are not subject to the limitation in Section 2.113.02 N. 2. (c). (2/03)
  - 2. Within Area D of the Keizer Station Plan boundary: (2/03)
    - a. General Merchandise Stores (5399). (2/03)
    - b. Gasoline Service Stations (554) in accordance with Section 2.419. (2/03)
    - c. Auto and Home Supply Stores (553). (9/19)
    - d. Automotive Services, Except Repair (754). (9/19)

## **2.125.06 Keizer Station Plan Prohibited Uses – IBP and EG Zones**

The following uses are prohibited on properties within the Keizer Station Plan boundary, which are zoned IBP or EG: (2/03)

- A. Manufacturing of grain mill products (204) (2/03)
- B. Manufacturing of biological products, except diagnostic substances (2836) (2/03)
- C. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284) (2/03)
- D. Miscellaneous plastic products (308) (2/03)
- E. Motor freight transportation and warehousing (42) (2/03)

## **2.125.07 Conditions of Approval**

The City may attach conditions to any development within an Activity Center to achieve the following objectives:

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (5/98)
  - 1. Orienting building and facilities towards transit services. (5/98)
  - 2. Minimizing transit/auto conflicts. (5/98)
  - 3. Encouraging transit supportive uses. (5/98)
  - 4. Minimizing walking distance to transit stops. (5/98)
  - 5. Avoiding excess parking areas. (5/98)
  - 6. Encouraging shared parking and structures or understructure parking. (5/98)
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (5/98)
  - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (5/98)
  - 2. Separating auto and truck circulation and activities from pedestrian areas. (5/98)
  - 3. Pedestrian-oriented design. (5/98)
  - 4. Pedestrian amenities. (5/98)
  - 5. Bicycle parking. (5/98)
  - 6. Outdoor lighting. (5/98)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (5/98)
  - 1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (5/98)
  - 2. Siting and orientation of land uses. (5/98)
  - 3. Frontage roads or shared access. (5/98)

- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (5/98)
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (5/98)
  2. Buffering of adjacent residential uses. (5/98)

## **2.126 RESOURCE CONSERVATION OVERLAY ZONE (RCO)**

### **2.126.01 Purpose**

The purpose of the Resource Conservation Overlay Zone is to maintain, protect and preserve the natural area adjacent to Claggett Creek. (5/98)

### **2.126.02 Location**

The Resource Conservation Overlay Zone shall be defined as the designated floodway along Claggett Creek. The current Flood Insurance Rate Map (FIRM) shall determine the identified floodway for the City of Keizer. (5/98)

### **2.126.03 Development Standards**

No new primary structures are allowed in RCO areas. Exceptions to this standard are:

- A. Modifications of existing primary and accessory structures. (5/98)
- B. Water-dependent uses, such as private boat docks, marinas, boat ramps, etc. (5/98)
- C. Public uses such as parks, bridges, public roads, water and drainage management facilities, etc. shall be allowed provided adverse impacts are mitigated. (5/98)
- D. Accessory buildings to existing primary structures provided that a location outside of a conservation area is not possible because of parcel size or other physical constraints. (5/98)

### **2.126.04 Vegetation Preservation Requirements**

Existing vegetation shall be preserved, with the following exceptions:

- A. Regular maintenance of established landscape areas may be performed. (5/98)
- B. Diseased trees or trees in danger of falling may be removed. (5/98)
- C. Tree cutting or site grading may be permitted in conjunction with permitted uses to the extent necessary to accommodate those uses. (5/98)

### **2.126.05 Development Rights Transfer**

Allow the transfer of development rights within the same parcel when resource conservation lands are donated to the City or when permanently dedicated for open space purposes. (5/98)

## **2.126.06 Application Requirements**

All development and tree-cutting activities controlled by the provisions of this chapter within a conservation area shall be reviewed by the Zoning Administrator to insure consistency with this chapter. For the purposes of this Section, development shall include buildings or other structures, mining, dredging, filling, grading, paving, excavation or any other activity which results in the removal of substantial amounts of vegetation or in the alteration of natural site characteristics. (5/98)

Development or tree-cutting activity shall be reviewed pursuant to a building or grading permit submitted to the City. Such materials as are reasonably necessary for adequate review shall accompany the permit application. Examples of such materials include:  
(5/98)

- A. A site plan showing existing vegetation and development, and locations of proposed development or tree-cutting activity. (5/98)
- B. Architectural elevations of any proposed structures. (5/98)



## **2.127 HISTORIC RESOURCES**

### **2.127.01 Purpose**

The purpose of this 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 Section. (7/23)

### **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 Section for designating a resource, including the adoption of appropriate findings. (7/23)
- 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 Section; (7/23)
  - 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 Section; (7/23)

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 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. (7/23)

## **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 Section; (7/23)
  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)



## **2.128 ODOR/NOISE IMPACT OVERLAY ZONE (OIO)**

### **2.128.01 Purpose**

The purpose of the Odor/Noise Impact Overlay Zone is to alert property owners and potential property owners of the possible odor/noise impacts of the Willow Lake Wastewater Treatment Plant operated by the City of Salem and to prevent development of property in the overlay zone from occurring without the proper notice and documentation. (5/01)

### **2.128.02 Development Standards**

No development shall occur in the Odor/Noise Impact Overlay Zone without execution by the property owner of an easement/waiver. As a condition of approval of any building permit or land use action in the AI zone, and as a precondition of any occupancy permit, the property owner shall sign and cause to be recorded in the real property records of Marion County a document granting an easement and a waiver of claims with regard to impacts from the Willow Lake Wastewater Treatment Plant. Such easement/waiver shall be approved by the City Attorney and be in substantially the same form as that attached to that certain Willow Lake Settlement Agreement executed by Salem, Marion County and Keizer. The recorded easement/waiver shall also be referenced on the plat of any partition, subdivision or PUD. (5/01)



## **2.129 CHEMAWA INTERCHANGE OVERLAY ZONE (CIO)**

### **2.129.01 Purpose**

The purpose of the Chemawa Interchange Overlay Zone (CIO) is the long-range preservation of operational efficiency and safety of the Chemawa/I-5 Interchange and to implement the Chemawa/I-5 Interchange Area Management Plan (IAMP). The Chemawa/I-5 Interchange is located at the east end of Keizer and the northern edge of Salem. The interchange serves a wide range of land uses and a very large geographic area. These land uses are primarily residential, commercial, educational services, and agricultural. Access to traveler services and industrial uses are not primary functions of the interchange. (6/14)

The Chemawa Interchange is the primary access to I-5 for the City of Keizer and its predominantly residential land uses as well as Keizer Station, a developing commercial area that is located in the northwest and southwest quadrants of the interchange. The Chemawa Indian School, in the southeast quadrant of the interchange, outside the city limits of Keizer is a large educational use in the interchange area and will likely continue to grow on its existing site. The area northeast of the interchange includes land within Salem city limits, which is planned to be developed as a “gateway” business park with supportive commercial services. Land on the east side of the interchange also includes county-zoned agricultural parcels. (6/14)

### **2.129.02 Boundary of the CIO**

The boundary of the CIO Zone is shown on the Keizer Comprehensive Land Use Plan Map and Zoning Map. (6/14)

### **2.129.03 Applicability**

The provisions of this section shall apply to all Type II, III, and IV land use applications pursuant to Section 3.101 for parcels wholly or partially within the CIO zone, as defined by Section 2.129.02. The standards of the CIO Zone shall supersede where conflicts arise between the standards of the CIO Zone and those contained within other sections of the Keizer Development Code. Applications under this section which are subject to the CIO zone are herein referred to as “Subject Applications”. (6/14)

### **2.129.04 Permitted Land Uses**

Uses allowed in the underlying zoning district are allowed subject to other applicable provisions in the Development Code and Chapter 2, Zoning Districts. (6/14)

### **2.129.05 Access Management**

In addition to the standards and requirements of Sections 2.302 (Street Standards), and 2.303 (Off Street Parking and Loading), Subject Applications are governed by the Access Management Plan in the Chemawa/I-5 IAMP (Section 5.3). The following applies to Subject Applications that are governed by Section 2.302.03.N (Street Standards, General Provisions, Access Control Standards). (6/14)

A. Access Approval (6/14)

1. Access to local streets that are subject to Section 2.129.06(B) shall be subject to joint review by the City and the Oregon Department of Transportation (ODOT) and, where applicable, by Marion County. Coordination of this review will occur pursuant to Section 2.129.06. (6/14)
2. Approval of a driveway permit shall be subject to the standards contained in this section, the provisions of Section 2.302, Street Standards, and Section 2.303 (Off Street Parking and Loading) in the Keizer Development Code, and the Access Management Plan in the Chemawa/I-5 IAMP (Section 5.3). Where the recommendations of the Access Management Plan conflict with other access and spacing requirements in Section 2.301 (Street Standards), the Access Management Plan shall govern. (6/14)

## **2.129.06 Administration**

This section delineates the responsibilities of the City and ODOT to monitor and evaluate vehicle trip generation on the Chemawa Interchange from development approval under this section. (6/14)

A. Transportation Assessment Report (6/14)

For all Subject Applications, the applicant shall prepare and submit to the City a Transportation Assessment Report that documents the following: (6/14)

1. Expected weekday p.m. peak hour trip generation. (6/14)
2. Off-site improvements that will be constructed as part of the development. (6/14)
3. Proposed site-access driveways and streets that are in conformance with the requirements of Section 2.302 (Street Standards), Section 2.303 (Off Street Parking and Loading), and the IAMP Access Management Plan (Section 5.3) to ensure that adequate intersection sight distance and traffic control will be provided. (6/14)
4. An on-site parking and circulation plan to ensure safe and efficient travel for all modes of travel, including turn movement templates (e.g.; AutoTurn analysis) for anticipated trucks and emergency service vehicles. (6/14)

B. Traffic Impact Analysis (6/14)

For all land use applications located within the CIO Zone that increase site traffic volume generation by 250 Average Daily Trips (ADT) or more above the level shown in the the most recent City-approved Keizer Station TIA , the applicant shall prepare and submit to the City a Traffic Impact Analysis (TIA) that demonstrates the level of impact of the proposed development on the surrounding street system and the Chemawa/I-5 interchange and prepared pursuant to the requirements in Section 2.301.04 Traffic Impact Analysis (TIA). (6/14)

The determination of impact or effect, and the scope of the TIA, shall be jointly determined by the City and the jurisdiction responsible for the affected transportation facility. The developer shall be required to mitigate impacts attributable to the project, including any impacts that may occur outside of the CIO Zone. Such mitigation requirements shall be binding conditions of approval. (6/14)

C. Agency Coordination (6/14)

1. The City shall not deem the land use application complete unless it includes a Traffic Assessment Report or, if required by Section 2.129.06.B, a Transportation Impact Analysis prepared in accordance with the requirements of this Section. (6/14)
2. The City shall provide written notification to ODOT no later than ten (10) days after the application is deemed complete. This notice shall include an invitation to ODOT, City of Salem, and Marion County to participate in the City's site team review meeting, pursuant to Section 3.210, Pre-Application Conference. (6/14)
3. The City shall also provide written notification to the transit agency and other public or quasi-public agencies that serve the CIO Zone no later than ten (10) days after the application is deemed complete. (6/14)
4. ODOT shall have at least 20 days, measured from the date completion notice was mailed, to provide written comments to the City. If ODOT does not provide written comments during this 20-day period, the City staff report will be issued without consideration of ODOT comments. (6/14)

## **2.129.07 Comprehensive Plan and Zoning Map and Text Amendments**

This section applies to all Comprehensive Plan Map and Zoning Map amendments for parcels wholly or partially within the CIO Zone and code amendments that affect development within the CIO Zone. (6/14)

- A. Transportation Planning Rule Requirements. Applications for Comprehensive Plan amendments, Zoning Map amendments, or development regulation amendments shall determine whether the proposed change will significantly affect a collector or arterial transportation facility and must meet the requirements of Oregon Administrative Rule (OAR) 660-012-0060. (6/14)
- B. Limitations on Comprehensive Plan and Zoning Map and Text Amendments. To improve safety and ensure that the capacity of the Chemawa/I-5 Interchange is reserved for residential, commercial, and educational service uses surrounding the interchange, consistent with the principal function of the facility, legislative amendments that allow land uses that will generate traffic in excess of the number of trips generated by SKATS modeling conducted for the IAMP are prohibited unless part of a legislative update of the IAMP, pursuant to the provisions of the IAMP and Subsection 2.129.08. In such case, prior to adoption of such legislative amendment, the City shall request IAMP Review and Update pursuant to Section 2.129.08. (6/14)



- C. IAMP Review and Update. Comprehensive Land Use Plan Map or Zoning Map amendments proposed for land within the CIO Zone that have a “significant affect” on the transportation system and/or Chemawa/I-5 Interchange, pursuant to Section - 0060 of the Transportation Planning Rule, will trigger a review of the IAMP in accordance with the provisions of the IAMP. (6/14)

## **2.129.08 Interchange Area Management Plan Update**

- A. IAMP Updates. (6/14)
1. If the findings and conclusions from an IAMP review demonstrate the need for an update to the plan, review participants will initiate an IAMP update process pursuant to the provisions of the IAMP. (6/14)
  2. An updated IAMP that results from a Comprehensive Plan Map amendment, pursuant to Section 2.129.07, shall require legislatively adopted amendments to the City of Keizer Transportation System Plan, Comprehensive Plan, and/or Development Code necessary to maintain consistency with the updated IAMP. The updated IAMP will subsequently be adopted by the Oregon Transportation Commission (OTC) as an update to the Oregon Highway Plan. (6/14)
  3. If a proposed land use change would result in the need for additional capacity at the interchange, the initiating party also shall prepare a mitigation funding plan for ODOT and local jurisdiction review as part of an update to the IAMP. (6/14)





## 2.130 RIVER-CHERRY OVERLAY DISTRICT (RCOD)

### 2.130.01 Purpose

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

### 2.130.02 Boundaries of the River-Cherry Overlay District

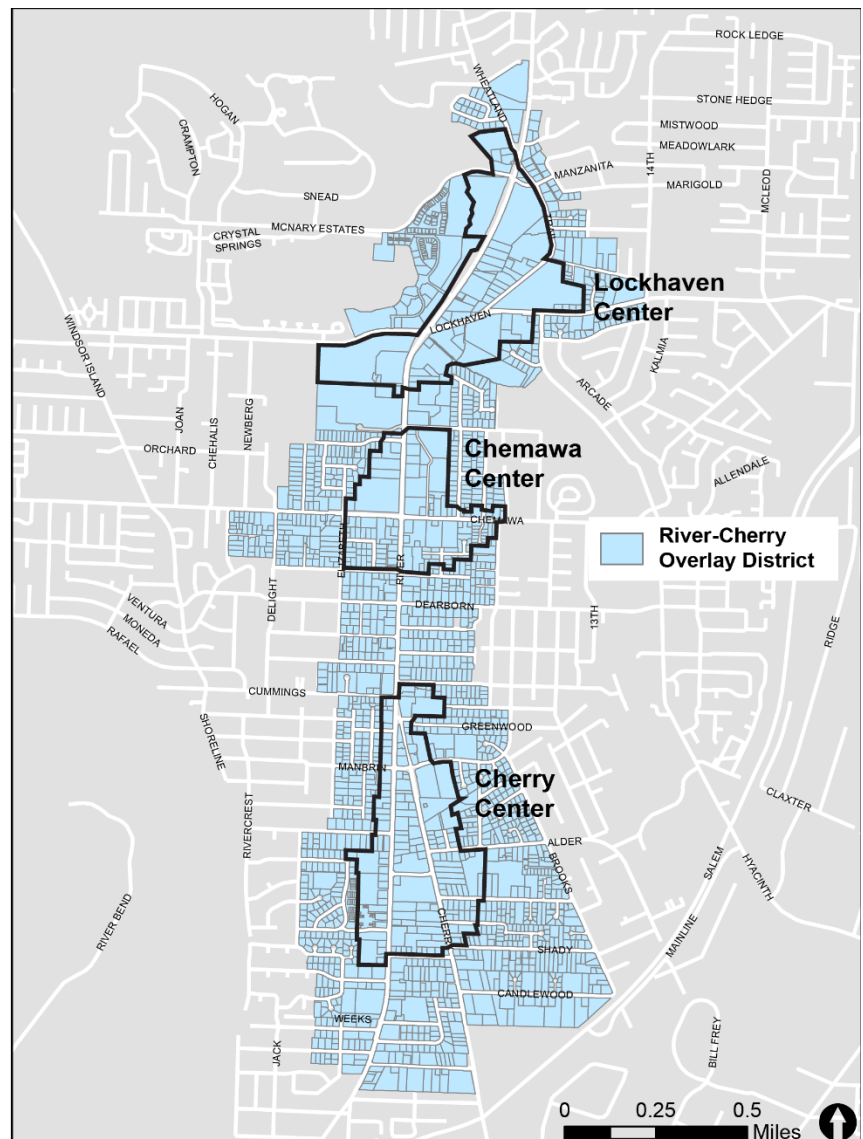
The boundaries of the RCOD, and boundaries of the three Centers sub-districts, are shown in Figure 2.130.02-1. (12/19)

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

### 2.130.03 Applicability

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

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



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

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

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

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

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

## **2.130.04 Uses**

### **A. Permitted Uses**

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

Table 2.130.04-1: Uses Permitted in the RCOD (7/23)

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

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

Use Category	Permitted P = Permitted outright S = Permitted subject to Special Use provisions C = Permitted conditionally	Notes
		Additional development standards apply to auto-oriented services in RCOD Centers (Section 2.130.09(B)(4)).
<b>Industrial</b>		
Light Manufacturing	C	Craft industries are Conditional Uses subject to the provisions in Section 2.421.
<b>Institutional</b>		
Assembly Facilities	P/S	Such as social and civic organizations. Special Use provisions apply to
Community Services	P	Such as public administration buildings.
Educational and Research Facilities	P	Such as schools, vocational schools, educational services, and laboratories.
Medical Centers	P	Such as clusters of health care offices, surgicenters or day surgery facilities (not a hospital).
<b>Infrastructure/Utilities</b>		
Parks and Open Space	P	Such as parks, plazas, playgrounds, and community clubs.
Public Safety Facilities	P/C	Such as police stations. Fire and ambulance stations are Conditional Uses subject to general Conditional Use criteria in Section 2.103.03
Public Utility Structures	P/S	Such as substations. Special Use provisions apply to electrical substation (Section 2.103.03)

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

## B. Prohibited Uses

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

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

## **2.130.05 Dimensional and Development Standards**

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

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

A. Dimensional Standards

1. Minimum Lot Dimension Requirements (6/22)

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

Zone	Dimension	Townhouse	Single Family Detached & Duplex	Triplex	Quadplex & Cottage Cluster	Multi-Family
MU	Lot Size	1,500 sq ft	3,000 sq ft	5,000 sq ft	7,000 sq ft	None (use density only)
	Average Width	20 feet	30 feet	30 feet	30 feet	(defer to underlying zone)
RM	Lot Size	1,500 sq ft	3,000 sq ft	5,000 sq ft	7,000 sq ft	None (use density only)
	Average Width	20 feet	30 feet	30 feet	30 feet	(defer to underlying zone)
RS	Lot Size	1,500 sq ft	3,500 sq ft	5,000 sq ft	7,000 sq ft	N/A
	Average Width	20 feet	35 feet	35 feet	35 feet	N/A

B. Development Standards

1. Minimum Landscaping and Maximum Lot Coverage

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

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

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

(1) Lot coverage standards do not apply to cottage cluster development. (6/22)

## 2. Residential Density

The minimum and maximum density for subdivisions, partitions, multi-family or any residential development shall be as follows: (6/22)

Table 2.130.05-3: Minimum and Maximum Residential Density Standards

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

- (1) *Accessory residential housing units are included in the minimum density calculations but are not included in the maximum density calculations. (7/21)*
- (2) *There shall be no minimum residential density requirement for multi-family development within a mixed use building.*
- (3) *For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 10 units per acre; the maximum density shall be 24 units per acre.*
- (4) *Maximum density does not apply to duplexes, triplexes, quadplexes, or cottage cluster housing. (6/22)*

## 3. Off-Street Automobile Parking Requirements<sup>(12/19)</sup>

### a. Applicability <sup>(12/19)</sup>

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



b. Off-Street Automobile Parking Requirements<sup>(12/19)</sup>

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

Table 2.130.05-4: Minimum and Maximum Off-Street Parking Requirements  
(6/22)

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

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

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

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

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

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

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

Accessory residential housing in the RCOD is subject to the following development standards. Where the standards set forth in this Subsection conflict with standards in Section 2.403 (Accessory Dwelling Unit), the standards set forth in this Subsection shall control. (7/23)

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

## **2.130.06 Landscaping Standards**

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

### **A. Purpose**

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

### **B. Landscape Standards**

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

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

## **2.130.07 Access Standards**

- A. Purpose

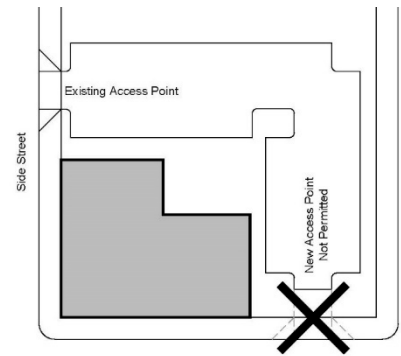
The purpose of managing access points onto public streets, especially onto collectors and arterials, is to reduce conflicts between users of the transportation system, to increase safety, to aid in the flow and mobility of traffic by all modes, and to create a more welcoming pedestrian environment. (12/19)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

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

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

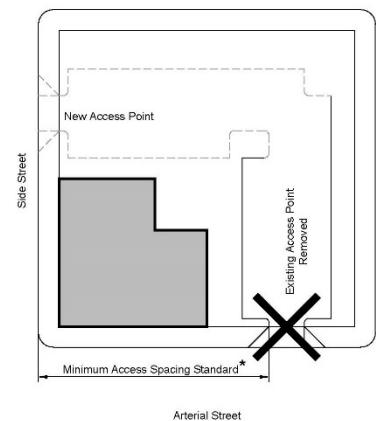
1. Standard A – A property fronts an arterial and a side street, which is not classified as an arterial, and has its existing access point on the side street. The access point on the side street shall be maintained and a new access point on the arterial is not permitted. (12/19)

Figure 2.130.07-1: Access Standard A



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

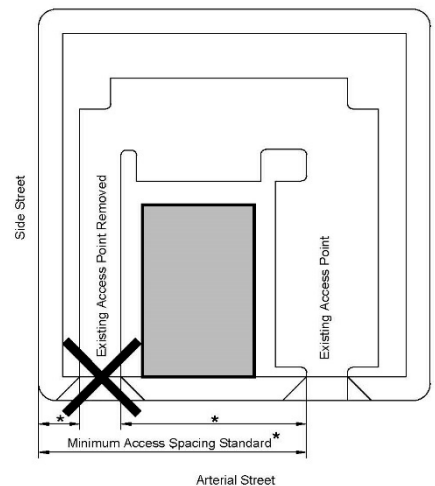
Figure 2.130.07-2: Access Standard B



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

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

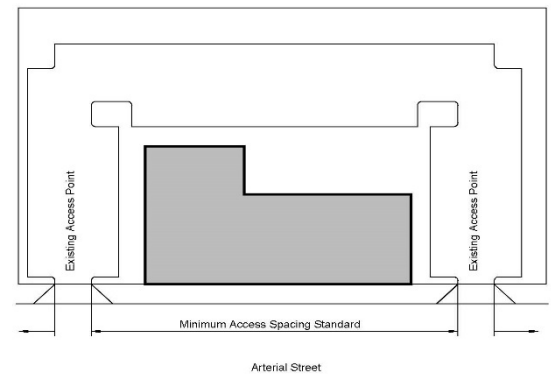
Figure 2.130.07-3: Access Standard C



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

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

Figure 2.130.07-4: Access Standard D



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

## **2.130.08 Master Plans in Lockhaven Center**

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

## **2.130.09 Dimensional and Development Standards in Centers**

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

A. Dimensional Standards in Centers

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

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

Table 2.130.09-1: Front Yard Setback Standards in Centers

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

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

B. Development Standards in Centers

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

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

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

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

2. Reductions to Minimum Parking in Centers

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

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



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

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

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

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

- ii. Ground floor uses with peak hours of operation that do not overlap. The minimum parking requirement is determined by the number of spaces needed for the area of use with the highest peak demand. (12/19)
- iii. Ground floor uses with overlapping peak hours of operation shall be calculated in the aggregate. (12/19)
- c. Primary use, i.e., that with the largest parking demand within the development, at 100% of the minimum vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
- d. Secondary use, i.e., that with the second largest parking demand within the development, at 90% of the vehicle parking required for that use in Sections 2.130.05.B.3.b and 2.303. (12/19)
- e. Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Sections 2.130.05.B.3.b and 2.303. (12/19)

#### 4. Standards for Auto-Oriented Uses and Development (12/19)

- a. Applicability. The standards of this subsection apply to auto-oriented uses and development on properties fronting River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue within Centers. For the purposes of this subsection, “auto-oriented uses and development” refers to the following uses: (12/19)
  - i. Gasoline service stations (Section 2.419). (12/19)
  - ii. Drive-Through windows or car service associated with eating and drinking places. (12/19)
  - iii. Vehicle sales and secondary repair (Section 2.420). (12/19)
  - iv. Public utility structures and buildings. (12/19)
  - v. Recreational vehicle parks (Section 2.412). (12/19)
  - vi. Structured automobile parking not associated with an allowed use. (12/19)
  - vii. Automotive Dealers. (12/19)
  - viii. Automotive rental and leasing, without drivers. (12/19)
  - ix. Automotive repair shops (Section 2.420). (12/19)

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

## **2.130.10 Urban Design Standards in Centers**

### **A. Purpose**

The purpose of the urban design standards for Centers is to create pedestrian-oriented places that serve as the centers of commercial and civic activity and as destinations for residents and visitors in the River Road / Cherry Avenue Corridor. Pedestrian-oriented places provide visual interest at eye-level, feel safe and comfortable for people walking, contain a variety of activities and services, are easy to navigate on foot, and provide open areas and amenities for gathering and resting. The regulations for Centers modify the regulations of the overall River-Cherry Overlay District and of the underlying base zones to ensure pedestrian-oriented land uses and design. (12/19)

### **B. Applicability**

The following standards apply to multi-family, mixed use, and non-residential development on properties, except as noted below. Some standards only apply to properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue, as provided in each applicable subsection below. Outside of the centers in the RCOD, Section 2.315 applies. (12/19)

### **C. Building Entry Orientation & Design**

The following Building Entry Orientation & Design standards apply to development on properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

#### **1. Orientation (12/19)**

- a. All buildings shall have at least one primary entrance facing the street, where facing means positioned at an angle of 45 degrees or less. (12/19)

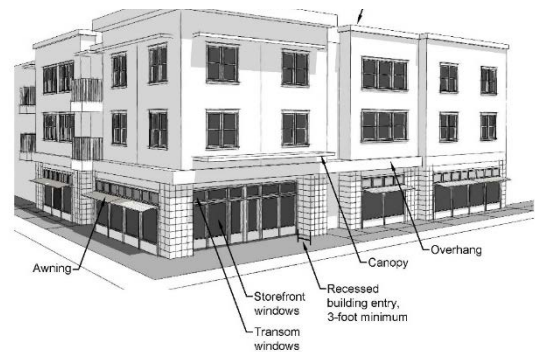
- b. For the purposes of this section, the “primary building entrance” is the main public entrance to the building. In the case where no public entrance exists, the “primary building entrance” is the main employee or resident entrance. Where there are multiple buildings on a lot, all buildings shall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

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

3. Entry Design (12/19)

Figure 2.130.10.C-1: Building Entry Design

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



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

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

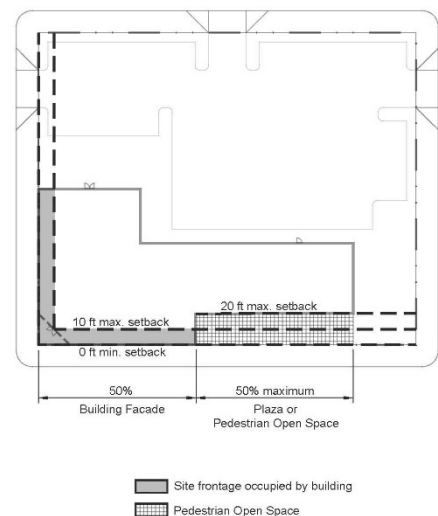
**D. Corner Entrances and Features**

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

**E. Pedestrian Open Space**

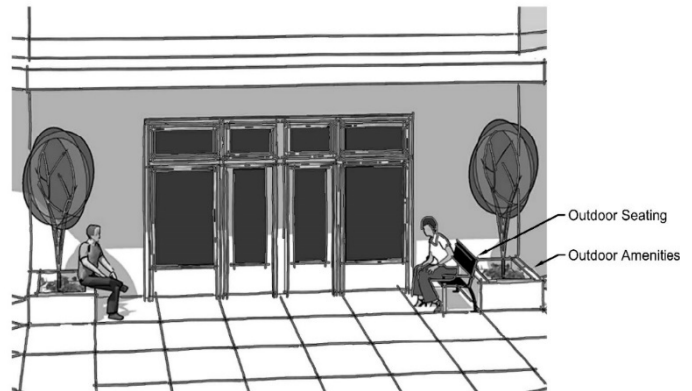
- 1. Pursuant to Section 2.130.09.A.1, the maximum setback for properties fronting on River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue may be extended to 20 feet for up to 50% of the building facade if a plaza or other pedestrian open space is provided between the building and the sidewalk.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

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



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

Figure 2.130.10.D-2: Pedestrian Open Space Amenities



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

F. Parking Location

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

G. Parking Perimeter Landscaping

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

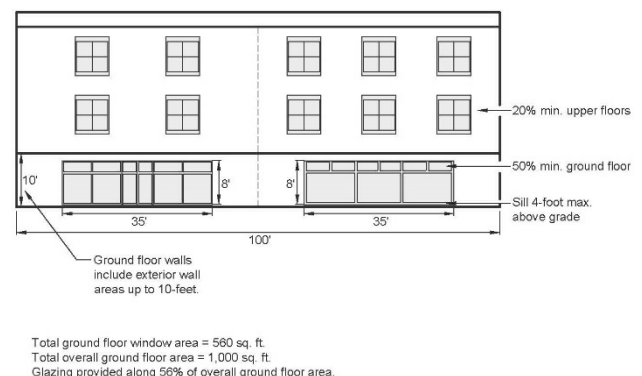
2. The buffering and screening requirements for parking areas in KDC Section 2.309.05.A.5 shall not apply within Centers, except for parking areas abutting residential zones. (12/19)

#### H. Window Coverage

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

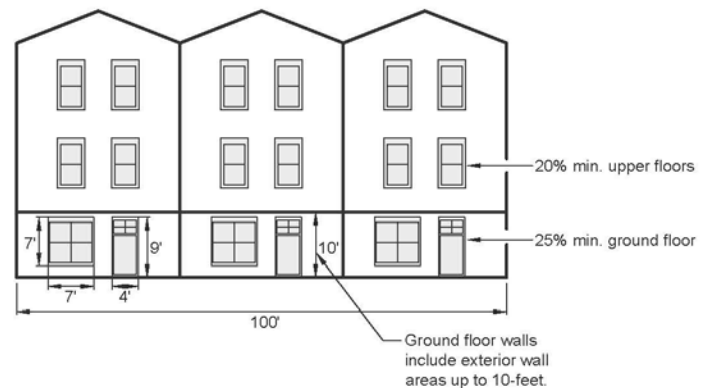
1. Non-residential or mixed use buildings are subject to the following standards: (12/19)
  - a. Ground floor windows. A minimum of 50% of the ground floor wall area of non-residential or mixed-use buildings shall contain windows, display areas, or doorway openings. Windows, display areas, or doorway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

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



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

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



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

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

#### I. Façade Variation and Detailing

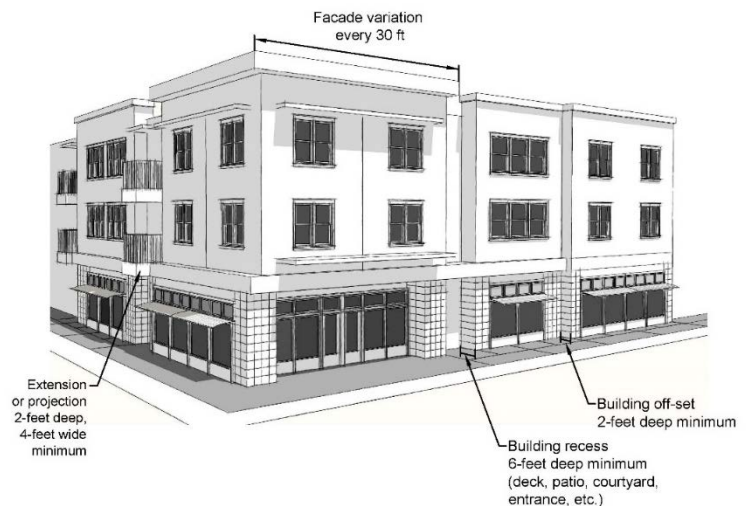
The following standards apply to building facades facing River Road, Lockhaven Drive, Chemawa Road, and Cherry Avenue. (12/19)

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



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

Figure 2.130.10.I-1: Façade Variation and Detailing



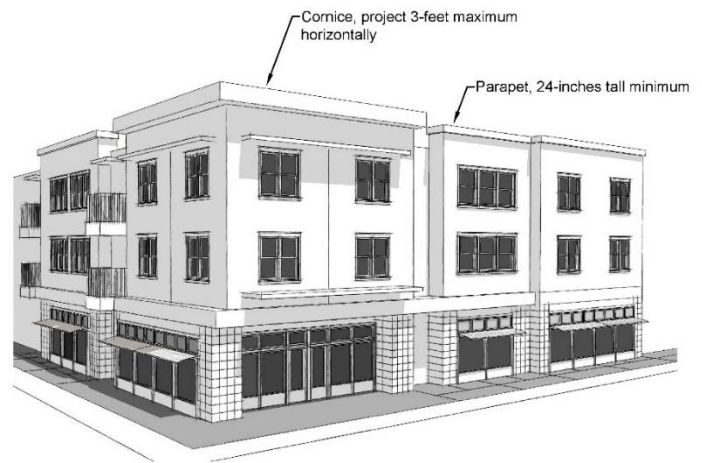
## J. Roof Forms

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

1. Flat roofs. All flat roofs shall employ a detailed, projecting cornice or projecting parapet to visually “cap” the building and meet all of the following requirements: (12/19)
  - a. Cornices shall project horizontally a maximum of 3 feet. (12/19)
  - b. Parapets must be a minimum of 24 inches in height. Parapets must include a cornice, molding, trim, or variations in brick coursing. (12/19)

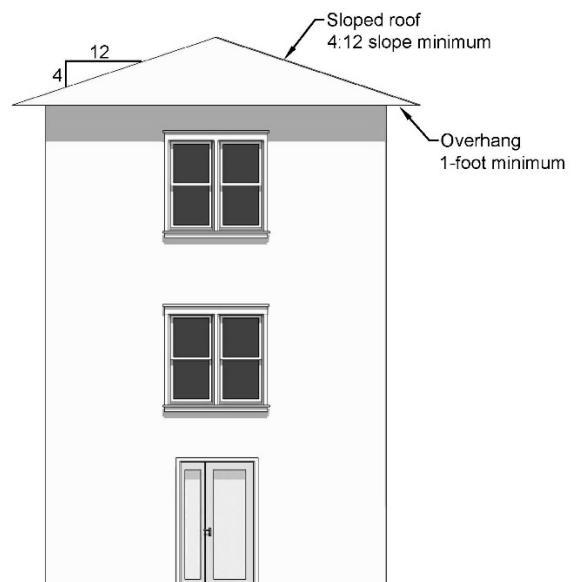
- c. Cornices and parapets shall wrap around all sides of the building visible from any adjacent street or parking area. (12/19)

Figure 2.130.10.J-1: Flat Roof Forms



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

Figure 2.130.10.J-2: Sloped Roof Forms

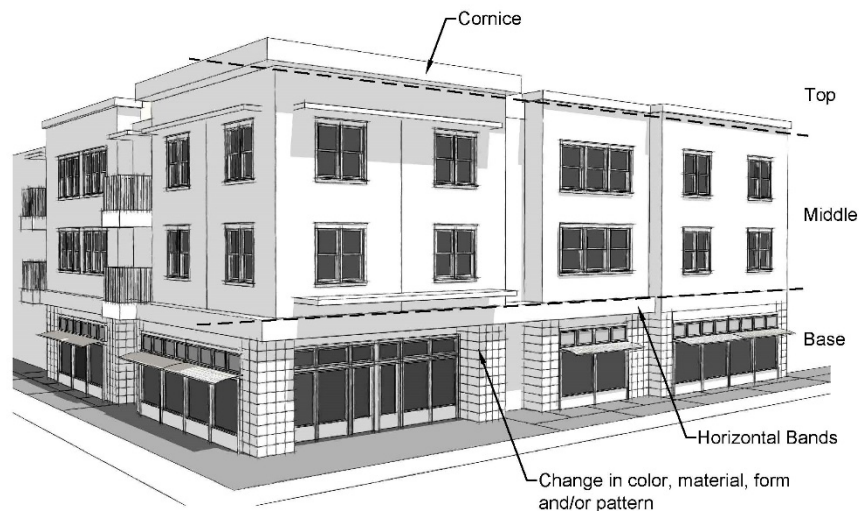


K. Base, Middle, and Top of Building

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

1. All buildings with two (2) stories or more shall have a clear and distinct base, middle and top to break up vertical mass. (12/19)
2. All facades subject to this standard must utilize horizontal bands and/or changes in color, material, form and/or pattern to differentiate the base, middle, and top of the building, subject to the following requirements: (12/19)
  - a. Horizontal bands or other changes in pattern or material shall be a minimum of 8 inches high (the length of a standard brick), and must project a minimum of 3/4 inch from the building face. (12/19)
  - b. Changes in building massing and form may also be used to differentiate a building's base, middle, and top. This may include architectural setbacks or projections, measuring a minimum of 3 inches. (12/19)

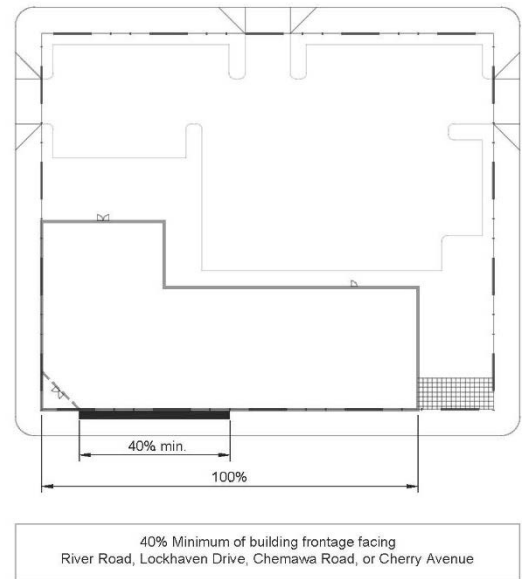
Figure 2.130.10.K-1: Building Base, Middle, and Top



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

Figure 2.130.10.L-1: Weather Protection

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



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

M. Building Materials

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

1. The following exterior materials or finishes are prohibited within designated Centers: (12/19)
  - a. Vinyl siding. (12/19)
  - b. T-111 or similar sheet materials. (12/19)
  - c. Plain concrete block (not including split faced, colored, or other block designs that mimic stone, brick, or other masonry); foundation material may be skim-coated concrete block where the foundation material is not revealed for more than 3 feet. (12/19)

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

N. Screening of Mechanical Equipment (12/19)

1. Building Walls (12/19)
  - a. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way, it shall be screened from view by a sight obscuring fence, wall, landscape screen, or combination of screening methods. (12/19)
  - b. Standpipes, meters, vaults, and similar equipment need not be screened but such equipment shall be placed on a side or rear building elevation except where the applicant can demonstrate that such locations are not physically or financially feasible. (12/19)
2. Rooftop Mechanical Equipment. Rooftop mechanical units shall be set back or screened behind a parapet wall so that they are not visible from any public right-of-way. Where the applicant demonstrates that such placement and screening is not physically or financially feasible, the Zoning Administrator may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any. Solar panels are exempt from this standard. (12/19)
3. Ground-Mounted Mechanical Equipment. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. (12/19)
- 4.



## **2.201 GENERAL STANDARDS**

### **2.201.01 Minimum Requirements**

In interpreting and applying this Ordinance, these provisions shall be considered the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience, and general welfare. (5/98)

### **2.201.02 Building Permits**

- A. Building Permits Required. No building shall be constructed or structure erected without receiving the appropriate building permit. Building permit shall include electrical, mechanical, structural, foundation and similar types of permits issued by the appropriate building codes agency. (5/98)
- B. Completion of a Structure. It shall be a violation of this Ordinance if:
  - 1. Any structure is occupied or put to use prior to receiving a Certificate of Occupancy or final inspection approval. (11/21)
  - 2. A Certificate of Occupancy or final inspection approval has not been received prior to the expiration date of the building permit. (11/21)
  - 3. Construction activity occurs beyond the expiration date of the building permit. (11/21)

Violations are subject to the provision of Section 1.102.06. (11/21)

### **2.201.03 Lots of Record**

- A. Legal Lot. A parcel is a legal lot of record for purposes of this Ordinance when the lot conforms to all zoning requirements, subdivision requirements, and Comprehensive Plan provisions in effect on the date when a recorded deed or contract creating the separate lot or parcel was signed by the parties to the deed or contract. (5/98)
- B. Separate Legal Lot. A lot or parcel which is a separate legal lot or parcel prior to the adoption of this Ordinance shall remain a separate legal lot regardless of ownership. (5/98)
- C. Development of a Lot of Record. The use or development of any legal lot of record shall be subject to the regulations applied to the property when such development or use begins, irrespective of the lot width, street frontage, depth or area, but subject to all other regulations. (5/98)

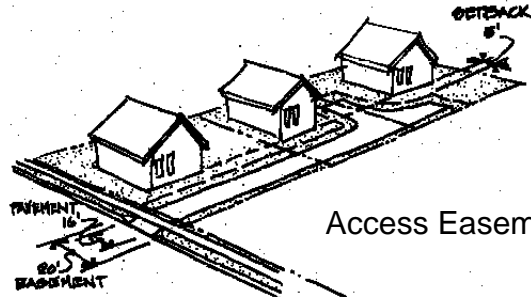
## **2.201.04 Access to a Public Street**

- A. Access Required. All uses shall be located on property having access to a public street. Access to a public street is defined as a minimum of 20 feet of frontage on one of the following: (5/98)
1. Public Street. A public street with a right-of-way not less than 20 feet wide that is unobstructed, has been graveled or paved, and is open for public use to the property. (5/98)
  2. Private Street. A private street may be used to access a public street when compliance with Section 2.302.02.F is demonstrated. (10/02)
  3. Private Access Easement. A private access easement of not less than 20 feet where the access easement connects the property to a public street and the easement is improved to the minimum standards of Section 2.302.08. (11/16)



Street Right of Way

EASEMENT 20' FOR TWO OR MORE HOUSES  
PAVEMENT 16' FOR TWO OR MORE HOUSES  
SETBACK 5' FOR BUILDINGS FROM EASEMENT



Access Easement

## **2.201.05 Solar Devices**

- A. Solar Devices Permitted. The use of solar energy systems including solar collectors, storage facilities, and distribution components for space heating and cooling and domestic water heating is permitted within all zones. (5/98)
- B. Height Exceptions. Solar collectors and the equipment used for the mounting and operation of such collectors, where necessary, may be elevated above the height limitation in residential zones. (5/98)

## **2.201.06 Unsafe Building**

Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any building or structure declared unsafe by proper authority. (5/98)

## **2.201.07 Structures to be on a Lot**

All structures and uses shall be entirely situated on a single lot with the following provisions: (5/98)



- A. Condominiums. Structures allowed under the Unit Ownership law (ORS 91.400 et seq.) shall be excepted from this requirement. (5/98)
- B. Zero Lot Line. Buildings that are attached at a common property line or which are detached and located immediately adjacent to a property line, and which meet all requirements of the Building Code as separate buildings, shall be considered separate. (5/98)
- C. Portable Structures Restricted. Portable structures housing non-residential uses are prohibited except when used for a permitted temporary business or when used as an addition to an existing business located in a permanent structure and when erected and operated in accordance with all applicable building and fire codes, and City sewer and water standards. (5/98)

### **2.201.08 Division or Alteration of Lots**

In addition to any partitioning or subdivision requirements in the Ordinance, no lot held under separate ownership shall be divided or altered so that it does not meet the requirements in this Ordinance. If a lot does not meet such requirements at the time this Ordinance is adopted, it shall not be divided or altered in such a manner that the lot is less in conformity with these regulations in any respect. (5/98)



## **2.202 GENERAL EXCEPTIONS**

### **2.202.01 General Exception to Building Height Limitations**

Projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, flagpoles, and other similar features not used for human occupancy are not subject to the building height limitations of the underlying zone. (5/98)

### **2.202.02 Height Exceptions for Public Buildings**

Public or semi-public buildings, hospitals, and educational institutions may be constructed to a height not to exceed 50 feet and religious buildings (churches, temples, mosques, etc.) may be erected to a height not exceeding 75 feet. These provisions do not apply to accessory buildings and require a 1-foot increase in yard setbacks for each foot of additional building height above the height regulation for the zone. (5/98)

### **2.202.03 Additions to Existing Structures**

Additions to structures which do not comply with yard setback requirements of the underlying zone shall be allowed, provided:

- A. Setback Reduction Prohibited. The setback distance will not be decreased by the addition. (5/98)
- B. Conformance Required. The addition conforms to all other provisions of the zoning district. (5/98)
- C. Area Limitation. Combined additions shall not exceed 50% of the square footage on the ground level of the existing structure at the time of the first addition. (5/98)

### **2.202.04 Public Dedications**

Setback restrictions of this Ordinance shall not apply to existing structures whose setback is reduced by a public dedication. Additions to such structures shall be allowed subject to Subsection 2.202.03. (5/98)

### **2.202.05 Miscellaneous Exceptions to Setback Requirements**

Setback limitations contained in this Ordinance may be modified as follows:

- A. Bus Shelters. Bus shelters that are intended for use by the general public and are under the ownership and/or control of a city, county, state or municipal corporation shall be exempt from setback requirements. (5/98)

- B. Underground Structures. Side and rear yards of underground structures may be reduced to 3 feet except:
1. Where the perimeter wall of the structure is above the natural elevation of the adjacent ground, in which case the setback provisions of the district shall apply. (5/98)
  2. All openings into the structure, including doors, windows, skylights, plumbing, intake and exhaust vents, shall meet the minimum setbacks of the district. (5/98)

## 2.203 PERMITTED USES GENERALLY

### 2.203.01 Permitted Uses

The following uses and activities are permitted in all zones:

- A. Utility Facilities. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-ways by public agencies and utility companies for telephone, TV cable, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater. (5/98)
- B. Railroad Tracks. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies. (5/98)
- C. Street Improvements. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-ways controlled by a public agency. (5/98)
- D. Public Right-of-way Expansion/Use. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

The placement, storage or display of merchandise, or other material for commercial use in the street, on the sidewalk, median strip, or any other portion of the street right of way or public easement is prohibited. (12/15)

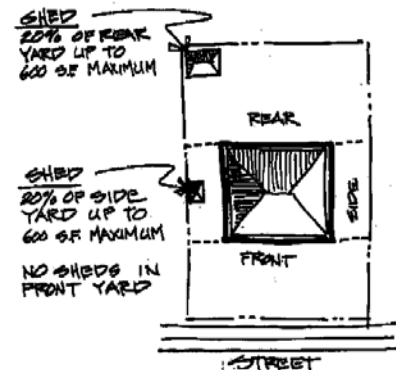
- E. Signs. Signs as permitted in Section 2.300. (5/98)

### 2.203.02 Permitted Residential Accessory Structures and Uses

The following accessory uses shall be permitted subject to the following limitations and requirements:

- A. Accessory Structures and Uses. The following accessory structures and uses are permitted on a lot in any zone in conjunction with a permitted dwelling or manufactured home:

- 1. Decks and patios (open, covered or enclosed). (5/98)



Accessory Structure Locations

2. Storage building for fire wood, yard maintenance equipment or tools, or, personal property not used in conjunction with any commercial or industrial business other than a home occupation. (5/98)
  3. Green house or hobby shop. (5/98)
  4. Swimming pools, hot tubs, and saunas along with associated structures. (5/98)
  5. Pets, including outdoors shelters or runs. (5/98)
  6. Fall-out shelters. (5/98)
  7. Garages and carports. (5/98)
  8. Rooms for 1 or 2 boarders residing in the dwelling. (5/98)
- B. Fences. Fences are a permitted accessory or secondary use in all zones subject to the requirements in Section 2.312.10. (5/98)
- C. Residential Office. One manager's office of 400 square feet or less for rental of dwellings is a permitted accessory use in the RL, RM, RH and CM zones provided the office is located within a building containing dwelling units. (5/98)
- D. Agricultural Uses. Gardens, orchards and crop cultivation primarily for personal use is a permitted use accessory to a dwelling in residential zones, except that the keeping of livestock, poultry (except chickens) or the sale of such, as well as the selling of produce on site are prohibited. Chickens are only permitted consistent with the following standards: (9/11)
1. Chickens shall only be kept upon property occupied by a detached single family dwelling or duplex. (9/11)
  2. No more than 3 hens may be kept on any one property. (9/11)
  3. The keeping of roosters is prohibited. (9/11)
  4. Chickens shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in chicken breeding or fertilizer production for commercial purposes. (9/11)
  5. Chickens and chicken coops shall only be located in a side or rear yard. (9/11)
  6. Chicken coops shall comply with Accessory Structure requirements in Section 2.313 B, C, D, and F. (9/11)
  7. Chicken coops shall be kept clean, dry, free of noticeable odors, and in good repair. (9/11)
  8. A chicken coop is required. (9/11)
  9. Chicken coop shall be setback a minimum 10 feet from adjacent property lines. (9/11)

10. Applicant shall obtain a permit from the city prior to the keeping of chickens. (9/11)

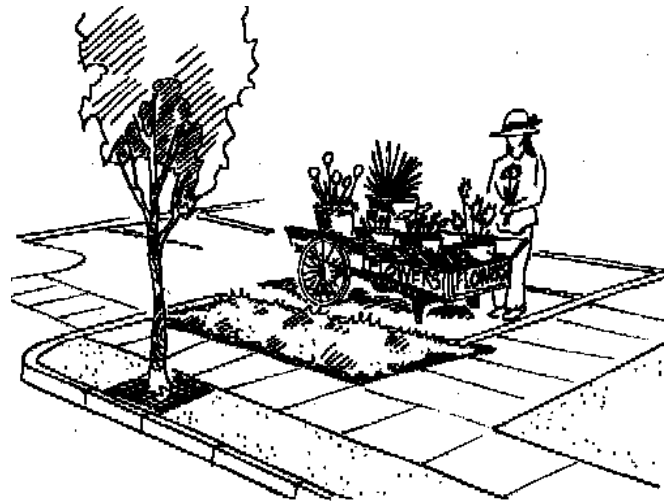
### **2.203.03 Permitted Non-residential Accessory Structures and Uses**

- A. Rental Office. A manager's office for rental of space in an industrial zone. (5/98)
- B. Mobile Classrooms. Mobile classrooms are a permitted accessory use in conjunction with elementary and secondary schools. (5/98)

### **2.203.04 Permitted Temporary Uses**

The following temporary uses shall be permitted subject to the following limitations and requirements:

- A. Permitted Activities. Outdoor tree or fireworks sales are permitted in all zones except residential. Amusement and recreational service (SIC 799); and retail sales and services from a vehicle or temporary structure are permitted in all permitting zones, except residential, as a secondary use. However, houses of worship on arterial or collector streets may conduct any temporary use as described in this section. (2/01)
1. The uses are otherwise permitted to be outdoors in the zone. (5/98)
  2. The activity is located on the same lot for no more than 90 days in any calendar year. (5/98)
  3. The required parking for the primary uses on the same lot is not reduced below Ordinance requirements. (5/98)
  4. The use does not block driveways, driveway entrances or parking aisles. (5/98)
  5. The activity conforms to all signage requirements in Section 2.308. (5/98)
  6. The activity conforms to all setback requirements applicable to the lot and zone. (5/98)



Temporary Business

7. The operator of a temporary use shall provided the required information, pay the applicable fee, obtain and display the required temporary business permit. (5/98)
  8. The operator of a temporary use shall obtain all permits required by other agencies including those required for food handling and sales, and the sale of fireworks. (5/98)
- B. Temporary Construction Facilities. Mobile offices, temporary power equipment and temporary structures to house personnel and store equipment during construction, provided the structures are not used as dwellings. (5/98)
- C. Produce Stands. Temporary roadside stands in conjunction with a farm use provided:
1. Sales are limited to produce grown in the vicinity with at least 51% of the produce is grown on the premises. (5/98)
  2. One off-street parking space is provided for each 100 square feet of floor area. (5/98)
  3. The roadside stand is operated for no more than 6 months in any calendar year and only between official sunrise and sunset. (5/98)
- D. Yard Sales and Auctions. Yard sales in any residential zone, and auctions in Commercial and Industrial zones, provided there are not more than 3 sales in a calendar year with each sale not to exceed three consecutive days. Merchandise and signs shall remain on private property. (5/98)
- E. Additional Permitted Temporary Uses. The City Council may, by resolution, authorize additional permitted temporary uses during a specific event or festival. This may include setting forth reasonable types of uses, appropriate zones for such uses, temporary signs and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public. (5/04 – Ord 2004-498)
- F. Temporary Use of Containers. The temporary use of a portable storage container may be permitted provided that the portable storage container is placed in a driveway, parking lot, or other paved surface area. A container must be placed on private property and cannot encroach or interfere with any sidewalk, public right of way, access way, or vision clearance area. A portable storage container may not be placed anywhere on a lot or parcel more than a total of 30 days in a calendar year. (3/12)



## **2.204 NONCONFORMING USES**

### **2.204.01 Purpose**

This chapter provides standards and procedures for nonconforming uses, developments and improvements. While the intent is to bring nonconforming uses, developments, and structures into compliance with the KDC, thereby minimizing the impacts of such nonconforming status, this chapter makes allowance for these nonconformities to continue in certain situations. (10/14)

### **2.204.02 Effect on Other Regulations**

The provisions of this chapter relate exclusively to the use and development conditions and regulations imposed directly in this Ordinance. Nothing in this Section shall be deemed a waiver, relaxation or abrogation of any provision of any other applicable law, ordinance, or regulation controlling the use or development of buildings, structures or land. (5/98)

### **2.204.03 Nonconforming Uses.**

- A. Generally. A nonconforming use is any use on real property that was lawfully established under the applicable City or county land use regulations at the time the use was established, but which is no longer allowed due to the adoption of, or amendment to, the City's land use regulations, a change in the zone, or annexation of the property into the City. A nonconforming use is a lawful use, and may be continued on the real property until terminated as provided in subsection (E) of this section.
- B. Ordinary Repairs and Maintenance. Except as otherwise provided in this section, buildings and structures occupied by nonconforming uses may be repaired and maintained. (10/14)
- C. Extension, Alteration, and Expansion of Nonconforming Uses. If approved pursuant to subsection (D) of this section: (10/14)
  - 1. A nonconforming use in a portion of a building may be extended into other portions of that building. (10/14)
  - 2. A building or structure occupied by a nonconforming use may be structurally altered or enlarged for the benefit of such use as provided below. (10/14)
- D. Application for Extension, Alteration, and Expansion of a Nonconforming Use. (10/14)
  - 1. Applicability. Except as provided in subsection 2.204.03.F of this section, a nonconforming use shall not be extended, altered, expanded,

or substituted for another nonconforming use without receiving approval as provided in this section. (10/14)

2. Conditional Use Required. The nonconforming uses specified in Section 2.204.03 are considered conditional uses in the applicable zone. However, unlike conditional uses generally, they are not permitted uses. (10/14)
3. Application Procedures. The procedures and criteria set forth in Section 3.103 shall apply for a nonconforming conditional use application. Granting of a conditional use allowing the alteration does not remove the nonconforming status of the use or structure. (5/98)

In addition to the criteria in Section 3.103, the following criteria must be met: (10/14)

- a. The proposed extension, alteration, enlargement of use is consistent with the general development character of the surrounding area; (10/14)
- b. The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement of use; (10/14)
- c. The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located; (10/14)
- d. The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement of use so as to cause further impacts; (10/14)
- e. The hours of operation for the proposed extension, alteration, enlargement of use will not be altered or increased beyond those of the existing nonconforming use; and (10/14)
- f. If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement must comply with the applicable development standards of the KDC and all other applicable ordinances and regulations. (10/14)

E. Termination of Nonconforming Use. (10/14)

1. A nonconforming use shall terminate if the building, structure, or land ceases to be occupied for the nonconforming use, for any reason for a continuous period of one year. (10/14)

2. A nonconforming use dependent upon a building or structure that is declared a "dangerous building" shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final. (10/14)
  3. A nonconforming use dependent upon a building or structure that is substantially damaged or destroyed by any cause, to the extent that the cost of repair or restoration would exceed sixty-seven percent of the building or structure replacement cost using new materials and conforming to current building codes, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Community Development Director based on information provided by the applicant, the valuation information used in the International Building Code, and other relevant evidence. (10/14)
  4. A nonconforming use dependent upon a building or structure that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds sixty-seven percent of the building or structure replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Community Development Director based on information provided by the applicant and the valuation information used in the International Building Code, and other relevant evidence. (10/14)
  5. A nonconforming use which has terminated shall not be re-established. (10/14)
- F. Residential Exception. Non-conforming single family residences and associated accessory uses may be replaced within one year of the date of destruction without the need for a conditional use if the replacement is of closely similar scale and height. (10/14)

#### **2.204.04 Nonconforming Development (Improvements and Structures)**

- A. Generally. Nonconforming development is any development which met the applicable City or county development standards imposed at the time the development was constructed, but which no longer complies with development standards due to the adoption of, or amendment to, the City's land use regulations, a change in the zone, or annexation of the property into the City. A nonconforming development may be continued until the development's nonconforming status is terminated as provided in subsection (D) of this section. (10/14)

- B. Ordinary Repairs and Maintenance. Nonconforming development may be repaired and maintained. (10/14)
- C. Alteration and Enlargement. Unless the alteration or enlargement is undertaken in connection with a nonconforming use, a nonconforming development may be altered or enlarged provided such new development complies with all applicable development standards of the KDC and all other applicable laws, ordinances, and regulations. (10/14)
- D. Termination of Nonconforming Development.
  - 1. Nonconforming development that is determined to be a "dangerous building" pursuant to city ordinances and state building codes shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final. (10/14)
  - 2. Nonconforming development that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds sixty-seven percent of its replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date that such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Community Development Director based on information provided by the applicant, the valuation information used in the International Building Code, and other relevant evidence. (10/14)
  - 3. Nonconforming development that is substantially damaged or destroyed by any cause to the extent that the cost of repair or restoration of the development would exceed sixty-seven percent of its replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Community Development Director based on information provided by the applicant, the valuation information used in the International Building Code, and other relevant evidence. (10/14)
  - 4. Nonconforming development which has terminated shall be brought into conformity with the applicable development standards or removed. (10/14)

### **2.204.05 Nonconforming Special Uses**

Any lawfully established use that is listed as a special use in the applicable zone shall be considered a conforming use even though it may not conform to the Ordinance requirements. The alteration, enlargement or replacement of a use, or, the structure or building occupied by the use shall require compliance with all of the requirements of this Ordinance. (5/98)

## **2.301 GENERAL PROVISIONS**

### **2.301.01 Purpose**

The purpose of this Section is to:

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

### **2.301.02 Application of Standards**

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

If a delay or phasing is allowed it is not to be considered as a modification of the required improvements or that the improvements are

to be eliminated. The property owner shall sign an appropriate agreement with the city in a recordable form that shall obligate the property owner to construct the improvements at the specified time within the agreement. Phasing is authorized only if specifically allowed for in the land use decision or the building permit. (11/09)

### **2.301.03 Public Facility Improvement Requirements**

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

Public Facilities Improvement Requirements Table (6/22)

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

Footnotes to Public Facilities Improvement Requirements Table  
Legend: No = Not required Yes = Required

## PF – Public Facility

- PF-1 An approved potable water supply capable of supplying both domestic water supply and also meeting the required fire flow for fire protection shall be provided prior to the start of combustible construction. (11/09)
- PF-2. Fire Hydrants shall meet the requirements as set forth in the Uniform Fire Code. (11/09)
- PF-3. Street Improvements for Single Family Dwellings, Duplexes, Triplexes, Quadplexes, Townhouses, and Cottage Clusters: New single-family dwellings, duplexes, triplexes, quadplexes, townhouses, or cottage clusters that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works. Street improvements are required when the improvement will extend an existing street improvement adjacent to the property. The improvements that must be extended when they exist include street lanes to the same width as on adjacent property, curbs, gutters, storm drainage, and sidewalk. In all cases the improvements shall be done to Department of Public Works standards. (6/22)
- PF-4. As specified in Section 2.310. (11/09)
- PF-5. If a Traffic Impact Analysis (TIA) is required pursuant to Section 2.301.04 the City will require improvement (s) as recommended in such TIA, in addition to those specified in the Public Facilities Improvement Requirements Table as set above. (11/09)
- PF-6 Connection to municipal sanitary sewer system shall be required unless property is within a zone district which allows the option of using an on-site septic system. (11/09)
- PF-7 New developments and expansion shall connect into an approved storm drainage system or shall provide on-site storm drainage facilities in a system meeting city approval. (11/09)
- PF-8 Generally, street lights are not required of partitions but are for subdivisions. Street lights for other developments will be required on a case by case basis. (11/09)

MFD = Multi-family dwelling (5 or more units) (6/22)

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

## **2.301.04 Traffic Impact Analysis (TIA)**

- A. Purpose. The purpose of this section of the code is to implement Section 660-012-0045 (2) (e) of the State Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals in order to minimize adverse impacts to and protect transportation facilities. This section establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Analysis must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study. (7/09)
- B. Typical Average Daily Trips. The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips.
- C. When Required. A Traffic Impact Analysis shall be required to be submitted to the City with a development application, when the following conditions apply: (11/09)
  - 1. The development application involves one or more of the following actions:
    - a. A change in zoning or a plan amendment designation; or
    - b. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
      - 1) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer); or
      - 2) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
      - 3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate, creating a safety hazard; or
      - 4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or



- 5) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

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

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

E. Approval Criteria. (11/09)

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

- 4) Provide the most direct, safe and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
- 5) Otherwise comply with applicable requirements of the City of Keizer Development Code.

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

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

## **2.302 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. (01/02)

No street or utility extensions are required when any of the following circumstances exist: (01/02)

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. (01/02)
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. (01/02)
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: (01/02)

- a. A future street plan demonstrates that adequate access and connectivity is provided from the adjacent parcel(s). (01/02)
  - 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. (01/02)
- 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)
  1. 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)
  2. 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)
  3. 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**

<b>Posted Speed (miles per hour)</b>	<b>Minimum Spacing (feet)</b>
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. (7/23)

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 (07/09)

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)

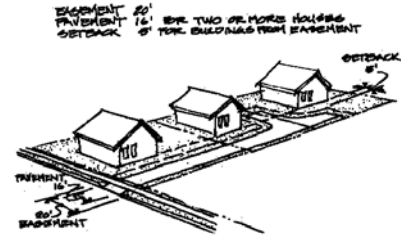
- A. Modification Permitted. The modification is necessary to provide design flexibility where: (5/98)
  1. Unusual topographic conditions require a reduced width or grade separation of improved surfaces; or
  2. Parcel shape or configuration precludes accessing a proposed development with a street which 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**

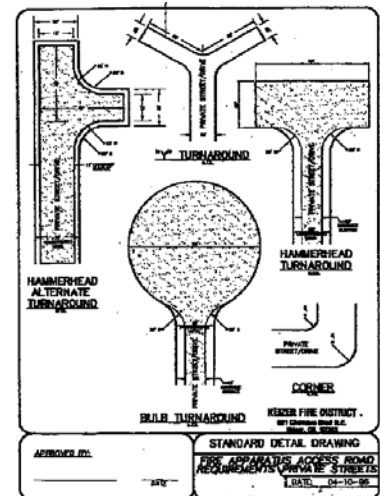
- A. Width. Private access easements shall only be allowed where the applicable standards of Section 2.310.03.D., are satisfied. The easement shall comply with the following additional standards: (11/16)
1. Minimum easement width: 20 feet with no parking within the minimum required width. (11/16)
  2. 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 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. (7/23)

- 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)

## **2.303 OFF-STREET PARKING AND LOADING**

### **2.303.01 Purpose**

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

### **2.303.02 Scope**

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

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

### **2.303.03 General Provisions Off-Street Parking and Loading**

- A. Owner Responsibility. The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Ordinance. (5/98)
- B. Additional Parking Required Prior to Occupancy. Should the owner or occupant of any lot or building change the use to which the lot or building is used, thereby increasing off-street parking and loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until such time as the increased off-street parking and loading requirements are observed. (7/06)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Zoning Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. The Zoning Administrator shall have the authority to make adjustments based on parking demand analysis prepared by an applicant. (7/06)
- D. Combined Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the

requirements of the several uses computed separately, unless a reduction is approved for shared parking pursuant to Subsection 2.303.05. (5/98)

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

#### **2.303.04 Location and Use Provisions**

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

- A. Residential Zone. In any residential zone, automobile parking areas may be located on another lot if the lot is within 200 feet of the lot containing the main building, structure or use and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. Tandem parking (stacking no more than two cars end to end in a private drive way) shall be an acceptable method of meeting parking requirements. (9/17)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the use if it is within 500 feet of such site and a parking agreement is recorded. A copy of such recorded agreement shall be provided to the city. (12/15)
- C. Accessory Parking Use, Non-residential. Parking of vehicles in a structure, or outdoors, is a permitted accessory or secondary use in non-residential zones. (7/06)
- D. Accessory Parking Use, Residential. Parking of vehicles in a structure or outdoors is a permitted accessory use in conjunction with a dwelling in any zone provided: (5/98)
  - 1. All of the vehicles are owned by the owner or lessee of the lot. (5/98)



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

### **2.303.05 Joint Use**

Parking area may be used for a loading area during those times when the parking area is not needed or used. Parking areas may be shared subject to Zoning Administrator's approval for commercial and industrial uses where hours of operation or use are staggered such that peak demand periods do not occur simultaneously. Such joint use shall not be approved unless satisfactory legal evidence is presented which demonstrates the access and parking rights of parties. (7/06)

## **2.303.06 Off-Street Automobile Parking Requirements**

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

### **A. Parking Requirements (6/22)**

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

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

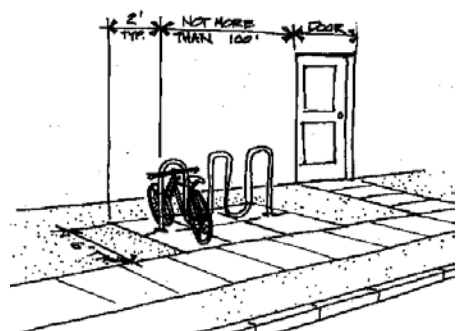
- B. **Parking Reduction** - The number of minimum required parking spaces may be reduced by up to 10% if the site is served by transit and transit related amenities such as transit stops, pull-outs, shelters, park and ride lots, are provided or will be provided as part of the development of the site. (12/15)
- C. **Parking Increase** - The number of minimum required parking spaces shall not be increased by more than 50% unless a property owner provides a parking demand analysis which documents that a greater amount is necessary to serve the needs of those who will use the parking facility and is accepted by the Community Development Director. (12/15)

### **2.303.07 Standards for Disabled Person Parking Spaces**

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

### **2.303.08 Bicycle Parking**

- A **Bicycle Parking Required.** Bicycle Parking shall be required in all public and semi-public, commercial, multi-family, and industrial development as well as park-and-ride lots. Bicycle parking shall be based on the amount of automobile parking required. In addition to a required one bicycle parking space, bicycle parking spaces shall be calculated at five percent of the amount of the automobile parking spaces which are required and all fractions are rounded up the next whole number. (12/15)
- B. **Bicycle Parking Development Requirements**
  - 1. **Space Size.** Each bicycle parking space shall be a minimum of six feet long and two feet wide and be accessible by a minimum four foot aisle. (5/98)
  - 2. **Location.** All bicycle parking areas shall be within 50 feet of a building entrance and located within a well-lit area. Bicycle parking areas shall be separated by a physical barrier or sufficient distance to protect parked bicycles from damage by automobiles. (12/15)
  - 3. **Rack Design.** Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be



**Bicycle Parking Standards**

provided within a secured compound. Fixed objects which are intended to serve as bicycle parking facilities but which are not obviously designed for such purposes shall be clearly labeled as available for bicycle parking. (12/15)

4. Access. Access to a public right-of-way and pedestrian access from the bicycle parking area to the building entrance must be provided. (5/98)

C. Exemptions

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

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

### **2.303.09 Carpool and Vanpool Parking**

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

### **2.303.10 Off-Street Loading Requirements**

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

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

### **2.303.11 Parking and Loading Area Development Requirements**

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

- A. Surfacing. All driveways, parking and loading areas shall have a durable, hard, dust free surface such as asphalt, concrete, or pavers (segmented bricks).

Temporary or over-flow parking areas may be allowed on a case by case basis subject to Public Works and Community Development approval to be exempt from this requirement. Over-flow is defined as being on an infrequent or occasional basis and is in addition to parking that already exists on the site. Temporary is less than two years in duration. (12/15)

## B. Parking Spaces

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

## C. Aisle Dimensions.

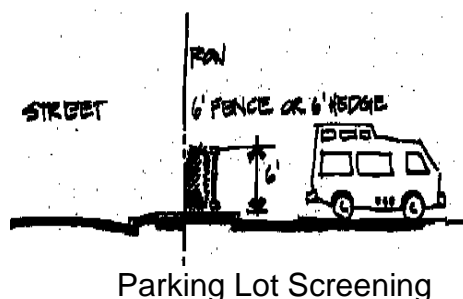
The following minimum aisle dimensions shall apply: (5/98)

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

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

- D. **Screening.** When any parking or loading area abuts a residential zone, the parking or loading area shall be screened or buffered as is required in Section 2.309.05. (7/06)

- E. **Lighting.** All lighting shall be directed entirely onto the loading or parking area and away from any residential use. The lighting shall

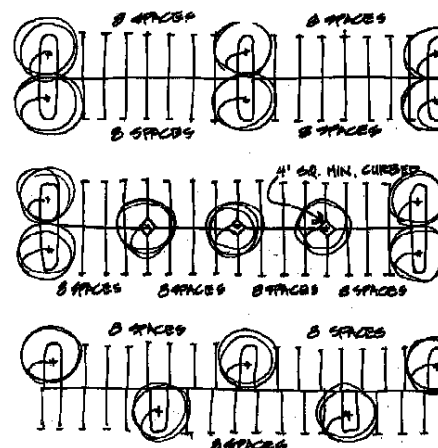


not cast a glare or reflection onto the public rights-of-way, and shall provide appropriate shielding so the light source is not visible from any public right of way or adjacent residential property. (9/17)

F. Landscaping.

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

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

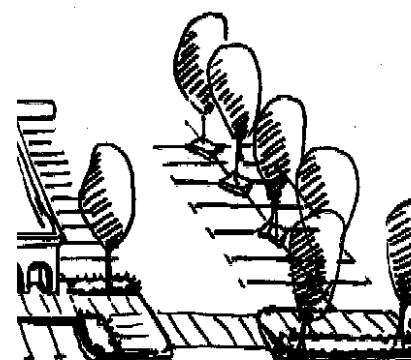


Parking Lot Tree Siting

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

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

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



Parking Lot Landscaping

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

- G. Traffic Flow. Service drives to off-street parking areas shall be designed and constructed to allow flow of traffic, provide maximum safety of traffic access and egress and the maximum safety of pedestrians and vehicular traffic on the site. (5/98)

- H. Entrance/Exits. Service drive exits shall have a minimum vision clearance area of 15 feet from the intersection of the street and driveway. (5/98)
- I. Bumper Rails. Parking spaces along the outer boundaries of a parking area shall be contained by a curb or a bumper rail to prevent a motor vehicle from extending over an adjacent property, a street, or a sidewalk. The bumper shall be at least 4" high and located a minimum of 3 feet from the property line. (5/98)
- J. Existing development may redevelop a portion of existing parking areas in order to accommodate or provide transit-related amenities such as transit stops, pull-outs, shelters, and park and ride stations. The number of parking spaces may be reduced by up to 10% of the minimum required parking spaces for that use. (7/09)



## **2.305 TRANSIT FACILITIES**

### **2.305.01 Location Requirements**

- A. Siting Requirements. The location of transit facilities shall be based upon the size and trip generation potential of major new development adjacent to a transit street. Section 2.305.02 outlines the maximum transit facilities that may be required by the City. Determination of specific requirements will be made on a case by case basis for each development by evaluation the following factors: (5/98)
1. Expected transit ridership generated by a development. (5/98)
  2. The level of existing or planned transit service adjacent to the development. Planned transit service is defined as service that is planned to be established within five years after the completion of development according to the latest officially adopted transit plan by the Transit District. (5/98)
  3. The location of existing facilities. (5/98)
  4. The proximity of other transit ridership generators. (5/98)
- B. Transit District. The Salem Transit District shall have the opportunity to review site plans at the time of a land use action, including building permit application and may recommend transit related facilities be constructed at the time of development. The facilities recommended by the Transit District and approved by the City shall be identified on the site plan and constructed at the time of development. Transit facilities shall be constructed to the specifications of the Transit District. (5/98)

## **2.305.02 Design Requirements**

NUMBER OF PEAK HOUR TRAFFIC TRIPS <sup>1</sup>	TRANSIT FACILITIES WHICH MAY BE REQUIRED
RESIDENTIAL	
Developments that generate 100 or more peak hour trips	concrete boarding pad <sup>2</sup> , transit turnout
OFFICE DEVELOPMENTS	
200 or more trips	concrete boarding pad, transit turnout
RETAIL/INDUSTRIAL/INSTITUTIONAL	
200 or more trips	concrete boarding pad, transit turnout

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<sup>1</sup> Based on ITE Traffic Generation Manual for vehicle trips.

<sup>2</sup> A concrete boarding pad shall be a pad, built to minimum Transit District standards, adjacent to the curb or where there is no curb, adjacent to the edge of pavement. A curblane sidewalk may meet this standard.

## **2.306 STORMWATER MANAGEMENT**

### **2.306.01 Purpose**

The purpose of this Chapter is to implement requirements to: (1/23)

- A. Provide for the management and control of stormwater runoff from all new development and redevelopment areas; (1/23)
- B. Minimize erosion and sediment transport; (1/23)
- C. Minimize degradation of water quality due to sediments and pollutants in stormwater runoff; and (1/23)
- D. Reduce downstream flooding. (1/23)

### **2.306.02 Scope**

The provisions of this Chapter shall apply to all new and redevelopment projects within the incorporated boundary of the City of Keizer, including, but not limited to all land partitions and subdivisions, planned unit developments, multi-family developments, single-family developments, commercial developments, industrial development, and manufactured home parks. Redevelopment includes reconstruction and/or expansion of structures and/or impervious surfaces. The requirements of this Chapter apply regardless of whether a permit is required. (1/23)

### **2.306.03 General Stormwater Management Requirements**

Any new development or redevelopment listed in Subsection 2.306.02 shall conform to the requirements listed herein, as follows: (1/23)

- A. The requirements will be applied to projects proposed within the City's jurisdiction at land use, design review, and/or the building permit stages of the project. (1/23)
- B. The stormwater management system plan shall be submitted to and approved by the Public Works Director before construction of any new or redevelopment project, regardless of the size of project. (1/23)
- C. A design by an Oregon-registered professional engineer is required for stormwater facilities on any projects that create or replace 5,000 square feet or more of impervious surface. (1/23)
- D. Sites creating or replacing less than 5,000 square feet of impervious surface are generally not required to provide an engineered design unless required by the City due to site-specific conditions. (1/23)

- E. Plans for the construction of stormwater conveyance, flow control, retention, and treatment facilities for the project shall be designed in accordance with City standards and specifications. The plans shall include all information as necessary for the City to review the adequacy of the storm drainage system design. The criteria and all other requirements for the design of both public and private stormwater flow control, retention, treatment, and conveyance facilities are set forth in the City's *Design Standards*. (1/23)
- F. Stormwater facilities on private property and owned by a private entity shall be required to complete and submit to the City an executed Private Stormwater Maintenance Agreement before the facilities are put into operation and the release of any occupancy permits. (1/23)
- G. In the event any part of a development is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, or public stormwater conveyance system, adequate easements for public stormwater conveyance purposes shall be provided to the City. Acceptance of the easement shall not imply maintenance by the City unless maintenance is expressly accepted by the City in the easement. (1/23)
- H. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of the *Design Standards*. Fences with swing gates may be utilized as approved by the City. (1/23)
- I. For projects requiring an improvement agreement for issuance of a Public Works Construction Permit, the developer shall certify in writing that the site is built according to the submitted site drainage and grading plan prior to release of the improvement agreement. The developer shall provide certified elevations to the City. (1/23)
- J. For partitions and other developments not requiring a Public Works Construction Permit, any site grading and drainage requirements shall be completed and approved prior to issuance of any building permits. (1/23)
- K. Prior to acceptance of a public storm drainage system by the City, the system shall be inspected by the City. All costs for City inspection shall be borne by the developer. (1/23)
- L. Prior to the City supporting final plat approval for land divisions, or building occupancy for site development, the storm drainage system shall be inspected by the City. All costs for City inspection shall be borne by the developer. (1/23)

#### **2.306.04 Preliminary Plan Required**

A preliminary description of the proposed stormwater management system is required to be submitted with the land use application for all developments listed in

Section 2.306.02. The preliminary description shall include, at a minimum, the following information: (1/23)

- A. A cover sheet, listing the project name and owner, contact information including phone numbers and email address and the project site address. For projects requiring an Oregon-registered professional engineer, the name of the Engineer of Record and the Engineer's seal and certification shall also be provided. (1/23)
- B. A site map of the project site and areas directly adjacent to the site, including: (1/23)
  - 1. Existing topographic contours, at 1-foot intervals or smaller; (1/23)
  - 2. Existing structures and other features on the site, with indications of proposed demolition, removal, or reconfiguration; (1/23)
  - 3. Description of the existing site conditions, sensitive areas, and waterways affecting or affected by the project; (1/23)
  - 4. Description and size of the watershed containing the site, including identification of existing stormwater runoff onto and across the property; (1/23)
  - 5. Existing, pre-developed stormwater flow patterns on the site and crossing the site boundaries; (1/23)
  - 6. Description of the existing downstream point of disposal for the project, indicating the type and size of the conveyance. (1/23)
- C. An overview of the project and stormwater management system, including: (1/23)
  - 1. Brief description of the project size, project scope, and proposed improvements; (1/23)
  - 2. Proposed project configuration, including proposed flow patterns on the site and crossing the site boundaries; (1/23)
  - 3. Location of proposed stormwater facilities, noting estimated type and size; (1/23)
  - 4. Proposed point(s) of disposal for stormwater. (1/23)
- D. A conceptual storm design report for the project, including: (1/23)
  - 1. Preliminary estimate of new and replaced impervious area; (1/23)
  - 2. Preliminary soil infiltration rate estimates, based on preliminary tests and/or soil data determinations; (1/23)

3. Preliminary storm runoff calculations, noting the methodology used in calculation; (1/23)
4. Preliminary evaluation conveyance capacity of the downstream point of disposal. (1/23)

### **2.306.05 Erosion Prevention and Sediment Control**

All activities within the City limits that disturb more than 2,000 square feet of area are subject to the requirements of the current City Erosion Control Ordinance. Any such activity that disturbs less than 5 acres, either singly or cumulatively as part of a common plan of development or sale, shall be required to submit an Erosion and Sediment Control Plan (ESCP) and obtain an erosion control permit from the City. Projects that disturb 5 acres or more shall be required to obtain both a City erosion control permit and an NPDES 1200-C General Construction permit from the Department of Environmental Quality. (1/23)

The criteria and all other requirements for the ESCP are provided in the City's *Design Standards*. (1/23)

## **2.307 UTILITY LINES AND FACILITIES**

### **2.307.01 Purpose**

To provide adequate services and facilities appropriate to the scale and type of development. (5/98)

### **2.307.02 Standards**

- A. Impact. The location, design, installation and maintenance of all utility lines and facilities shall be carried out with minimum feasible disturbances of soil and site. (5/98)
- B. Water. All development that has a need for water service shall install water facilities and grant necessary easements pursuant to the requirements of the City. (5/98)
- C. Private Utilities. All development that has a need for electricity, gas and communications services shall install them pursuant to the requirements of the district or company serving the development. Except where otherwise prohibited by the utility district or company, all such facilities shall be underground. (5/98)
- D. Sanitary Sewers. All development that has a need for public/private sanitary sewers shall install the facilities pursuant to the requirements of the city. Installation of such facilities shall be coordinated with the extension of necessary water services and storm drainage facilities. (5/98)
- E. Street Lights. When required, installation of street lights shall be pursuant to the requirements of the city and the company serving the development. (5/98)
- F. Easements. Easements shall be provided along property lines as deemed necessary by the City, special districts, and utility companies. Easements for special purpose uses shall be of a width deemed appropriate by the responsible agency. Such easements shall be designated on the final plat of all subdivisions, and on the final plat of all partitions. (5/98)





## 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)

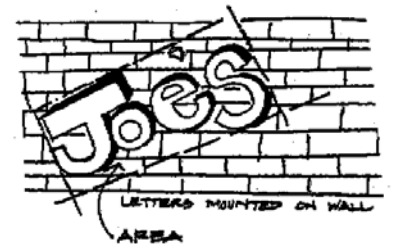
These regulations are not intended to and do not restrict speech on the basis of its content, viewpoint or message. Any classification of signs in these regulations that permits speech by reason of the type of sign, identity of the sign user or otherwise, shall permit any type of speech on the sign. 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 Section, the following definitions shall apply: (7/23)

**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.



Sign Area

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)

**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 Section. 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. (7/23)



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)

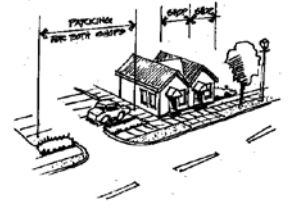
**Incidental Signs:** A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)



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 Section. (7/23)



– Portable Signs

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



Projecting Sign

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.)

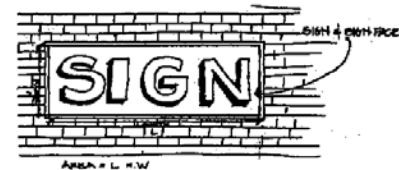
Roof Sign: A sign or any portion of which is displayed above the highest point of the roof, whether or not such sign also is a wall sign. (5/98)



Roof Line and Roof Sign

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

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)



Sign Height

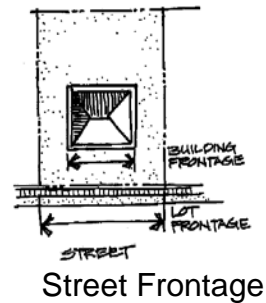
Sign Structure: The supports, uprights, braces, framework and other structural components of the sign. (5/98)

**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 Section, in the IBP zone for stadiums with seating for not less than 4,000 persons, the following shall apply: (7/23)
  - 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 sunset and 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: (7/23)

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 sunset and sunrise; (7/23)
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 sunset and sunrise; (7/23)
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 sunset and sunrise. (7/23)

As used herein, "sunset" and "sunrise" shall be as determined by the U.S. Naval Observatory Astronomical Applications Department or other governmental agency. (7/23)

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 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 Section. (7/23)

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 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)



## **2.309 SITE AND LANDSCAPING DESIGN**

### **2.309.01 Purpose**

The purpose of the site and landscaping design requirements is to provide standards that can be used in the development of property. A development design that incorporates landscaping serves to enhance the appearance of not only the subject property but also that of the City; provides shade and windbreaks where appropriate to conserve energy in building and site design; provide public amenities, and provide for buffering and screening of dissimilar land uses. (11/17)

### **2.309.02 Scope**

- A. Landscaping Required. All new construction, as well as expansion or redevelopment of structures including interior remodeling over \$100,000 in value, or any parking lot reconfiguration for commercial, multi-family, or industrial uses shall be subject to the requirements of this Section. (11/17)
- B. Landscape Plan Review. Landscaping plans shall be submitted for review subject to procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (7/06)
- C. Tree Plan. A tree plan in accordance with section 2.309.04.B.7 is required with all Type II and III applications and the following Type I applications: Conditional Use and Partitioning. (5/98)

### **2.309.03 Minimum Area Requirements**

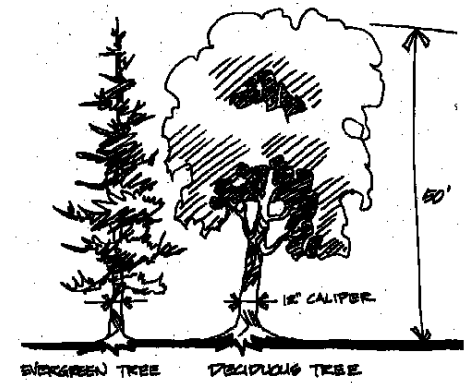
Landscaped areas may include landscaping around buildings; open spaces and outdoor recreation areas; islands and perimeter planting areas in parking and loading areas; and areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The minimum areas devoted to landscaping are established within the applicable zone district the property is located. (7/06)

### **2.309.04 General Provisions**

- A. Landscaped Area. For purposes of satisfying the minimum requirements of this Ordinance, a "landscaped area" must be planted in a mixture of landscaping elements to include such things as lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements such as site furnishings, water features, artwork, or other similar features that provide aesthetic value and open space. Landscaping shall be designed, planted, and maintained in accordance with professional landscaping standards. Landscaping installed over asphalt shall be prohibited. (11/17)

B. Submittal Requirements. A submitted landscaping plan shall include the following: (5/98)

1. Type, variety, scale and number of plants used; (5/98)
2. Placement and spacing of plants; (5/98)
3. Size and location of landscaped areas; (5/98)
4. Contouring, shaping and preparation of landscaped areas; (5/98)
5. Use and placement of non-plant elements within the landscaping used as accents. Such elements may only be used minimally and shall total no more than 25 percent of the total landscape area. (11/17)



Significant Trees

6. Method of irrigation. (5/98)
7. Location, and identification of any trees, both existing and planned consistent with Section 2.309.04.C. (7/06)
  - a. On the Landscaping Plan, the existing significant trees identified by their common names, along with the size of such significant trees. Existing significant trees shall include any trees which were removed within the two-year period prior to the date the application was first submitted shall be shown on the landscape plan. (7/06)
  - b. Which significant trees are proposed to be removed, or have been removed within the past two years. (7/06)
  - c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees according to current best management practices. (11/17)
  - d. Location, size and type of replacement trees proposed to be added, if any. (5/98)

- C. Significant Trees. As used herein, “significant trees” are trees having a height of more than fifty (50) feet and/or having a trunk whose diameter is more than twelve (12) inches diameter at breast height (DBH) (5 feet above ground level). (7/06)
- a. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of significant trees. Depending on these factors, the removal of significant trees may be appropriate and approved as part of the landscaping plan. Development of the property shall be in conformance with an approved landscaping site plan that is a condition of a land use approval or a building permit. Significant trees removed (including trees removed within the two years prior to the application) must be replaced at the rate of two new trees for each significant tree removed or less if a large tree specimen size is planted. Replacement trees shall be a type that will be at least twelve (12) inches (DBH) when fully mature. At the time of planting, replacement trees shall be planted in accordance with the standards of section 2.309.06. In lieu of an on-site tree replacement plan, an off-site tree mitigation plan consistent with requirements within this section shall be submitted to the Community Development Director for approval. Such off-site location shall be within the public right of way, on public property, or on private property if qualifying as a streetscape tree, and must be approved by the City. If no suitable off-site location is identified for the immediate installation of replacement trees, a contribution to the City's landscape mitigation fund in the amount equal to the cost of a replacement tree (including installation) as determined by the City may be made for the City to install replacement trees at a later date, as determined appropriate. Such funds shall be used only for replacement tree planting. (11/17)
- b. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way. These requirements shall be applied to both public and private development. (11/17)

- D. Existing Vegetation. The landscape design shall also incorporate as much of the existing desirable vegetation on the site as is possible. (7/06)

### **2.309.05 Screening and Buffering**

- A. Screening and Buffering. Screening and Buffering shall be used to mitigate visual impacts, dust, or noise, and to provide for compatibility between dissimilar adjoining uses. Screening and buffering shall be used to eliminate or reduce the impacts of the following uses: (11/17)

1. Commercial and industrial uses when abutting residential uses. (5/98)
2. Industrial uses when abutting commercial uses if necessary due to site conditions. (11/17)
3. Service areas and facilities, including garbage and waste disposal containers, recycling bins, and loading areas. (5/98)
4. Outdoor storage areas. (5/98)
5. Parking areas for 20 or more vehicles for multi-family developments, or 30 or more vehicles for commercial or industrial uses. (5/98)
6. At and above-grade electrical and mechanical equipment, such as transformers, heat pumps, and air conditioners. (5/98)
7. Multifamily developments when abutting lower density residential uses. (11/17)

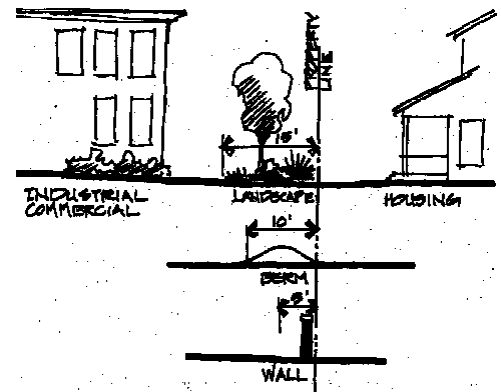
B. Where screening or buffering is determined to be necessary, one of the following alternatives shall be employed: (7/06)

1. Width not less than 15 feet shall be planted with the following materials: (7/06)

- a. At least one row of deciduous or evergreen trees staggered and spaced not more than 15 feet apart. (5/98)

- b. At least one row of evergreen shrubs that will grow to form a continuous hedge at least five feet in height within one year of planting. (5/98)

- c. Lawn, low-growing evergreen shrubs or evergreen ground cover covering the balance of the area. (5/98)



Alternative Buffering Techniques

2. Width not less than 10 feet shall be developed in accordance with the following standards: (7/06)
  - a. Berm form should not slope more than 40 percent (1:2.5) on the side away from the area screened from view. The slope for the other side (screened area) may vary. (5/98)
  - b. A dense evergreen hedge shall be located so as to most effectively buffer the proposed use. (5/98)
  - c. The combined total height of the berm and hedge shall be not less than five feet. (5/98)
3. Width must not be less than five feet shall be developed in accordance with the following standards: (7/06)
  - a. A masonry wall or sight-obscuring fence not including vinyl slatted chain link fences not less than six feet in height. In addition, a fence shall be maintained in a safe and attractive manner. (7/06)
  - b. A mixture of lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (7/06)
4. Other alternative methods which produce an adequate screening or buffering may be approved by the City. (7/06)

## **2.309.06 Planting and Maintenance**

- A. Planting Height. No sight-obscuring plantings exceeding 30 inches in height shall be located within any required vision clearance area in accordance with Section 2.312.09 of this Ordinance. (5/98)
- B. Plant Materials. Plant materials shall not cause a hazard. Landscape plant materials over walkways, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 13 feet over streets and vehicular traffic areas. (5/98)
- C. Utility Interference. Landscape plant materials shall be selected which do not generally interfere with utilities above or below ground. (5/98)
- D. Installation. Landscape plant materials shall be properly guyed and staked to current industry standards as necessary. Stakes and guy wires shall not interfere with vehicular or pedestrian traffic. (5/98)

- E. Suitability. Plant materials shall be suited to the conditions under which they will be growing. As an example, plants to be grown in exposed, windy areas that will not be irrigated should be sufficiently hardy to thrive under these conditions. Plants should have vigorous root systems, and be sound, healthy, free from defects, diseases, and infections. (5/98)
- F. Deciduous Trees. Deciduous trees shall have a minimum caliper of 2 inches (DBH), and a minimum height of 8 feet at the time of planting. (7/06)
- G. Evergreen Trees. Evergreen trees shall be a minimum of 8 feet in height and fully branched at time of planting. (5/98)
- H. Shrubbery. Shrubs shall be supplied in a minimum 1 gallon containers or 8 inch burlap balls with a minimum spread of 12 to 15 inches. (5/98)
- I. Ground Cover. Ground cover plants shall be spaced in accordance with current nursery industry standards to achieve covering of the planting area. Rows of plants are to be staggered for a more effective covering. Ground cover shall be supplied in a minimum 4 inch size container. (7/06)
- J. Irrigation. All developments are required to provide appropriate methods of irrigation for the landscaping. Sites with over 1,000 square feet of landscaped area shall be irrigated with automatic sprinkler systems to insure the continued health and attractiveness of the plant materials unless otherwise approved by the Zoning Administrator. Sprinkler heads shall not cause any hazard to the public. Irrigation shall not be required in wooded areas, wetlands, floodplains, or along natural drainage channels or stream banks. (7/06)
- K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is the responsibility of the property owner. (5/98)
- L. Maintenance. Landscaping shall be continually maintained. Appropriate methods of care and maintenance of landscaped plant material shall be provided by the owner of the property. This requirement applies to existing, as well as new development. (11/17)
- M. Plant Protection. Landscape plant material shall be protected from damage due to heavy foot traffic or vehicular traffic by protective tree grates, pavers or other suitable methods. (5/98)



## **2.310 DEVELOPMENT STANDARDS FOR LAND DIVISIONS**

### **2.310.01 Purpose**

To provide for the orderly, safe, efficient and livable development of land within the City of Keizer. (5/98)

### **2.310.02 Scope**

- A. Application. The provisions of this Section shall apply to all subdivisions and partitions within the City of Keizer. (5/98)
- B. Modification. The design standards in this Section may be modified, provided, findings are established which indicate compliance with these standards is infeasible due to parcel shape, terrain, or location of existing structures. (5/98)

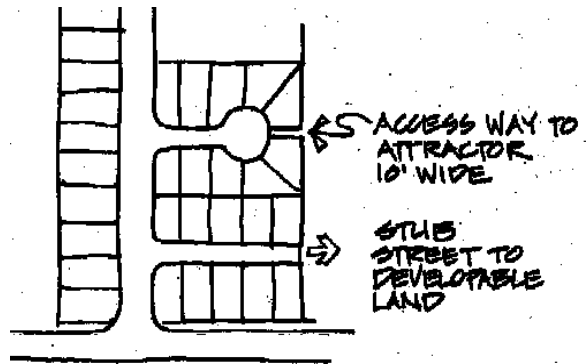
### **2.310.03 Standards for Lots or Parcels, Property Line Adjustment Required**

- A. Minimum lot area. Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. (5/98)
- B. Property Line Adjustment. Any adjustment of common boundaries between two or more abutting lots or parcels shall require approval of a Property Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (6/16)
- C. Lot width and depth. The depth of a lot or parcel shall not be more than 3 times the width of the parcel, with the following exceptions: (5/98)
  - 1. Individual lots for townhouse units shall not be less than 20 feet in width. Lot depth may vary, but shall be adequate to provide a minimum of 300 square feet with no dimension less than 6 feet of semi-private outdoor living space for each unit. (5/98)
  - 2. Individual lots for single-family attached dwelling units shall be designed so that lot depth is not greater than 3 1/2 times lot width. (5/98)
  - 3. Parcels created for public utility uses or in zones where there is no minimum lot area requirement shall be exempt from width to depth ratio provisions. (5/98)
- D. Access. All lots and parcels created after the effective date of this Ordinance shall provide a minimum frontage, on an existing or proposed public street, equal to the minimum lot width required by the underlying zone. The following exceptions shall apply: (5/98)

1. Lots or parcels may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08. (11/16)
2. Lots or parcels in townhouse developments or Planned Unit Developments may be accessed via public or private streets, in accordance with the following standards: (5/98)
  - a. Internal local streets or drives may be private if allowed in Section 2.302.02F and shall be subject to the provisions of Section 2.302. (10/02)
  - b. Collector and arterial streets shall be public and shall comply with the applicable provisions of Section 2.302. Collector or arterial streets may be determined either by design or anticipated traffic volumes. (5/98)
  - c. Local streets that are needed to provide access to adjoining properties shall be public and shall comply with the applicable provisions of Section 2.202. (5/98)
3. Cul-de-sac lots shall have a minimum frontage of 25 feet. (5/98)
4. Flag lots, as permitted in Subsection 2.310.03, E. (5/98)
- E. Flag Lots. Flag lots shall only be permitted if it is the only reasonable method by which the rear portion of a lot being unusually deep or having an unusual configuration may be accessed and when in compliance with Section 2.302.03.B. If a flag-lot is permitted, the following standards shall be met: (5/98)
  1. The access strip shall not be less than 20 feet wide. The access strip shall be improved with a minimum 12 foot wide paved driveway and paved encroachment which meet applicable City standards. (5/98)
  2. The access strip shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Ordinance. (5/98)
- F. Through Lots. Through lots shall be avoided except where essential to provide separation of residential development from major streets, adjacent non-residential activities, or to overcome specific development constraints due to topography or lot orientation. Through lots shall be no less than 100 feet in depth. Lots having their access off a private access easement or adjacent to a private access easement shall not be construed as qualifying as through lots. Screening or buffering, pursuant to the provision of Section 2.307, may be required by the City during the review of the land division request. (6/07)

- G. Lot Lines. The side lines of lots, as far as practicable, shall run at right angles to the right-of-way line of the street upon which the lots face. The rear lot line shall be no less than 1/2 the dimension of the front lot line. (5/98)

- H. Utility Easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Such easements shall have a minimum total width as specified in Section 2.302.04 of this Code. (5/98)



Criteria for – Connectivity Standard Examples

## **2.310.04 Additional Design Standards for Subdivisions**

- A. Standards for Blocks
1. General: The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic; and recognition of limitations and opportunities of topography. (5/98)
  2. Sizes: Blocks should not exceed 600 feet in length between street lines, except blocks adjacent to arterial streets, or unless the previous adjacent development pattern or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is 1,800 feet. (5/98)
- B. Traffic Circulation. The proposed subdivision shall be laid out to provide safe and, convenient vehicle, bicycle and pedestrian access to nearby residential areas, transit stops, neighborhood activity centers such as schools and parks, commercial areas, and industrial areas; and to provide safe and convenient traffic circulation. At a minimum, "nearby" is interpreted to mean uses within 1/4 mile which can be reasonably expected to be used by pedestrians, and uses within 1 mile of the subdivision boundary which can reasonably be expected to be accessed by bicyclists. (5/98)
- C. Connectivity. To achieve the objective in B., above, the Director may require the following: (5/98)
1. Stub Streets: Where the potential exists for additional residential development on adjacent property. (5/98)

2. Pedestrian/Bicycle Accessways: Public accessways to provide a safe and efficient connection from a residential area to nearby residential areas, transit stops, neighborhood activity centers, including schools, parks, shopping centers, other community services and other commercial and industrial areas when such connections are not available by streets and when a pedestrian must go at least one quarter of a mile out of his or her way to make that connection using the street system. (5/98)
- D. Design Standards. Pedestrian/bicycle accessways shall meet the following design standards: (5/98)
1. Minimum dedicated width: 10 feet
  2. Minimum improved width: 10 feet
  3. Maximum length: 250 feet. A clear line of vision for the entire length of the accessway shall be required. (5/98)
  4. Lighting shall be provided illuminating any walkway exceeding 150 feet in length to a level where the system can be used at night. Lighting shall be included in the lighting district(s) established for the subdivision. (5/98)
  5. The accessway shall be designed to prohibit vehicle traffic. (5/98)

### **2.310.05 Improvement Requirements - Partitions**

During the review of partition proposals, the City shall require, as a condition of approval, the following improvements: (5/98)

- A. Private Access. Private driveways serving flag lots, or private streets and access easements, shall be surfaced per the requirements of this Code. (10/02)
- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 only if sidewalks currently exist along the connecting street. (10/15)
- C. Street Frontage Improvements. The following improvements shall be required: (5/98)
  1. If the street frontage of the subject property is less than or equal to 100 feet, and not along a collector or arterial street the applicant shall sign a non-remonstrance agreement with the City of Keizer. This agreement shall stipulate that the applicant or future property owner will agree to participate in right-of-way improvements. The agreement may include provisions for the following: street paving, curbing, sidewalks, water lines, storm sewer facilities and sanitary sewer facilities. (07/07)
  2. If the street frontage of the subject property exceeds 100 feet or is located along a collector or arterial street, or extends an existing dedicated right-

of-way, the applicant shall improve the following unless it is determined by the City that any or all of the required improvements may not be practical or desirable due lack of connecting facilities, or topographical or engineering constraints that may preclude the placement of improvements: (07/07)

- a. Public streets upon which the property fronts to public standards, including: surfacing from center line to curb, installation of curbing, storm sewers, sanitary sewers, water lines and other necessary public utilities. (5/98)
  - b. Sidewalks, meeting City standards, along public street frontage. (5/98)
  - c. The installation of storm sewers, sanitary sewers, water lines and other utilities necessary to serve lots accessing off of the new street. (5/98)
- D. Completion Requirements. All required improvements shall be completed prior to the issuance of any building permits for the subject property. Alternatively, improvements required under this Section shall be completed or assured through a performance bond or other instrument acceptable to the City prior to the approval of the final plat of the partition. At the discretion of the Public Works Director, certain improvements may be further postponed through a non-remonstrance agreement, or other performance agreement. (5/98)

## **2.310.06 Improvement Requirements - Subdivisions**

The following improvements shall be required for all subdivisions in the City of Keizer: (5/98)

- A. Frontage Improvements. Street improvements to full City Standards shall be required for all public streets on which a proposed subdivision fronts in accordance with Section 2.302 of this Code. Such improvements shall be designed to match with existing improved surfaces for a reasonable distance beyond the frontage of the property. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as the City shall determine to be reasonably necessary to serve the development or the immediate neighborhood. (5/98)
- B. Walkways for Private Streets. Sidewalks shall be required in accordance with applicable provisions in Sections 2.302 only if sidewalks currently exist along the connecting street. (10/15)
- C. Project Streets. All public or private streets within the subdivision shall be constructed as required by the provisions of Section 2.302. (5/98)

- D. Monuments. Upon completion of street improvements, centerline monuments shall be established and protected in monument boxes at every street intersection and all points of curvature and points of tangency of street center lines. (5/98)
- E. Bench Marks. Elevation bench marks shall be set at intervals established by the City Engineer. The bench marks shall consist of a brass cap set in a curb or other immovable structure. (5/98)
- F. Surface Drainage and Storm Sewer System. Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainage-ways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the subdivision and to allow extension of the system to serve such areas. Drainage shall be designed to avoid impacts on adjacent property. (5/98)
- G. Sanitary Sewers. Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided. (5/98)

If the required sewer facilities will, without further sewer construction, directly serve property outside the subdivision, the City may recommend to the City Council construction as an assessment project with such arrangement with the subdivider as is equitable to assure financing his share of the construction and to provide for appropriate reimbursements of costs above those directly attributable to the subdivision. (5/98)

The City may require that the subdivider construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the subdivider as is desirable to assure his share of the construction. (5/98)

- H. Water System. Water lines with valves and Fire District approved fire hydrants serving the subdivision and connecting the subdivision to the City mains shall be installed and operating prior to start of combustible construction. The design shall take into account provisions for extension beyond the subdivision to adequately grid the City system and to serve the area within which the development is located when the area is ultimately developed. However, the developer will be responsible for water main sizes necessary to meet minimum fire flow requirements per Uniform Fire Code. The City will not expect the developer to pay for the extra pipe material cost of mains exceeding 8 inches in size. (5/98)

- I. Sidewalks. Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. The City may defer sidewalk construction until the dwellings or structures fronting the sidewalk are constructed. Any required off-site sidewalks (e.g. pedestrian walkways) or sidewalks fronting public property shall not be deferred. (5/98)
- J. Street Lights. The installation of street lights is required at locations and of a type required by City standards. (5/98)
- K. Street Signs. The installation of street name signs and traffic control signs is required at locations determined to be appropriate by the city and shall be of a type required by City standards. Each street sign shall display the one hundred block range. Street signs shall be installed prior to obtaining building permits. (5/98)
- L. Public Works Requirements. All facility improvements shall conform to the requirements and specifications of the Keizer Department of Public Works. (5/98)
- M. Curb Cuts. Curb cuts and driveway installations, excluding common drives, are not required of the subdivider, but if installed, shall be according to the City standards. (5/98)
- N. Street Trees. Street tree planting is mandatory where a planting strip is part of the street design. Plantings shall conform to Section 2.302.03(M). (5/98)
- O. Grading & Fills. All grading which results in fills in excess of 3 feet located within the identified building envelope on a subdivision lot or parcel must be engineered. (5/98)
- P. Financial Requirements. All improvements required under this Section shall be completed to City standards or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. (5/98)



Street Tree Plantings

## **2.310.07 Improvement Procedures**

In addition to other requirements, improvements installed by a developer for any land division, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Ordinance and improvement standards and specifications adopted by the City, and shall be installed in accordance with the following procedure: (5/98)

- A. Plan Review. Improvement work shall not commence until plans have been checked for adequacy and approved by the City. Plans shall be prepared in accordance with requirements of the City. (5/98)
- B. Notification. Improvement work shall not commence until the City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until the City has been notified. (5/98)
- C. Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City Engineer and the Director of Public Works. The City may require changes in typical sections and details in the public interest, if unusual conditions arise during construction to warrant the change. (5/98)
- D. Underground Facilities. All underground utilities, sanitary sewers, and storm drains installed in streets by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made. (5/98)
- E. Final Engineering Plans. Upon completion of the public improvements and prior to final acceptance of the improvements by the City, the developer shall provide certified as-built drawings of all public utility improvements to the City. As-built conditions and information shall be reflected on one set of Mylar base as-built drawings. The as-built drawings shall be submitted to the City Engineer by the Developer's engineer. (5/98)



## **2.311 PLANNED UNIT DEVELOPMENT DESIGN STANDARDS**

### **2.311.01 Purpose**

To allow flexibility to encourage creative approaches in the development of land resulting in an efficient, aesthetic, and desirable use of open area, while substantially maintaining, and possibly intensifying, the density and area coverage permitted in the district in which the project is located. Flexibility may be achieved through building placement, use of open space, traffic circulation, off-street parking areas, and utilization of the site's special features of geography, hydrology, topography, natural vegetation, soils, size and shape. (4/17)

### **2.311.02 Applicability**

The following applicability standards govern planned unit development proposals: (4/17)

- A. Area. Planned unit developments may be established on parcels of land which are of sufficient size to be planned and developed in a manner that is consistent with this chapter. (4/17)
- B. Zones. A planned unit development may be located in any zoning district except the Public (P) zone. (5/98)
- C. Process. All planned unit developments shall comply with the submittal, review criteria, and platting requirements within Section 3.108. (4/17)

### **2.311.03 Development Standards**

- A. Common Open Space. A minimum of 20% of the gross area shall be devoted to common open space, and at least 1/2 of the common open space must be managed in a natural state or developed with high quality vegetation, as defined in Section 2.311.05(B)(6). The common open space shall be designated on the development plan and must comply with the provisions in Section 2.311.05. (4/17)
- B. Lot Area. The minimum lot area, width, depth, frontage, and yard requirements otherwise applying to individual lots in the zone in which a planned unit development is proposed do not apply within a planned unit development and do not require a concurrent variance to vary from the requirements in the underlying zone. (4/17)
- C. Accessibility. All lots or buildings shall be able to access open space or recreation areas from within the planned unit development. Access may be by roadway or pedestrian/bicycle access way. (5/98)

- D. Structure Setback Provisions. Street-side, garage entrance, and building setbacks for lots on the perimeter of the planned unit development shall be the same as that required for the underlying zoning district. Detached structures shall have no minimum side yard setback, but must meet the Oregon State Building Code requirements. Otherwise the minimum setbacks of the underlying zone do not apply. (4/17)
- E. Attached Dwellings. Buildings sharing common walls are permitted within a planned unit development. (5/98)
- F. Height. The maximum building height shall not exceed the building height in the underlying zone in which the planned unit development is proposed, except that a greater height may be approved if surrounding open space within the planned unit development, building setbacks, and other design features are used to avoid adverse impact of the greater height. (4/17)
- G. Street Dedication. Except for private streets allowed under Section 2.302, all streets shall be dedicated to the public. (4/17)
- H. Streets. All streets shall be designed and constructed as specified according to its appropriate street classification as identified in Section 2.302. (4/17)
- I. Parking. Parking will be required in accordance with the provisions of Section 2.303. (10/02)
- J. Walkways. Sidewalks shall be developed in accordance with applicable provisions in Section 2.302. The overall plan for the planned unit development shall include an acceptable pedestrian circulation system and must demonstrate compliance with current pedestrian safety standards. (4/17)
- K. Utilities. Development of the property shall comply with utility and storm drainage provisions as outlined in the Public Works Departments design standards and constructions specifications. (4/17)
- L. Home Owners Association. A homeowners association shall be required and is subject to the provisions in Section 2.311.06. (4/17)

#### **2.311.04 Residential Density**

- A. Density Requirement. Except as noted in B., below, the overall residential density of the planned unit development shall conform with the density range of the zone in which it is located. (4/17)
- B. Density Bonus Permitted. A density bonus may be provided when the percentage of open space within the planned unit development is increased. The bonus shall permit a 2.5% increase in the maximum dwelling density for each percentage point increase of open space above the minimum 20% requirement, up to a 50% maximum density increase as calculated and applied to the entire area of the PUD. (4/17)

- C. Density Bonus Restrictions. If the City finds that any of the following conditions would be created by an increase in density permitted by this section, it may either prohibit any increase in density or limit the increase in density by an amount which is sufficient to avoid the creation of any of these conditions: (5/98)
1. Unsafe access to the planned unit development. (5/98)
  2. Traffic congestion in the streets that adjoin the planned unit development. (5/98)
  3. An excessive burden on sewerage, water supply, parks, recreational areas, or other public facilities that serve or are proposed to serve the planned unit development. (5/98)

### **2.311.05 Common Open Space**

- A. Open Space. Common open space shall be designed to provide for a combination of active and passive recreational uses appropriate to the character and scale of the PUD. Common open space may include open areas, recreational space, pedestrian and bicycle trails, natural or landscaped buffer areas, and buildings associated with recreational or community purposes of the planned development, but shall not include street improvements or any right-of-way area. (4/17)
- B. Open Space Requirements. No area may be designated as common open space within a planned unit development unless it meets the following requirements: (4/17)
1. The location, shape, size, and character of the common open space is suitable for the planned unit development. (5/98)
  2. The common open space is for amenity or recreational purposes and the uses authorized are appropriate to the scale and character of the planned unit development, considering its size, density, expected residential population or work force, topography, and the number and type of structures provided. (5/98)
  3. Common open space will be suitably improved for its intended use, except that common open space containing natural features may be left unimproved and remain in a natural state. Priority should be given to preserving land in a natural state which contains wetlands, is located within a riparian area, or other sensitive natural resource as identified by the City. The structures and improvements to be permitted in the common open space must be appropriate to the uses that are authorized of facilities in the common open space with the construction of buildings in the planned unit development. (5/98)

for the common open space. Such improvements shall be made by the developer prior to final approval of the planned unit development, or must be assured by an improvement agreement, bond, or other instrument in a form acceptable to the City Attorney. (4/17)

4. A development schedule which coordinates the improvement of the common open space and the construction of facilities in the common open space with the construction of buildings in the planned unit development shall be required. (4/17)
5. If structures or other improvements are to be made in the common open space, the developer shall provide a bond or other adequate assurance that the structures and improvements will be completed. The City shall release the bond or other assurances when the structures and other improvements have been completed according to the development plan. (4/17)
6. As used herein, the terms “natural state” or “high quality vegetation” require the following: (4/17)
  - a) A multilayer canopy structure of large trees, small trees, and shrubs to provide rainfall interception and shade the site, and to exclude invasive vegetation species. (4/17)
  - b) Trees shall be planted at a ratio of 2 evergreens to 1 deciduous tree to provide a mix similar to native forests. (4/17)
  - c) Vegetation shall be spaced appropriately at the time of planting and proper cultural maintenance shall be provided to ensure the planting develops into a healthy urban asset that reduces stormwater impacts. (4/17)
  - d) Only passive recreation amenities such as pathways or picnic areas may be provided within these areas. (4/17)

C. Open Space Management. Land designated on the final development plan as common open space shall be conveyed under one of the following options: (4/17)

1. To a City approved public or private agency that agrees to maintain the common open space and any structures or other improvements that have been placed on it. (4/17)
2. To an association of owners or tenants, created under the laws of the state, which shall adopt and impose bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the city as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of

maintaining the common open space. The association bylaws and covenants and restrictions shall be approved by the city attorney, and shall reasonably provide for the continuing care of the common elements. (4/17)

- D. Use of Open Space. No common open space may be put to a use not specified in the final development plan unless the final development plan is first amended to permit the use; however, change of use may be considered as a waiver of any of the covenants limiting the use of common open space areas, and all rights to enforce these covenants against any use permitted are expressly reserved. (5/98)
- E. Enforcement Authority. If the common open space is not conveyed to a public agency, the covenants governing the use, improvement, and maintenance of the common open space shall authorize the city to enforce their provisions, using liens or assessments to pay the cost to the city of enforcement. (5/98)

## **2.311.06 Owners Association**

- A. Owners Association Required. A non-profit incorporated owners association, or an alternative acceptable to the City Attorney, shall be required for improving, operating, and maintaining common facilities, including open space, private streets (if allowed), drives, service and parking areas, and recreation areas. The following principles shall be observed in the formation of any owners association and shall be reviewed and approved by the City Attorney. (4/17)
  - 1. An owners association shall be established before recording of the final plat. (4/17)
  - 2. Membership shall be mandatory for each home owner and any successive buyer. (5/98)
  - 3. The open space restrictions shall be in perpetuity. (5/98)
  - 4. The owners association shall be responsible for liability insurance, local taxes, and the maintenance of recreational and other facilities. (5/98)
  - 5. Home owners shall pay their pro rated share of the cost or the assessment levied by the association shall become a lien on the property. (5/98)
  - 6. The association shall abide by all applicable local, state and federal laws to include the Fair Housing Act, the Americans with Disabilities Act (ADA) and other regulations. (4/17)
  - 7. The association shall be able to adjust the assessment to meet changes needed. (4/17)

8. No change in open space use or dissolution of owners association shall occur without Type II process as identified in Section 3.1. This action may be initiated by the City. (4/17)

### **2.311.07 Allowable Open Space Uses in a Planned Unit Development**

In addition to the accessory uses typical of the primary uses authorized by the zoning district, accessory uses approved as a part of a planned unit development may include the following uses: (4/17)

- A. Golf course. (5/98)
- B. Private park, lake, or waterway. (5/98)
- C. Recreation area. (5/98)
- D. Recreation building, clubhouse, or social hall. (5/98)
- E. Other accessory structures or uses which the city determines is designed to serve primarily the occupants of the planned unit development, and is compatible with the design of the planned unit development. (4/17)

### **2.311.08 Modification of an Approved PUD**

A new application and public hearing shall be required, consistent with the provisions of Section 3.108 if any one of the following changes is proposed to an approved planned unit development site plan: (4/17)

- A. Increase or decrease of 10% (or more) in the number of dwelling units. (5/98)
- B. Increase or decrease of 10% (or more) in the area devoted to open space or recreational space. (5/98)

A request that does not include A. or B. above, may require a new application and hearing under state or local subdivision laws. (4/17)

## **2.312 YARD AND LOT STANDARDS**

### **2.312.01 Lot Coverage, Generally**

Specific standards for lot size or area, for lot dimensions, and for lot coverage are set forth in the applicable zone. Where a standard for lot coverage is expressed as a percentage, such standard means the percentage of total lot area covered by buildings and by roofed but unenclosed structures, whether or not attached to buildings. Covered structures less than five feet in height and having less than 20 square feet of gross floor area (such as pet shelters, play houses, etc.) shall not be included in calculating lot coverage. (5/98)

### **2.312.02 Yards and Yard Area, Generally**

- A. Yards Apply Only to One Building. No required yard or other open space or required driveway provided around or for any building or structure for the purpose of complying with the provisions of this Ordinance shall be considered as providing a yard or open space for any other building, nor shall any yard or other required space on an adjoining lot be considered as providing a yard or open space on the lot whereon the building is to be erected. (5/98)
- B. Yards to be Unobstructed. A "required yard" is the minimum required setback area between a structure or manufactured dwelling and a lot line, whether or not additional open space is actually provided between the structure and the lot line. Every required yard or setback area shall be open and unobstructed by buildings, or structures from the ground to the sky except for those exceptions permitted in this Section. (7/06)

### **2.312.03 Separation of Lot or Yard Areas**

- A. Reduction in Lot Area. Except as provided in 2.312.03.C., no portion of a lot necessary to provide the required area per dwelling unit shall be separated in ownership from the portion of the lot on which the building containing the dwelling units is located. (7/06)
- B. Separation of Required Yards. Except as provided in 2.312.03.C., no required yard or other open space around an existing building shall be separated in ownership from the lot upon which the building is located. (7/06)
- C. Exceptions. In a planned unit development building setbacks and yard areas, open space, and other areas without buildings established pursuant to the standards and the requirements of this Ordinance may be part of a lot containing a dwelling if the area is not common area or other area required to be located within a lot owned by the homeowner's association. (5/98)

## **2.312.04 Special Street Setbacks**

- A. Purpose. The special setbacks in this section are based upon the functional classification of streets and roads as described in the comprehensive plan. The purpose of these special setbacks is to allow for the expansion or improvement of streets and roads in order to safely accommodate vehicular or pedestrian traffic. The special setback shall be measured from the centerline of the street right-of-way are as noted in 2.312.04.D. (7/06)
- B. Setback Requirements. Required yards and setbacks adjacent to a street shall be in addition to the special setbacks required by this Section. These setback distances shall be measured at right angles to the centerline of the established right-of-way. (5/98)
- C. Special Provisions. Except as provided herein structures and paved surfaces shall not be located within the special setbacks specified in 2.312.04.D, below. Any portion of a structure lawfully established within a special street setback prior to adoption of this ordinance shall be considered a nonconforming structure. (5/98)
- D. Special setback requirements: (5/98)

FUNCTIONAL CLASSIFICATION	SPECIAL SETBACK
Major Arterial	36 feet
Minor Arterial	34 feet
Collector	34 feet
Local Street III*	24 feet
Local Street II*	23 feet
Local Street I*	22 feet
Cul-de-Sac	See equivalent Local Street requirement

\* See functional classification in Section 2.302.04

## **2.312.05 No Parking in Front Yard, Yards Adjacent to a Street**

Moved to 2.303.04

## **2.312.06 Front Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required front yard not more than two feet. (7/06)



- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features, window projects and catilevered second story portion of a building may project not more than two feet into a required front yard. (7/06)
- C. Decks and Patios. Uncovered porches and covered but unenclosed porches, or awnings that are not more than one story high may extend ten feet into the front yard setback. (7/06)

### **2.312.07 Side Yard Projections**

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibited by any other code or ordinance, may project into a required side yard not more than one-third of the width of the side yard, nor more than four feet in any case. (7/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than one and one-half feet into a required side yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Decks and Patios. Uncovered decks and patios attached to the main building when measured directly beneath the outside edge of the deck or patio may be extended to the side yard property line when they are three feet or less in height from ground level. (5/98)

### **2.312.08 Rear Yard Projections**

- A. Building Features. A fire escape, outside stairway, cornice, eaves, gutters or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard. (7/06)
- B. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters, other ornamental features, window projection, and catileverd second story portion of the building, may project not more than two feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- C. Steps, Porches, Decks and Patios. Planter boxes, steps, decks, patios, uncovered porches, and covered but unenclosed porches including covered patios, which are not more than 30 inches above grade, are exempt from the minimum rear yard depth requirements. These same features that are more than 30 inches above grade may encroach up to a maximum of ten feet into the rear yard setback area. (7/06)

### **2.312.09 Vision Clearance**

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect. The vision clearance area shall conform to the

following unless it is determined by the Keizer Traffic Engineer that other methods may be more feasible: (12/12)

- A. Generally. A vision clearance area is a triangular area at the intersection of two streets, or a street and a driveway, two sides of which are lines measured from the corner intersection for a specific distance. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides. Where the lines at the intersections have rounded corners the lines will be extended in a straight line to a point of intersection. The vision clearance area shall be measured from the point of intersection and extend the designated distance in both directions along the intersection. Where there is no curb, the vision clearance area shall be measured from the edge of the pavement and extend at right angles for the appropriate distance in both directions along the intersection. (12/12)
- B. Street-Driveway Intersection. A vision clearance area at the intersection of a street and a driveway shall be the triangular area established according to the following procedure: (5/98)
  - 1. A line extending ten feet from the intersection along the public street right-of-way; (5/98)
  - 2. A line extending ten feet from the intersection along the driveway; (5/98)
  - 3. A third line that creates the triangular vision clearance area by connecting the ends of the lines described in (1) and (2), above. (7/06)
  - 4. This subsection shall apply for street-alley intersections. (12/12)
  - 5. There is no vision clearance area minimum for driveway/alley intersections. (12/12)
- C. Street-Street Intersections. The vision clearance area for street-street intersections with at least one arterial street shall be computed as above but with legs of 40 feet in each direction. The vision clearance area for street-street intersections along collector and local streets on all approach legs shall be computed as above but with legs of 30 feet in each direction. (12/12)
- D. Prohibited Placement. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction, placement of a sign exceeding 30 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade. In addition, vehicles shall not be parked in a vision clearance area. The following may be allowed in the vision clearance area: (12/12)
  - 1. Trees, provided all branches and foliage are removed to a height of seven feet above grade; (5/98)
  - 2. Telephone, power, and cable television poles; and

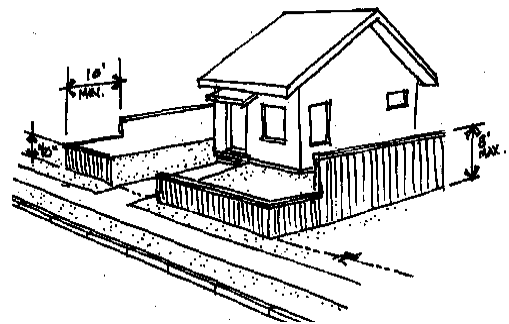
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension. (5/98)
4. Public or governmental signs. (12/12)

## **2.312.10 Fences, Walls and Hedges**

### **A. Residential, Public and Semi-Public Uses**

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of any vision clearance area identified in Section 2.312.09.

Fences and walls shall not exceed a height of three and one-half feet within ten feet of any property line adjacent to the street. A sight obscuring fence that is placed in the rear yard or side yard may encroach within this 10 foot setback area but shall be placed no closer than 3 feet to the property line along a street and may exceed the three and one-half feet height restriction. A fence, or wall, may not exceed eight feet in height. A fence or wall over six feet in height will require a building permit. (6/07)



Fence Standards

2. Construction material: Fences or walls constructed of the following materials, including, but not limited to barbed wire, electric fencing, broken glass, wooden pallets, tarps, corrugated metal, and spikes shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing. (7/06)
3. An entrance wall or gate to a subdivision, planned unit development or other residential development shall be permitted provided the wall or gate does not exceed six feet in height nor violate provisions of the vision clearance area. (5/98)

### **B. Commercial and Industrial Uses**

1. Height, location: Fences, walls and hedges may be located in any required yard or along the edge of any yard, subject to the maintenance of clear-vision area. A fence or wall may not exceed 12 feet in height. A fence or wall over six feet in height will require a building permit. (7/06)

2. Construction material: A conditional use shall be required for an electrical or barbed wire fence in the CM zone. Electric and barbed wire fencing shall be permitted in the IG, AI, and CG, zones provided that a proposed fence is not placed in the front yard (see definition Yard Front) along either a public or private street; is screened from adjacent residential zones; and, does not include any concertina wire. In no event shall barbed wire be placed lower than six (6) feet above finished ground level, except for fences constructed in connection with agricultural uses. Barbed wire fencing shall be angled inward. (01/09)

## 2.313 ACCESSORY STRUCTURES AND USES

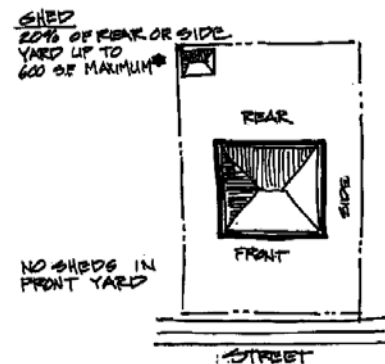
### 2.313.01 Single Family, Duplex, Triplex and Quadplex (6/22)

Accessory structures are considered secondary to the primary use occurring on the property and require that the primary use be located on the same parcel as the accessory structure. Accessory Dwelling Units are not to be considered as an accessory structure for purposes of this section. For single family, duplex, triplex and quadplex uses on an individual lot, the following standards apply: (6/22)

- A. Location and Number. Accessory structures shall be located within the rear or side yard. A maximum number of two accessory structures are permitted. (1/07)

- B. Height. The maximum allowable building height is 24 feet, except that the accessory structure shall not exceed the height of the primary building. (3/21)

- C. Property Setbacks. Setbacks shall be applied to each face of the building according to its wall height. Wall height shall be measured from finish grade to the top of the wall. Gabled ends shall be measured from finish grade to the peak of the gable. An accessory structure 8 feet or less in wall height may be located at the property line provided it is constructed consistent with building and fire code regulations. For each 1-foot increase in the wall height above 8 feet, the setback shall increase 1 additional foot. Wall height shall be rounded up in 1-foot increments. The minimum setback adjacent to an alley shall be 1-foot regardless of whether or not there is additional setback to a property line. For yards adjacent to a street, in no case may the setback be less than that required of a fence. (3/21)



Accessory Structure Standards

\* Except as outlines in 2.313.01.E

- D. Building Separation. An accessory structure shall be separated from the primary building by a minimum of 6 feet. An accessory structure that is less than 6 feet from the primary structure, or is connected to the primary structure by a breezeway or fully enclosed walkway which is architecturally compatible with the architecture of the primary structure, will be subject to the setback requirements of the primary structure. However, the requirements governing height, size, lot coverage and exterior finish will still apply. Structures that are fully attached to the primary dwelling by a common wall of at least 10 feet in length, or habitable space shall be considered an addition to the primary dwelling, and not regulated as an accessory structure. Such additions must be constructed of material compatible with the primary dwelling. (3/21)

- E. Building Size and Lot Coverage. The accessory structure shall be limited to a maximum ground floor area of 600 square feet. If no garage exists on the property and the new accessory structure is proposed to accommodate a vehicle it may be 750 square feet in size. Additionally, in no case shall the accessory structure occupy more than 20% of the entire rear or side yard. The building size limitation shall be considered the maximum allowable area permitted for the sum of all accessory structures on the property. (3/21)
- F. Exterior Finish. Accessory structures greater than 200 square feet in area shall be constructed of material generally compatible with the existing residential structure. For example, wood, stone, brick, and vinyl/resin/metal made to look like wood siding is allowed. Membrane structures over 200 square feet are prohibited. (3/21)
- G. Prohibited materials. Unmodified shipping containers, tarps, and other material not intended for long-term exposure to the elements are not considered to be accessory structures and are prohibited. (3/21)

### **2.313.02 Multi-Family, Commercial, Industrial Structures**

For multi-family, public, semi-public, commercial and industrial uses: (5/98)

- A. Location and Number. Accessory structures may be located within any yard area. There is no limit to the number of permitted accessory structures. (1/16)
- B. Height. The accessory structure shall comply with the height limitations of the underlying zone. (5/98)
- C. Property Setbacks. Accessory structures shall comply with the setbacks for the primary building in the underlying zone. (5/98)
- D. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of 10 feet. (5/98)
- E. Building Size and Lot Coverage. There is no limit to the size of the accessory structure provided the structure and all buildings on the property comply with the lot coverage limitations of the underlying zone. (5/98)

## **2.314 STANDARDS FOR SINGLE FAMILY DWELLINGS, DUPLEXES, TRIPLEXES, QUADPLEXES, COTTAGE CLUSTERS, AND TOWNHOUSES**

The following standards will be applied to all single-family dwellings, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, RM, MU or UT zones. (6/22)

- A. All single-family homes, duplexes, triplexes, quadplexes, and townhouses shall have at least one primary building façade or entrance oriented towards the front lot line or the street. Single-family homes, duplexes, triplexes, quadplexes, cottage cluster developments, and townhouses shall incorporate at least five of the following design features to provide visual relief along the front of the home: (6/22)
1. Dormers; (5/98)
  2. Gables; (5/98)
  3. Recessed entry; (10/15)
  4. Covered porch with front door entry facing the front lot line; (10/15)
  5. Cupolas; (5/98)
  6. Pillars or posts; (5/98)
  7. Bay or bow windows or window shutters; (10/15)
  8. Eaves (minimum 6" projection); (5/98)
  9. Off-sets on building face or roof (minimum 16") (5/98)
  10. Window(s) facing the street or access easement have a minimum area of not less than 24 square feet. (10/15)
  11. A significant variation of three different building materials, the least of which shall be 10% of the façade (stone, wood, siding, shakes, etc) (10/15)



B. Garages and carports. When garages and carports are provided they shall meet the following: (10/15)

1. Garage doors and carport openings facing the street shall not account for more than 50% of the dwelling façade that faces the street. (10/15)
2. Garage doors on lots less than 8,000 square feet must be recessed from the front plane of the house at least 5 feet or mitigated with additional design features as set forth below. These are in addition to the features required in Section 2.314(A) above: (10/15)
  - a. If garage door is even with or recessed less than 5 feet from the front building plane then **one** additional design feature from the design feature listed below is required. (10/15)
  - b. If garage door protrudes 5 feet or less from the front building plane then **two** additional design features from the design feature listed below is required. (10/15)
  - c. If garage door protrudes more than 5 feet from the front building plane then **three** additional design features from the design feature listed below is required. (10/15)

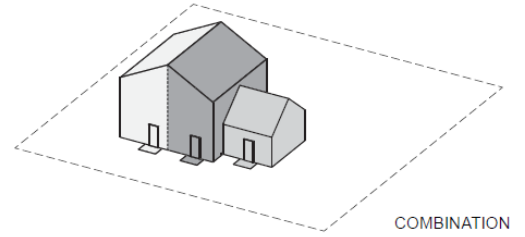
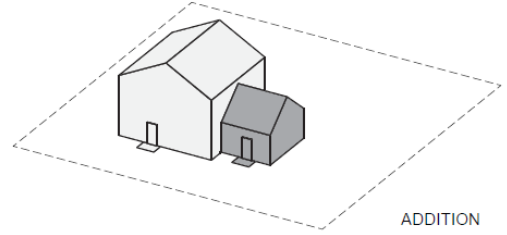
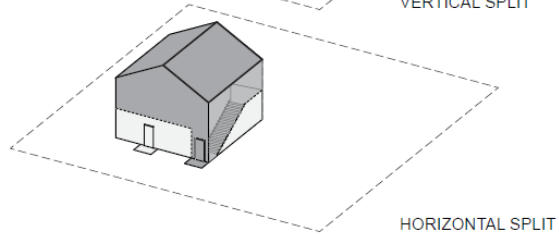
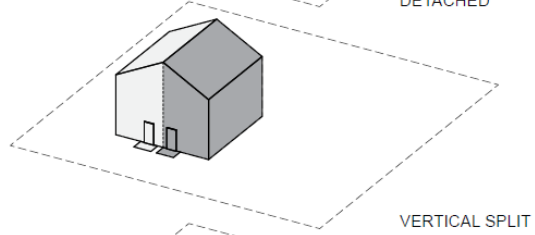
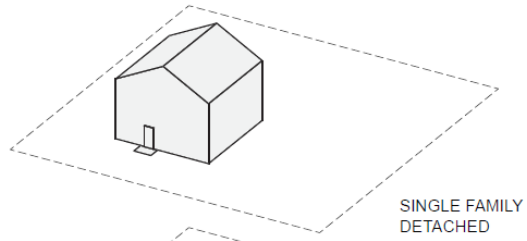


## DESIGN FEATURE (GARAGES AND CARPORTS)

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

C. Middle housing conversions. A conversion from a single-family home to a duplex, triplex, quadplex, or cottage cluster is allowed. The following requirements and standards apply: (6/22)

- A. The converted housing type is a permitted use in the underlying zone. (6/22)
- B. With the exception of minimum parking requirements, the conversion of the existing single-family home does not create or increase nonconformance with applicable development and design standards. (6/22)
- C. The conversion is exempt from additional design requirements and public facility improvements. (6/22)
- D. The conversion is subject to the City's building permit review and approval process. (6/22)



## MIDDLE HOUSING CONVERSIONS

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## **2.315 DEVELOPMENT STANDARDS**

### **2.315.01 Purpose**

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

### **2.315.02 Applicability**

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

### **2.315.03 Exemptions**

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

window, porch, canopy, or awning where the combined area of change is less than 500 square feet in area in a 3-year period, (1/04)

- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (1/04)
- D. Agricultural uses (1/04)
- E. Any residential building housing-four or fewer dwelling units and cottage clusters. (6/22)
- F. Any interior remodeling (1/04)
- G. A temporary business (1/04)
- H. A mobile Food Vendor (12/18)

## **2.315.04 Administration of the Development Standards**

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

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

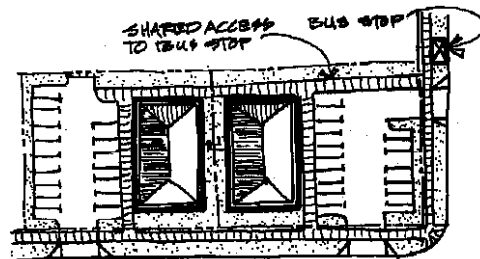
## **2.315.05 Non-Conforming Buildings**

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

## **2.315.06 Development Standards**

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

- A. Pedestrian Circulation. As used herein “walkway” means a hard surfaced area intended and suitable for use by pedestrians, including both public and private sidewalks. (1/04)
1. Connection Required. The pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets and transit facilities (existing or planned). (12/18)
  2. Walkway Location and Design. Walkway(s) shall be located so that a pedestrian can conveniently walk between a transit street and the entrance(s) to a building(s). Except where it crosses a driveway, a walkway shall be separated by a raised curb or other physical barrier from the auto travel lane and parking. If a raised path is used the ends of the raised portions must be equipped with curb ramps which comply with Oregon State Building Code requirements. (12/18)
  3. Additional Street Access. One walkway from a building to a public street shall be provided for every 300 feet of street frontage. (12/18)
  4. Driveway Crossings. Driveway crossings shall be a maximum of 36 feet in width. Where the pedestrian system crosses driveways, parking areas and loading areas, the system must be clearly identifiable through the use of elevation changes, a different paving material, texture, or other similar method. (1/04)
  5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be safely used at night by employees and customers. (12/18)
  6. Walkway Coverage.
    - a. Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs. The minimum vertical clearance shall be 9 feet for awnings and building overhangs. The maximum vertical clearance shall be 15 feet. (1/04)
    - b. In the EG zone, any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this



Pedestrian Access Standards

requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (1/04)

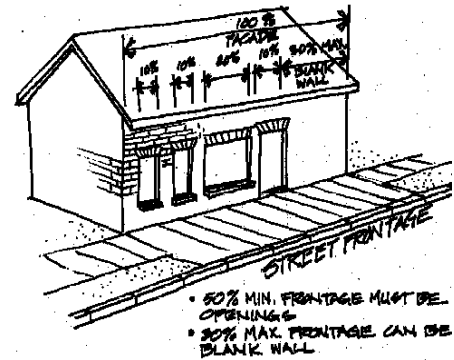
7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a paved minimum unobstructed width of eight feet. (12/18)
8. Stairs or ramps shall be in place where necessary to provide a direct route between the transit street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

B. Building Design

1. Ground floor windows
  - a. In the CM, CR, and MU zones, all street-facing elevations containing permitted uses as listed under Sections 2.110.02 F, G, H, I, J and K shall have no less than 50 percent of the ground floor wall area with windows, display areas or doorway openings. (5/98)
  - b. In the EG zone, one elevation of any building with more than 100,000 square feet of floor area, which contains permitted uses listed under Sections 2.119.05 F, G, H, I, J, and K, shall have no less than 33 percent of the ground floor wall area, defined from the ground to the height of the awning, with windows or window facsimiles or other architectural features that simulate windows, display areas or doorway openings. The location of this elevation shall be determined as part of the required Master Plan review described in Section 2.125. (12/18)

## 2. Building facades

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



Façade Standards

- b. In the EG zone, facades facing a public street shall extend no more than 60 feet without providing a variation of building materials for buildings over 20,000 square feet. (12/18)
3. Awnings – Awnings are a roof-like cover extending immediately in front of a doorway or window to provide protection from the sun or rain. Awnings shall be provided along building storefronts abutting a public sidewalk. Awnings are not allowed in locations not listed above. Awnings shall be constructed of canvas, acrylic fabric, laminated vinyl, metal or similar standard material. Awnings shall not be back lit. (12/18)
4. Materials and Texture
- a. Building Materials. (1/04)
- 1) All buildings shall have wood, brick, stone, architectural block, slump stone block, architectural concrete, stucco siding, or vinyl siding made to look like wood siding as the predominant building material. (12/18)
  - 2) A minimum of 2 separate and distinct building materials must be used. (12/18)
  - 3) Metal siding other than reflective material is allowed as part of a design to incorporate differing materials, but shall not be the predominant material used. (12/18)
  - 4) Plain concrete masonry block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (12/18)

b. Trim Material. (1/04)

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

c. Roofing Material. (1/04)

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

d. Foundation Material. (1/04)

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

5. Color

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

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

2. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (12/18)

3. The finish shall be either matte or satin. (12/18)

b. For the purpose of this Section, "main color" is the principal color of the building which must be at least 75% of the surface of the building excluding windows; the trim colors of all buildings may be any color except as set forth below. (12/18)

c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (1/04)

6. Roof Lines - Roof lines shall establish a distinctive "top" to a building. When flat roofs are proposed, a cornice a minimum 12 inches high projecting a minimum 6 inches from the wall at the top of the wall or parapet shall be provided. (5/98)

7. Roof-mounted equipment – In a CM, CR, CO, EG or MU zone, all roof-mounted equipment, including satellite dishes and other communication equipment, must be screened from view from adjacent public streets. Solar heating panels are exempt from this Standard. (12/28)



C. Commercial Accessory Structures

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

D. Transit Facility Requirement

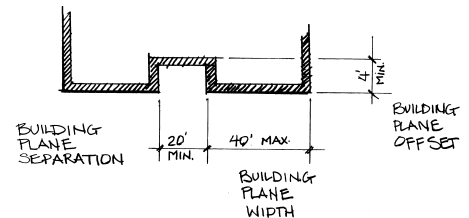
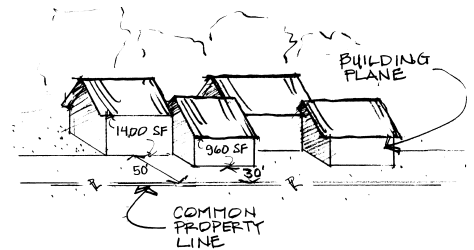
New retail, office and institutional buildings at, or within 600 feet of an existing or planned transit facility, as identified in the city TSP, shall provide either the transit facility on site or connection to a transit facility along a transit route when the transit operator requires such an improvement.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

E. Transit Access

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

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

- c. A transit passenger landing pad accessible to disabled persons; (7/09)
  - d. An easement or dedication for a passenger shelter if requested by the transit provider; and (7/09)
  - e. Lighting at the transit facility. (7/09)
- F. Multifamily Design. Multifamily structures shall create a form and scale to provide interest and aesthetic appeal. (12/18)
- 1. In addition to the requirements outlined in 2.315.06 all new multifamily buildings shall include a minimum of 3 significant different materials and textures in the design of the exterior building facade. (12/18)
  - 2. Building planes for multifamily dwellings facing property lines or the street shall be subject to the following Standards: (12/18)
    - a. No building plane shall exceed 960 square feet within 30 feet of the property line. No building plane that faces the common property line shall exceed 1,400 square feet within 50 feet of the property line. (12/18)
  - b. No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (10/15)
  - c. If more than one building plane faces a street or property line and the building planes align at a common distance from the line, the building planes shall be horizontally separated by at least 20 feet. For the purposes of this Standard, "common distance" shall be defined within 12 feet. (12/18)
  - d. When a structure along a wall juts out from the wall, or is offset from an adjacent part less than 4 feet, the structure is considered part of the building plane of a wall behind it. If the structure protrudes greater than 4 feet, it represents a separate building plane. If a building plane is at an angle in relation to the property line, the midpoint of the wall shall provide the point at which the plane and related distance are measured. (12/18)



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

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

### **2.315.08 Criteria for Development Standard Alternative Approval**

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



## **2.401 GENERAL PROVISIONS**

- A. Application. Special uses are subject to specific development standards. These standards are non-discretionary so that special review of a proposed development is not required. The standards contained in this Section apply where a special use is identified as a permitted use. If the special use is listed as a conditional use, the standards contained in this Section shall be considered guidelines and may be modified or eliminated. The special use standards do not automatically apply unless the subsection number is referenced following the use title (e.g. Accessory Dwelling Unit, Section 2.403). (7/23)
- B. Development Requirements. Unless specifically modified by the provisions of this Section, special uses are still subject to the development requirements of the underlying zone. Where the special use standard imposes a standard higher, the special use standard shall apply. (5/98)



## 2.402 MANUFACTURED HOMES

Where permitted as a special use, manufactured homes located on individual lots outside of a mobile home park shall meet the following requirements. (5/98)

- A. Construction Date. The manufactured home shall have been manufactured after June 15, 1976, and exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards. (5/98)
- B. Minimum Area. The manufactured home shall be multi-sectional with a minimum area of 1,000 square feet. (5/98)
- C. Foundation. The manufactured home shall be placed on an excavated and back-filled foundation enclosed at the perimeter. The manufactured home shall not be more than 1 foot above grade; however, this requirement does not apply if the manufactured home is to be placed within an identified flood hazard area. (5/98)
- D. Roof. The manufactured home shall have a pitched roof with a slope of 2 to 3 feet for each 12 feet in width. (5/98)
- E. Roof Material. The manufactured home shall utilize one of following roof materials. (5/98)
  - 1. Tile. (5/98)
  - 2. Wood shake. (5/98)
  - 3. Wood shingle. (5/98)
  - 4. Composition roofing material. (5/98)
  - 5. The predominant roofing material used on residences in the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area. (5/98)
- F. Exterior Material. The manufactured home shall utilize one or more of the following exterior materials. (5/98)
  - 1. Lap siding composed of wood or other materials giving the appearance of wood. (5/98)
  - 2. Grooved siding composed of wood or wood composites. (5/98)
  - 3. Board and batten siding composed of wood or wood composites. (5/98)

4. Brick, brick veneer, stucco, or other masonry materials. (5/98)
  5. The predominant siding material used on the front of the houses in the review area. If there is no predominant material used on the residences in the review area, then the applicant can use any one of the materials used on the residences in the review area. (5/98)
- G. Review Area. As used herein, "review area" shall include the five nearest residences to the subject lot that are on the same street and are within 250 feet as measured from the lot line to lot line. If there are not five residences within 250 feet, only those homes within 250 feet shall be used. (5/98)
  - H. Predominant Material. As used herein, "predominant material" shall be the material used on the majority of the residences in the review area. If there is no majority of residences using the same material, then the material used on the largest plurality of homes in the review area shall be the predominant material. (5/98)
  - I. Energy Efficiency. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards that reduce heat loss equivalent to the performance standards required of single-family dwellings constructed under the state building code. (5/98)
  - J. Garage or Carport. If the immediate surrounding dwellings have garages or carports, then the manufactured home shall have a garage or carport, and such garage or carport shall be constructed of like materials commonly used on residential dwellings within the community. (5/98)
  - K. Lot Development Standards. The manufactured home shall meet all applicable development standards, such as setbacks and height limitations, in the Keizer Development Ordinance. (5/98)

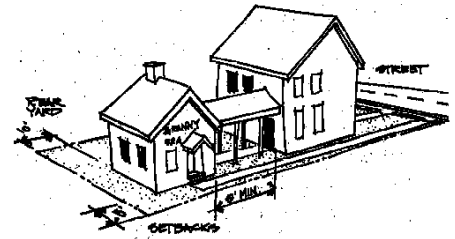


## 2.403 ACCESSORY DWELLING UNIT

Where permitted as a Special Use, 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). (7/23)

### 2.403.01 Attached Accessory Dwelling Unit

Attached Accessory Dwelling Units shall meet the following use and development standards. (7/23)



*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. (7/23)
- C. Area Requirements.
  - 1. Square footage of the attached ADU is limited to 40% of the total dwelling square footage, excluding garage or accessory structure.
  - 2. 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.
  - 3. Area requirements do not apply to the conversion of an entire level or floor of a primary dwelling. (7/23)
- 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 visually match the primary dwelling. A separate address shall be required for each residence. (7/23)

## **2.403.02 Detached Accessory Dwelling Unit**

A detached Accessory Dwelling Unit shall meet the following use and development standards. (7/23)

- A. Location. Except as allowed below, 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. (7/23)
- 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. (7/23)
- C. Parking. No additional off-street parking is required. If provided, the following standards apply: (1/20)
  - 1. 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. (7/23)
  - 2. No separate driveway is permitted, unless allowed by the Public Works Director. (1/19)
  - 3. All driveways and parking areas shall have a durable, hard, dust free surface built to City of Keizer Public Works standards. (7/23)
- 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. (7/23)
- E. Area. The ADU shall be no larger than 750 square feet in interior living space. Non-habitable areas must meet the standards found in Section 2.313. (7/23)
- 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 allowed is 25 feet. (7/23)
- 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 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. (7/23)
- 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. (7/23)
- J. Building Conversion. Conversion of an accessory structure to a detached ADU is allowed subject to the following standards. (7/23)
  - 1. The area of the detached ADU is limited to a maximum of 750 square feet of interior living space regardless of the total area of the existing structure. Any additional square footage may only be used for non-dwelling purposes. (7/23)
    - 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. (7/23)
    - b. For a 2-story building: Setbacks and height of the building must conform to Section 2.403.02F (7/23)
    - 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)



## **2.405 MANUFACTURED HOME PARKS**

### **2.405.01 General Requirements**

- A. Process. Development of a Manufactured Home Park is a Type II Land Use Action (3.108)
- B. Minimum Area. The minimum area for a manufactured home park shall be three acres. (5/98)
- C. Density. The number of manufactured home spaces shall comply with the density regulations of the underlying zone. (5/98)

### **2.405.02 Definitions**

As used in this chapter, except where the context otherwise clearly required. (5/98)

- A. Building: Any permanent structure within a manufactured home park such as an office building or community center owned by the park for the common use of all the tenants. (5/98)
- B. Park Roadway: A private way which is the principal means of access to abutting individual manufactured home spaces and permanent park structures. (5/98)
- C. Space: A specific area of a manufactured home park that is designated or occupied by one manufactured home. (5/98)

### **2.405.03 Design Standards**

Manufactured home parks are subject to the minimum standards and conditions set forth in this section. (5/98)

- A. Type of Manufactured Home Permitted. Only those manufactured homes used as permanent residences, manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards shall be permitted. (5/98)
- B. Design Standards:
  - 1. Size. All manufactured homes shall be at least 20 feet wide with a minimum square footage of 864 square feet. (5/98)
  - 2. Siding and Roofing. Manufactured homes shall have siding materials, including skirting if applicable, similar to that presently used on houses constructed under the Uniform Building Code. A wood shingle, composition or shake roof is required with a minimum 2:12 slope. (5/98)

- C. Additions to Manufactured Homes. Carports, cabanas, ramadas, awning and other structures that are attached to a manufactured home shall conform to building code requirements. These additions and structures shall be considered as a part of the manufactured home for determining the lot coverage, setbacks and other requirements. (5/98)
- D. Manufactured Home Space. The minimum area shall be 3,000 square feet with a minimum space width of 40 feet. Spaces within 15 feet of the boundary of a manufactured home park shall contain a minimum of 4,000 square feet. The boundaries of each manufactured home space shall be clearly marked by a fence, landscaping or by permanent markers. (5/98)
- E. Manufactured Home Space Coverage. No more than 50% of a space shall be occupied by the manufactured home and any accessory structures. (5/98)
- F. Separations and Setbacks. Building separations and setbacks from the park boundary for mobile homes, accessory structures, and buildings shall be as follows. (5/98)
  - 1. General park development. Setbacks for structures other than manufactured homes, carports and related accessory buildings shall comply with the minimum residential setbacks in the underlying zone. (5/98)
  - 2. Manufactured homes. (5/98)
    - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb
    - b. Side and rear: 10 feet minimum to any adjacent manufactured home; 6 feet minimum to any adjacent non-residential structure
    - c. Park Boundary. Manufactured homes on the periphery of a manufactured home park shall maintain the same setbacks as required for the rear yard in the underlying zone. (5/98)
  - 3. Accessory structures. (5/98)
    - a. Front: 5 feet minimum to the sidewalk; 8 feet minimum to the curb. (5/98)
    - b. Side and rear: 6 feet minimum to any adjacent manufactured home, or, adjacent non-residential structure. (5/98)
    - c. Park Boundary. Accessory structures on the periphery of a manufactured home park shall maintain the same rear yard setbacks for accessory structures in the underlying zone. (5/98)
  - 4. Carports. (5/98)

- a. Front: 20 feet minimum to the sidewalk. (5/98)
  - b. Side and rear: Carports attached to, or within 3 feet of, the manufactured home shall comply with the setbacks for the manufactured home. Otherwise, the setback provisions for accessory structures shall apply. (5/98)
  - c. Connecting Garages. When a double carport or garage is built to serve two adjacent manufactured homes, a minimum 6 foot separation shall be required between the double carport and any adjacent structure, manufactured home, or accessory structure. Alternatively, a 1-hour fire separation may be provided through the center of the double carport. (5/98)
- G. Parking. Two automobile parking spaces shall be required for each manufactured home space. Parking spaces may be designed end-to-end, side-to-side, or provided in off-street parking areas. (5/98)
- H. On-site Storage. Outdoor storage of furniture, tools, equipment, building materials, or supplies belonging to the park management shall be screened with a 6 foot sight-obscuring fence, wall or hedge. (5/98)

#### **2.405.04 Park Development Requirements**

- A. Park Street Standards. Park streets shall be located on park property and shall be maintained by the park owner. The streets shall conform to the following. (5/98)
  - 1. Width. The park street shall be a minimum of 20 unobstructed feet in width. If parking is allowed on either side of the street, the minimum width shall be increased by 7 feet for each side of the street on which parking is allowed. (5/98)
  - 2. Paving. Park streets shall be paved with Portland cement, concrete, or asphalt concrete and designed and constructed to adequately support traffic loads and provide adequate drainage. (5/98)
  - 3. Dead-end Streets. Dead-end park streets over 150 feet in length shall have a cul-de-sac bulb with 35-foot curb radius. No dead-end street shall exceed 500 feet in length. (5/98)
  - 4. Curbs. Concrete curbs shall be required. (5/98)
  - 5. Connection to Public Street. The street system shall have direct connection to a public street. (5/98)
- B. Street Names and Addresses. Each park street shall be named and each manufactured home space shall be numbered off the park street. (5/98)

- C. Driveways. Each manufactured home space shall have direct access to a park street or a public street. The driveway shall be an unobstructed area, not less than 10 feet in width and shall be constructed of hard surface materials and well drained. (5/98)
- D. Walks. Walkways shall be to connect each manufactured home space to the park buildings, a public street or park street. The walkways shall be hard-surfaced, well-drained and not less than 4 feet in width. (5/98)
- E. Fire Hydrants. Fire hydrants shall be required within the park on park streets or on a public street in conformance with the design and capacity requirements of the fire district. (5/98)
- F. Lighting. Park streets and walkways designed for the general use of the park residents shall be lighted during the hours of darkness. Such lighting shall be under control of the park management. Lighting shall be designed to a minimum of 0.35 candlepower per square feet. (5/98)
- G. Water and Sewer. All spaces shall be served by a public water and sewer system and comply with Public Works standards. (5/98)
- H. Commercial Facilities. Convenience commercial activities designed to serve the needs of the park residents shall be permitted including, but not limited to food stores and laundry facilities. Such uses shall not occupy more than 5% of the gross site area and shall conform with the parking and loading standards of this Ordinance. (5/98)
- I. Recreational Vehicles. Only manufactured homes may be placed upon manufactured home parks spaces. (5/98)
- J. Solid Waste Collection. Parks will provide for garbage collection either through individual curb side pickup or provision of common refuse areas. All refuse areas must be sized and located to accommodate the disposal service. Refuse areas must be screened. (5/98)

Building Height, Location, and Lot Coverage. Except as modified by this section, all structures within a manufactured home park shall comply with all provisions of the zone in which the park is located. (5/98)



## **2.406 MOBILE HOME AS A TEMPORARY SECOND DWELLING UNIT DURING CERTAIN HARDSHIP SITUATIONS**

Where identified as a special use, the temporary use of a single mobile home as a second dwelling unit during certain hardship situations shall comply with the following:

### **A. Use Criteria. (5/98)**

1. The requested use is truly temporary in nature. (5/98)
2. A hardship condition exists which relates to the aged, the infirm, or to persons otherwise incapable of maintaining a complete, separate and detached residence apart from their families. (5/98)
3. A doctor of medicine or a licensed psychologist must sign a statement identifying the physical or mental condition that prevents the person(s) with the infirmity from providing the basic self-care. The statement shall also attest that the physician or licensed psychologist is convinced that the person(s) with the infirmity must be provided care so frequently or in such a manner that the caretaker must reside on the same property. (5/98)
4. Those providing the needed assistance are related by blood or marriage and shall reside in another dwelling or mobile home on the same lot. The caretaker may be someone other than a family member if evidence is presented that there is no family member able to provide the needed care. (5/98)
5. Those providing the care will be available and will have the skills to provide the primary care required by the doctor or psychologist. (5/98)
6. The existing dwelling on the property either cannot be modified to accommodate those needing care, or there is some reason the caretaker and those with the infirmity need to live in separate residences. (5/98)

### **B. Standards. (5/98)**

1. The mobile shall be manufactured after January 1, 1962 and meet the construction requirements of Oregon mobile home laws in effect at the time of manufacture. If the home is manufactured after June 15, 1976, it shall exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Federal Housing and Urban Development standards. (5/98)
2. The mobile home shall be at least 10 feet wide, with exterior dimensions enclosing a space of not less than 420 square feet. (5/98)

3. If the mobile home is not placed at ground level, it shall have skirting which complements the exterior walls. (5/98)
4. The mobile home shall comply with the following:
  - a. Be located within 50 feet of the primary dwelling. (5/98)
  - b. Not require development of a new driveway access to the street. (5/98)
  - c. Be connected to the existing waste-water disposal system. (5/98)
5. An 8,000 square foot minimum lot size shall be required for placement of a mobile home as a temporary use. (5/98)

C. Renewal and Removal Requirements. (5/98)

1. Any permit granted under this section shall expire at the end of one (1) year from the date of approval. The permit may be renewed for successive one year periods following provided the applicant submits a new physician's certificate indicating the hardship continues to exist. (5/98)
2. The placement of the mobile home on the property shall only be allowed if a Removal Agreement is completed by the property owner(s) and applicant(s) on a form approved by the City and submitted to the Planning Division. The form shall specify that the placement of the mobile home is temporary and that it will be removed after the hardship ceases to exist. (5/98)

## 2.407 HOME OCCUPATIONS

The purpose of a home occupation is to allow residents an opportunity to use their homes to engage in small-scale business activities. The standards outlined below are to ensure that home occupations are conducted as a lawful use subordinate to the residential use of the property. Where permitted as a special use, a home occupation shall meet the following use and development standards. (12/11)

- A. Operations. The owner/operator of the home occupation(s) shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence. (12/11)
- B. Compatibility. The home occupation(s) shall be continuously conducted in such a manner as not to create any off premise nuisance, public or private, including but not limited to noise as outlined in the city's Noise Ordinance, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. This includes uses occurring within the residence, garage, or accessory structure, and also any equipment such as, but not limited to, air compressors or refrigerator trucks that may be used as part of the home occupation. (12/11)
- C. Signs. Signs shall comply with all sign code regulations including the provisions in Section 2.308.08.G(1) of this Ordinance. (9/16)
- D. Location. The home occupation(s) shall be conducted entirely within the dwelling, an attached garage, or in an unattached accessory building. (12/11)
- E. Area. The total floor area devoted to the home occupation(s) shall not exceed 500 square feet. Any structural additions to the dwelling or accessory structure shall be consistent with zoning regulations and shall not result in the change of the primary use of the structure. (12/11)
- F. Alterations. Structural alterations are permitted consistent with Section 2.314 and provided the residential character of the building is not altered nor will result in the change of the primary use of the structure as the residence. (12/11)
- G. Parking. The number of required on-site parking spaces shall not be reduced; however, no additional parking is required. If the home occupation(s) requires an outside employee that will stay on-site, then an additional off-street parking space consistent with Section 2.303 shall be provided. One motor vehicle plus a trailer that is used in conjunction with a home occupation may be parked on the lot. No single vehicle or trailer that is associated with a home occupation may have a gross vehicle weight rating of more than 16,000 pounds. (12/11)
- H. Hours of Operation. Visits by suppliers or customers are limited to the hours of 8:00 a.m. to 8:00 p.m. (12/11)

- I. Outdoor Storage. Outdoor storage or display of materials, equipment, or merchandise shall be prohibited. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond that which is normally incidental to residential use is prohibited. (5/98)
- J. Prohibited Activities. (5/98)
  - 1. Vehicle Repair. Repair of vehicles, including automobiles, motorcycles, tractors, recreational vehicles, boats, and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work and painting. (12/11)
  - 2. Retail or wholesale sales of a product or good(s) on the site. This prohibition does not apply to operation of a mail order business where customers do not come to the site or to retail sales that are incidental to the occupational use, such as, but not limited to beauty products from salons, sheet music from music teachers, or computer software for computer consultants. (12/11)
  - 3. The home occupation shall not be used for the assembly of more than two (2) nonresident employees engaged primarily in work off-site of the home occupation location. (12/11)
- K. Day Care Provisions. The provisions in this section do not apply to day care facilities or family day care providers. (4/16)

## **2.408 BED AND BREAKFAST ESTABLISHMENT**

Where permitted as a special use, Bed and Breakfast establishments shall meet the following use and development standards. (5/98)

- A. Location and Access. The property containing a bed and breakfast establishment shall front a designated collector or arterial street. Access to the property shall be limited to the designated collector or arterial. Alternatively, the establishment may be located within any dwelling designated as a historic resource. (9/18)
- B. Rooms. The maximum number of guest rooms shall be 4 for homes within the RS zone and 6 for homes in other zones. (5/98)
- C. Owner Occupancy. The property owner or manager shall reside on the property. (5/98)
- D. Signs. Signs shall comply with provisions in Section 2.308. (5/98)
- E. Parking. Off-street parking for the guest rooms shall be screened from the street and adjacent property by a 6 foot high sight-obscuring fence or hedge. (5/98)



## **2.409 RESIDENTIAL SALES OFFICE**

Where permitted as a special use, a Residential Sales Office shall meet the following use and development standards. (5/98)

- A. Location. The office shall be located on a lot within a subdivision, planned development, or a space within a manufactured home park. (5/98)
- B. Use Limitations. The principal use of the office is the sale of lots or renting of spaces or the sale of dwellings or manufactured homes on lots or spaces within the development. (5/98)
- C. Landscaping. The office shall have a finished exterior and the site must be landscaped. (5/98)
- D. Signs. Signs shall comply with provisions in Section 2.308. (5/98)
- E. Hours of Operation. The maximum hours of operation shall be from 8:00 a.m. to 8:00 p.m. (5/98)





## **2.410 PUBLIC GOLF COURSES AND MEMBERSHIP CLUBS**

Where permitted as a special use, public golf courses and membership sports and recreation clubs with golf courses shall meet the following use and development standards. (5/98)

- A. Setbacks. Buildings shall comply with the setback requirements of the underlying zone. Swimming pools, tennis courts, and similar sports courts or fields shall be set back 20 feet from all abutting residential zones and uses. (5/98)
- B. Parking. No off-street parking or loading area shall be permitted within 10 feet of the side and rear lot lines. (5/98)
- C. Screening. All parking shall be screened from adjacent uses by a sight-obscuring fence, wall, or hedge. (5/98)
- D. Lighting. Outdoor lighting shall be directed away from residential property and public streets. (5/98)



## **2.411 BOAT AND RECREATIONAL VEHICLE STORAGE AREA**

Where permitted as a special use, boat and recreational vehicle storage areas shall meet the following use and development standards:

- A. Management. The storage must be operated by either a homeowners' association or a property manager of the apartment, manufactured home park or residential complex. (5/98)
- B. Use Limitation. The storage area is limited exclusively to the storage of the resident's boats or trailers, recreational vehicles, utility trailers and horse trailers, none of which are kept or used as part of a business or commercial activity. (5/98)
- C. Screening. Outdoor storage areas shall be screened from all adjacent properties and from all but one abutting street by a sight-obscuring fence, wall, or hedge. (5/98)
- D. Landscaping. All un-surfaced areas not occupied by buildings or structures shall be landscaped. (5/98)
- E. Paving. Storage areas may either be graveled with crushed rock or paved. All driveways to the storage area shall be paved. All paving shall be set back from all lot lines by at least 5 feet. (5/98)
- F. Lighting. Outdoor lighting shall be directed away from residential property and public streets. (5/98)
- G. Modification of Provisions. These provisions may be modified without the need of a variance if the boat and recreational vehicle storage area is developed as part of an approved planned unit development. (5/98)



## **2.412 RECREATIONAL VEHICLE SPACES AND PARKS**

Where permitted, recreational vehicle spaces or parks shall meet the following use and development standards. (5/98)

**A. Definitions.** For the purpose of this section, the following definitions shall apply. (5/98)

1. **Recreational Vehicle:** A unit, with or without motive power, which is designed for human occupancy and intended to be used for recreational or temporary living purposes. Recreational vehicle includes. (5/98)
  - a. **Camping Trailer:** A non-motorized vehicle unit mounted on wheels and constructed with sides that can be collapsed when the unit is towed by another vehicle. (5/98)
  - b. **Motor Home:** A vehicular unit built on or permanently attached to a motorized vehicle chassis cab or van which is an integral part of the complete vehicle. (5/98)
  - c. **Travel Trailer:** A vehicular unit without motive power which has a roof, floor, and sides and is mounted on wheels and designed to be towed by a motorized vehicle, but which is not of such size or weight as to require special highway movement permits. (5/98)
  - d. **Truck Camper:** A portable unit which has a roof, floor, and sides and is designed to be loaded onto and unloaded out of the bed of a truck or pick-up truck. (5/98)
  - e. **Boat, licensed or unlicensed, including trailer.** (5/98)
  - f. **All-terrain vehicle (ATV).** (5/98)
2. **Recreational Vehicle Park:** Any area operated and maintained for the purposes of providing space for overnight use by recreational vehicles. (5/98)
3. **Recreational Vehicle Space:** The area under a parked and occupied recreational vehicle. (5/98)
4. Except as provided in Section 2.423, if a recreational vehicle is used for temporary living purposes for more than 30 days in any calendar year, the space shall be located in a recreational vehicle park. (4/13)

**B. Development and Use Requirements for Recreational Vehicle Parks.** (5/98)

1. With the exception of one mobile home for a caretaker/operator, recreational vehicle parks shall be limited to recreational vehicles, tents and other temporary shelter structures. (5/98)
2. Access roads shall be paved. (5/98)
3. One-way access roads and parking spaces shall have an improved width of 12 feet. A 20 foot wide road is required if parallel parking is allowed on one side. Two-way access roads shall have an improved width of at least 22 feet. (5/98)
4. The perimeter of the recreational vehicle park shall be surrounded by a 6 foot sight-obscuring fence or hedge. (5/98)
5. Camping supplies and convenience foods may be sold within a building. (5/98)
6. The entrance shall be designed with adequate parking without blocking two-way access to the designated recreational vehicle spaces. (5/98)
7. No outdoor recreation facilities shall be used between 10 p.m. and 8 a.m. (5/98)
8. All outdoor lighting shall be directed away from adjacent residential properties and public streets. (5/98)
9. A dump station for discharging wastewater holding tanks shall be provided unless each space is equipped with a sewer connection. (5/98)
10. Except as provided in Section 2.423, spaces to be occupied for more than 30 days in any calendar year shall provide on-site electrical, sewer, and water hookups. (4/13)

C. Requirements for Recreational Vehicle Spaces. (5/98)

1. The space shall have an all-weather surface and be drained to prevent standing water. (5/98)
2. These spaces shall not be located closer than 10 feet to any other spaces or any buildings unless located within a building. (5/98)
3. The space shall not be located in any required off-street parking space or required yard areas. (5/98)

D. For a recreational vehicle referred to in Section 2.116.03(E) (Recreational Vehicles in Public Zones in Conjunction with Stadiums) the following use and development standards shall apply instead of Subsection C above. (12/98)

1. The recreational vehicle shall be kept in good condition and repair and attractive at all times as determined by the City Manager and Public Works Department or their designee.(12/98)
2. The recreational vehicle shall be used and occupied only by caretaker/security personnel for protection and maintenance of the stadium.(12/98)
3. The recreational vehicle space shall be paved with asphalt or concrete of a size able to completely accommodate the recreational vehicle being parked with an additional two (2) feet of paving on each side and the end of the recreational vehicle.(12/98)
4. The recreational vehicle space shall have a sewer connection approved by the City of Salem.(12/98)
5. The connection from the recreational vehicle to the sewer connection shall be by hard pipe only. No flexible hoses shall be allowed.(12/98)
6. The connection between the recreation vehicle and the sewer connection shall be approved by the City of Keizer Public Works Department and shall be drip-tight.(12/98)
7. The water connection shall be a hose approved for recreational vehicle use and shall include an atmospheric vacuum breaker pursuant to the Uniform Plumbing Code to prevent back siphoning.(12/98)
8. The location of the recreational vehicle space shall be approved by the Keizer Public Works Department and the applicable fire district.(4/13)
9. The recreational vehicle and recreational vehicle space shall be placed and used in conjunction with all applicable public works, development, health, fire, building, and other applicable regulations.(12/98)





## **2.413 RECREATIONAL VEHICLE STORAGE - SINGLE FAMILY HOMES**

Where permitted as a special use in conjunction with a single family residence, the development of recreational vehicle storage space shall meet the following use and development standards. (5/98)

- A. Space Limitation. Each residence in the RS Zone shall be limited to one RV storage space in addition to permitted off-street parking. Permitted off-street parking may be used to store recreational vehicles. (5/98)
- B. Location. The RV space shall be located in either the side or rear yard, or in the front yard in accordance with Section E, below. (5/98)
- C. Surfacing. The space shall have an all-weather or gravel surface and be drained to prevent standing water. (12/15)
- D. Screening. A space located closer than 10 feet to an adjacent property line shall be screened by a 6 foot sight-obscuring fence, wall or hedge. (5/98)
- E. Parking in a Front Yard. No RV, boat, or similar recreational vehicle shall be parked in a front yard other than on a driveway or in an enclosed area as described in Section 2.303.04. No driveway shall be widened to more than 36 feet to accommodate an RV (2.303.04.D.). No RV shall be parked so as to intrude into the public right-of-way. (12/15)
- F. Recreational Vehicle Use. One recreational vehicle can be used for temporary living purposes provided that the recreational vehicle is parked on an RV space consistent with the provisions in this chapter. In addition, a recreational vehicle can be used for temporary living purposes for no more than 30 total days during any calendar year. (4/13)



## **2.414 VETERINARY SERVICES**

Where permitted as a special use, veterinary services for animal specialties shall meet the following use and development standards. (5/98)

- A. Building Required. Except as provided in subsection B., of this section, all operations shall be conducted within completely enclosed and soundproof buildings and overnight stay shall be limited to short term care that is incidental to the practice of veterinary medicine. (6/15)
- B. Outside Runs. Outside runs for dogs and other animals shall be operated only between the hours of 7 a.m. and 6 p.m., with an attendant present on the premises. Outside runs shall be located at least 50 feet from every lot in a residential zone. Outside runs shall be screened from adjacent lots and streets in residential zones by a sight-obscuring fence, wall, or hedge. (5/98)



## **2.415 FUNERAL SERVICE AND CREMATORIES; AND CEMETERY SUBDIVIDERS AND DEVELOPERS**

Where permitted as a special use, funeral service and crematories (726) and cemetery subdividers and developers shall meet the following use and development standards. (5/98)

- A. Lot area. The minimum lot area for a cemetery is one acre.. For other uses the minimum lot are is the minimum in the zone. (5/98)
- B. Height. Buildings (including but not limited to mausolea, columbaria, and crypts) shall not exceed 35 feet in height. There is no height limit for gravemarkers, tombstones, monuments and memorials. (5/98)
- C. Screening. The property shall be screened from all adjacent properties by a sight-obscuring fence, wall, or hedge. (5/98)



## **2.416      ACCESSORY COMMERCIAL USES**

Where permitted as a special use, accessory commercial uses shall meet the following use and development standards. (5/98)

- A.      Where permitted. Accessory commercial uses shall be limited to a building or complex of buildings on the same lot having more than 25 dwelling units or guest rooms. (5/98)
- B.      Permitted uses. In addition to the residential and lodging uses permitted in the underlying zone, the following additional uses shall be permitted. (5/98)
  - 1.      Food stores (54). (5/98)
  - 2.      Apparel and accessory stores (56). (5/98)
  - 3.      Eating and drinking places (58). (5/98)
  - 4.      Retail, miscellaneous (59) BUT EXCLUDING non-store retailers (596) and fuel and ice dealers (598). (5/98)
  - 5.      Commercial, stock savings banks, mutual savings banks and savings and loan associations (602, 603, 612). (5/98)
  - 6.      Personal credit institutions (614). (5/98)
  - 7.      Insurance agents, brokers, and service; real estate (641, 65). (5/98)
  - 8.      Personal services (72) BUT EXCLUDING: power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial launderers (7218). (5/98)
  - 9.      Medical offices; physicians, dentists, osteopathic physicians, and other health practitioners (801, 802, 803, 804). (5/98)
  - 10.     Legal services (81). (5/98)
  - 11.     Day Care Facilities. (5/98)
- C.      Use restrictions. No permitted use shall in any way involve any of the following. (5/98)
  - 1.      The keeping of live animals or the rendering, processing, or cleaning of animals, fish, seafood, fowl, poultry, fruits, vegetables, or dairy products except for consumption on the premises. (5/98)

2. The packaging of products, except packaging of individual retail items at the time of purchase. (5/98)
  3. Any outdoor display or storage of merchandise or materials. (5/98)
- D. Location in the building. Commercial activities shall be confined to the first floor of any building. (5/98)
- E. Non-residential floor area. Commercial activities shall not occupy more than 25% of the floor area for the entire building or complex. (5/98)



## **2.417 USED MERCHANDISE STORES**

Where permitted as a special use, used merchandise stores shall meet the following use and development standards. (5/98)

- A. MU and CM Zones. In the MU and CM zones, all operations shall be conducted entirely within a building; the outdoor storage or display of merchandise shall be prohibited. (5/98)
- B. CG Zone. In a CG zone, all operations shall be conducted entirely within a building or within a yard fully enclosed by a sight-obscuring fence, wall, or hedge. Materials shall not be stored higher than such fence, wall, or hedge. (5/98)



## **2.418 ADULT ENTERTAINMENT BUSINESS**

When referenced in a zone as a special use, Adult Entertainment Businesses are permitted subject to compliance with the following requirements. (5/98)

### **A. Definitions. (5/98)**

For the purpose of this section, the following definitions shall apply. (5/98)

1. Adult entertainment business: A term intended to cover a broad range of activities characterized by live, closed circuit, digital, or reproduced material which has an emphasis on nudity and/or sexual activity. Adult businesses limit their patrons to persons at least 18 years of age. The term "adult entertainment business" also includes the full range of adult motion picture or video theaters and related businesses, such as adult bookstores, adult theaters, adult massage parlors, adult lotion studios, adult arcades, adult cabarets, adult paraphernalia shops, and other establishments which make up a substantial or significant portion of the establishment's activities or merchandise and constitute a continuing course of conduct of exhibiting specified sexual activities and/or nudity in a manner which appeals to a prurient interest. The term "adult entertainment business" also includes other uses similar to the uses mentioned above, presenting material for patrons to view (live, closed circuit, or reproductions), providing massage or lotion studios for the purpose of fondling or other erotic touching of specified anatomical areas and/or purchase or rent of merchandise which emphasizes nudity and/or specified sexual activity in a manner which appeals to a prurient interest, and limiting entrance to patrons who are over 18 years of age. (5/98)
2. Nudity or nude: Being devoid of an opaque material covering the human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola and where such opaque material does not simulate the organ covered. (5/98)
3. Specified sexual activities: Real or simulated acts of sexual intercourse, human/animal sexual intercourse, masturbation, sadomasochistic abuse, sodomy or the exhibition of human organs in a simulated state, or the characterization thereof in a printed or visual form, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breasts. (5/98)
4. Substantial or significant portion: More than 10 percent of the total cost of the inventory of merchandise for sale in the establishment, whether at wholesale or retail, or more than 10 percent of the establishment's gross sales per month, whether wholesale or retail, or more than 10 percent of a film or video or live performance. (5/98)

B. Location Requirements

1. No adult entertainment business shall be located within a distance closer than 2,000 feet from another adult entertainment business at the time the adult entertainment business is established; and
2. No adult entertainment business shall be located within a distance closer than 1,000 feet from the following zones and land uses in existence at the time the adult entertainment business is established. (5/98)
  - a. The boundary of a residential zone. (5/98)
  - b. A public or private elementary, middle school, or high school. (5/98)
  - c. A park or public playground. (5/98)
  - d. A house of worship. (5/98)

C. Distance Measurement

The distance referred to in item 2., above, shall be measured in a straight line, without regard to intervening structures or obstructions, from the closest point of the structure or portion of the structure containing the adult entertainment business to the closest point of the protected zone or use. (5/98)

## **2.419 SERVICE STATIONS**

Where permitted as a special use, gasoline service stations shall meet the following use and development standards. (5/98)

- A. Lot area and dimensions. Minimum lot size 10,000 square feet, minimum of 100 feet of street frontage for an interior lot and minimum of 120 feet of frontage on each street abutting a corner lot. (5/98)
- B. Yard Exceptions for Service Stations. Free standing gasoline pumps and pump islands, identification signs and lighting standards may occupy a required front or street side yard exclusive of a clear vision zone unless otherwise prohibited by this Ordinance. (5/98)
- C. Gasoline Pumps. Gasoline pumps and pump islands shall not be located so that any part of a vehicle being served will extend into any public right-of-way, alley or private drive used for access or egress. Further, gasoline pumps or pump islands shall not be built within 10 feet of a property line. (5/98)
- D. Screening. The property shall be screened from every abutting residential zone or use by a sight-obscuring fence, wall, or hedge. (5/98)
- E. Lighting. Outdoor lighting shall be directed away from residential property. (5/98)
- F. Use and operation restrictions. (5/98)
  - 1. No vehicle repairs or disassembling of vehicles other than routine maintenance, such as changing lubricants and coolant, replacement of small parts, or changing tires shall be conducted outside a building. (5/98)
  - 2. No merchandise shall be stored or displayed outside a building or underground structure except for lubricants, tires and small accessories in retail packaging or display racks. (5/98)
  - 3. No inoperative vehicles or used vehicle parts shall be stored outside a building for any period longer than 72 hours. (5/98)
  - 4. No rental recreational vehicles or moving trucks shall be parked or stored except in side or rear yards, and then no closer than 20 feet to any right-of-way. (5/98)



## **2.420 AUTOMOTIVE SERVICES**

Where permitted as a special use, automotive services are subject to the following development requirements. (5/98)

- A. Outdoor Storage. Outdoor storage of material, parts and equipment shall be prohibited. (5/98)
- B. Screening. The property shall be screened from every abutting residential zone or use by a 6 foot sight-obscuring fence or wall. (5/98)
- C. Use and operation restrictions. (5/98)
  - 1. No vehicle repairs or disassembling of vehicles other than routine maintenance, such as changing lubricants and coolant, replacement of small parts, or changing tires shall be conducted outside a building. (5/98)
  - 2. No merchandise shall be stored or displayed outside a building or underground structure except for lubricants, tires and small accessories in retail packaging or display racks. (5/98)
  - 3. No inoperative vehicles or used vehicle parts shall be stored outside a building for any period longer than 72 hours. (5/98)





## **2.421 CRAFT INDUSTRIES**

Where permitted as a conditional use, craft industries shall meet the following use and development standards. (5/98)

### **2.421.01 Definitions.**

Craft Industries are defined as manufacture or assembly as defined in SIC Major Group 39 – Miscellaneous Manufacturing Industries, when developed to the standards of this section. (5/98)

### **2.421.02 Standards**

The following Special Use standards must be met. (5/98)

- A. The portion of the site used for manufacturing or assembly shall not exceed 5,000 square feet in floor area in an MU or CM zone or 10,000 square feet in a CG zone. (5/98)
- B. In an MU or CM zone, the use shall have a retail storefront. (5/98)
- C. The use shall have no outside space used for manufacturing or assembly, storage of raw materials used in the manufacturing or assembly process, or staging of materials being either shipped in or out. (5/98)
- D. There shall be no outside loading dock. (5/98)
- E. No noise, odor, light, or vibration will emanate outside the walls of the building used for the manufacturing or assembly. (5/98)
- F. Development Prohibitions. (5/98)
  - 1. Manufacturing and assembly operations requiring permits from the Department of Environmental Quality (DEQ) for air or water discharge or similar environmental concerns shall be prohibited. (5/98)
  - 2. Primary processing of raw materials shall be prohibited. (5/98)



## **2.422 SCRAP AND WASTE MATERIALS**

Where permitted as a special use, scrap and waste materials establishments shall meet the following use and development standards. (5/98)

- A. Screening. All outdoor operations shall be screened from adjacent streets and uses by a sight-obscuring fence, wall, or hedge or by a landscaped berm. The top of the fence, wall, hedge or berm shall be at least 8 feet above the adjacent grade. (5/98)
- B. Heavy operations. If conducted out-of-doors, the following operations shall be conducted more than 300 feet away from any residential zone. (5/98)
  - 1. Shredding or baling of tires. (5/98)
  - 2. Compression, cutting, or baling of scrap metal. (5/98)
  - 3. Cutting or baling of used lumber. (5/98)
  - 4. Breaking up of concrete or masonry, other than the removal of mortar, for the salvage of stone or brick masonry products. (5/98)



## **2.423 HOUSES OF WORSHIP**

Where permitted as a special use, houses of worship shall meet the following use and development standards. (5/98)

- A. Location. Houses of worship shall be located adjacent to designated collector or arterial streets. (5/98)
- B. Side and rear setbacks. In or abutting every residential zone or use, 20 feet. (5/98)
- C. Landscaping. All required yard areas shall be landscaped. (5/98)
- D. Off-street parking. No off-street parking area shall be permitted within a required yard area or within 10 feet of a residential zone or use. For houses of worship not located on an arterial street, no more than 100 off-street spaces shall be provided. Building size and seating capacity may be limited by the maximum number of parking spaces allowed in this subsection and that effect is intended. These provisions shall not justify a variance. (5/98)
- E. Screening of off-street parking. Where any portion of an off-street parking area is within 15 feet of a lot zoned or used for residential purposes, the perimeter of the parking area facing such residential zone or use shall be screened by a sight-obscuring fence, wall, or hedge. (5/98)
- F. Street access. Unless permitted by the City, no more than two vehicle access driveways per street frontage shall be permitted. (5/98)
- G. Bus Storage. Storage of buses used to transport the congregation is permitted if buses are not parked closer than 20 feet to a lot in a residential zone. (5/98)
- H. Recreational Vehicle use. Temporary use of one recreational vehicle is permitted provided that the recreational vehicle is screened by a 6 foot tall sight-obscuring fence from any adjacent lot that is in a residential use or zone. A recreational vehicle can be used for temporary living purposes for no more than 90 total days during any calendar year. The same or a different recreational vehicle may be parked on the property for temporary living purposes, so long as the maximum number of days in a calendar year is not exceeded. (4/13)



## **2.424 ELEMENTARY AND SECONDARY SCHOOLS**

Where permitted as a special use, elementary and secondary schools (8211) shall meet the following use and development standards. (5/98)

- A. Off-street parking. No off-street parking or loading area shall be permitted within 10 feet of any residential use or zone. (5/98)
- B. Expansion. Where conditionally permitted, the square footage of the school may be increased by 25% without the need for a new conditional use. Both permanent additions and temporary buildings shall be considered in calculating the existing square footage and percentage increase. (5/98)





## **2.425 ENERGY FACILITIES**

Where permitted as a special use, Energy Facilities shall meet the following additional use and development standards. (5/98)

### **2.425.01 General Standards**

Energy facilities including hydro-electric facilities, transmission facilities, wind facilities, biomass facilities, and geothermal facilities, where permitted as a special use, shall meet the following additional use and development standards where they are referred to in the specific facility standards for the particular type of energy facility in this section. (5/98)

- A. Location Limitation. An energy facility shall not be located in the areas listed in 1., through 3., unless a facility complies with 4.. (5/98)
1. National wildlife refuges, BLM Outstanding Natural Areas, BLM Areas of Critical Environmental Concern, Federal Research Natural Areas, U.S. Forest Service Special Interest Areas, wilderness areas under the Federal Wilderness Act and areas recommended for designation as wilderness areas pursuant to Section 603 of the Federal Land Policy Management Act of 1976, Federally designated Wild and Scenic Rivers or any rivers recommended for designation by the National Park Service. (5/98)
  2. State of Oregon parks, waysides, refuges, wildlife management areas, and natural area preserves, scenic waterways and adjacent lands designated pursuant to ORS 390.845, wild fish streams designated by the Oregon Department of Fish and Wildlife, and experimental areas established by the Rangeland Resources Program, School of Agriculture, OSU. (5/98)
  3. Energy facilities shall not be located in areas designated as slide hazard areas and, except for hydroelectric facilities, in areas designated as floodplain. (5/98)
  4. An energy facility may be permitted as a conditional use in an area listed in 1., and, 2., if. (5/98)
    - a. It is compatible with adjacent uses and resources. (5/98)
    - b. It is accessory to a permitted use. (5/98)
    - c. The application is authorized or the use is approved by the public agency responsible for designation or management of the protected area in which an energy facility is proposed. (5/98)

- d. An applicant provides resources equal or better in quantity and quality to those adversely affected by a facility. (5/98)

#### **2.425.02 Transmission Facility**

- A. Location Requirements. The facility shall be built in an existing public road or utility right-of-way; and. (5/98)
  - 1. Shall not increase the average width of the clearing for the existing cleared right-of-way by more than 50 percent nor result in clearing of a right-of-way with an average width of more than 125 feet, whichever is less, and
  - 2. Will not increase the extent to which the right-of-way is in an area identified in 2.425.01 1., through 3., except as permitted in 2.425.01, 4. (5/98)

#### **2.425.03 Wind Energy Conversion System (WECS)**

- A. Height. The WECS or wind measurement device shall be not more than 200 feet in height. (5/98)
- B. Number. No more than 2 (two) WECS shall be located on the same lot. (5/98)
- C. Setbacks. The WECS shall be set back from lot lines 5 (five) rotor diameters (horizontal axis) or the total WECS height (vertical axis) whichever is greater, or the applicant shall obtain easements on adjacent properties that comply with ORS 105.900 to 105.915 for the positive area of the setback area located on adjacent properties. (5/98)
- D. Setback Restrictions. The WECS or wind measurement device (including guy wires) shall not encroach into required setbacks for primary structures in the zone or be closer than 12 feet to any major structure or right-of-way for primary aboveground telephone or electrical transmission and distribution lines. (5/98)
- E. Access Restrictions. Public access to a WECS shall be restricted by one or more of the following methods, provided that vertical access WECS shall comply with (3). (5/98)
  - 1. Removal of tower-climbing fixtures to 12 feet from the grade; or
  - 2. Installation of a landscaping, anti-climb device on the tower; or
  - 3. Installation of a minimum 8 foot high security fence. (5/98)

#### **2.425.04 Biomass Facility**

- A. Accessory Use. The Biomass facility shall be accessory to an industrial or farm use that provides at least 50 percent of the biomass fuels. (5/98)

- B. Fuel Limitation. The Biomass facility shall not use municipal solid waste as a fuel. (5/98)
- C. Combustion Limitation. If the Biomass facility involves direct combustion, it shall be located. (5/98)
  - 1. At least 5 miles from land with an elevation higher than the elevation at which the facility discharges airborne wastes; and
  - 2. At least 5 miles from a Class I Prevention of Significant Deterioration Area. (5/98)

#### **2.425.05 Geothermal Facility**

- A. Prospect Well. The Geothermal facility shall be a prospect well, a producing geothermal well providing energy through off-site transmission pipes to off-site development. (5/98)
- B. Waste Discharge. Waste facilities shall be discharged or collected so they do not enter lakes and Class I or II streams untreated (as classified by the State Department of Water Resources). (5/98)
- C. Outdoor Storage. Any structure and outdoor storage areas for the facility shall be at least 100 feet from adjacent property. (5/98)
- D. Access Restrictions. Public access to the facility site shall be restricted by providing protective fencing around well sites and temporary fencing of pits, sumps, and recently vegetated areas. (5/98)
- E. Transmission Facilities. Off-site transmission pipes shall be placed underground within a surveyed right-of-way. (5/98)



## **2.426 ELECTRICAL SUBSTATION**

Where permitted as a special use, Electrical Substations shall meet the following additional use and development standards. (5/98)

- A. Setbacks. All buildings or equipment shall be setback a minimum of 20 feet from any adjacent property line. (5/98)
- B. Height. The maximum building height shall be 35 feet; transmission lines and other electrical equipment may exceed this height limitations. (5/98)
- C. Screening. The perimeter of the property shall be screened with a minimum six foot sight obscuring fence. With the exception of the driveway access, a hedge row shall be planted on the side of the fence facing adjacent property. Neither the fence nor hedge shall violate clear vision provisions in Section 2.312. Barbed wire shall be angled so as to lean toward the interior of the substation. Electrical wire shall be prohibited. (5/98)
- D. Outdoor Storage. The outdoor storage of vehicles, tools, parts and disassembled equipment shall be prohibited. (5/98)



## **2.427 WIRELESS TELECOMMUNICATION SYSTEMS**

### **2.427.01 Purpose**

The purpose of this Section is to provide siting standards and review processes for Wireless Telecommunications Systems (WTS) facilities locating within Keizer. These regulations are designed to do the following: (3/10)

- A. Regulate the placement, appearance and number of WTS facilities. (3/10)
- B. Ensure that the citizens of Keizer will have access to a variety of WTS facilities and providers. (3/10)
- C. Reduce the visual impact of certain WTS facilities by requiring collocation if feasible. (3/10)
- D. Implement the applicable provisions of the Telecommunications Act of 1996. (3/10)

### **2.427.02 Definitions**

- A. **ACCEPTABLE SITE.** For proposed of siting WTS facilities, any land zoned Commercial General (CG), Commercial Mixed Use (CM), Commercial Office (CO) Public (P), General industrial (IG), or Industrial Agricultural (IA), Industrial Business Park (IBP), Employment general (EG) Exclusive Farm Use (EFU) is defined as an Acceptable Site. (3/10)
- B. **ANTENNA.** The specific device used to capture an incoming and/or transmit an outgoing radio-frequency signal. This definition shall include omni-directional (whip) antennas; directional (panel) antennas; parabolic (microwave dish) antennas; and ancillary antennas (i.e., GPS). All other transmitting or receiving equipment not specifically described herein shall be regulated in conformity with the type of antenna described herein which most closely resembles such equipment. (3/10)
- C. **CELL.** A geographic area where a single radio transmission sending/receiving station (per provider) and the equipment necessary to connect these radio calls to land lines or other cells are located. (3/10)
- D. **COLLOCATION.** Two or more WTS providers utilizing a structure including equipment shelters. (3/10)
- E. **CONDITIONALLY SUITABLE SITE.** For purposes of siting WTS facilities, any land zoned, Residential Limited Density (RL), Residential Medium Density (RM), Residential High Density (RH), Mixed Use (MU), Urban Transition (UT). (3/10)

- F. EQUIPMENT SHELTERS. For purposes of siting WTS facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals. (3/10)
- G. FCC. The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable. (3/10)
- H. LATTICE TOWER. A WTS structure which consists of metal crossed strips or bars which supports antennas and related equipment. (3/10)
- I. MONOPOLE. For purposes of siting WTS facilities, a WTS support structure which consists of a single tapered steel pole which supports antennas and related equipment. (3/10)
- J. WIRELESS TELECOMMUNICATIONS SYSTEMS (WTS). The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including cellular radiotelephone, personal communications services, enhanced/ specialized mobile radio, and commercial paging services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment. (3/10)

### **2.427.03 Siting and Review Process for WTS Facilities**

The siting and review process for WTS facilities is based on the type of facility and its proposed location in an Acceptable Site or Conditionally Suitable Site. The development review process shall be as specified in Section 2.427.04 or Section 2.427.05. (3/10)

### **2.427.04 Acceptable Sites**

Acceptable sites are Industrial General (IG), Agricultural Industrial (AI), Commercial General (CG), Industrial Business Park (IBP), Commercial Mixed Use (CM), Commercial Office (CO), Exclusive Farm Use (EFU), General Employment (EG) and Public (P) zoning districts. Collocation proposals on WTS structures existing as of February 1, 2010 regardless of the underlying zone is considered to be an acceptable site. The applicant shall be responsible for obtaining all necessary building and electrical permits. (3/10)

### **2.427.05 Conditionally Suitable Sites.**

Conditionally Suitable Sites are RH, RL, RM, MU, or UT zone districts and will require that a conditional use permit is obtained. Location in RS zone districts will only be considered if required under federal or state law. The Zoning Administrator shall review for compliance with the requirements in Sections 2.427.07 and 2.427.08.



The applicant shall be responsible for obtaining all necessary building and electrical permits. In addition to the listed sites above the following also shall require conditional use approval regardless of zone district: (3/10)

- A. All proposed WTS facilities in the Willamette River Greenway Overlay District. (3/10)
- B. All proposed WTS facilities located within 1,000 feet of an existing WTS facility that was designed to accommodate multiple users and that has capacity available. (3/10)
- C. All proposed WTS facilities located within a public right of way. (3/10)
- D. Existing water towers. (3/10)

#### **2.427.06 Prohibited WTS Facilities**

The following WTS facilities are not permitted:

- A. Any WTS facility in the public right of way that restricts access to adjoining property, or use of the sidewalk, or that constitutes a vision clearance violation. (3/10)
- B. Any WTS facility taller than 150 feet above finished grade at the base of the tower. (3/10)
- C. Lattice towers in any zoning district. (3/10)

#### **2.427.07 Standards for siting WTS facilities shall be as follows.** (3/10)

- A. All WTS facilities shall observe minimum lot size, lot coverage, building height and building setback requirements of the underlying zoning district unless specifically exempted or otherwise regulated by this Section. Underground facilities may encroach upon required yards or may be placed in appropriate easements. (3/10)
- B. All WTS facilities including electronic equipment shall be screened by a 6 foot high sight obscuring fence, wall, or hedge. If a fence or wall is provided it shall be landscaped around the perimeter of the fencing. All lighting shall be deflected away from adjoining properties with the exception of lighting which is required by the FAA. (3/10)
- C. Any WTS facility shall receive FCC approval. (3/10)

- D. All WTS facilities shall provide a minimum of one off-street parking space or a parking plan may be provided that can show how maintenance vehicles will be accommodated. (3/10)
- E. All equipment cabinets, boxes, etc shall be painted consistent with the color requirements in Section 2.315. (3/10)
- F. All WTS facilities located within a public right of way shall adhere to the following: (3/10)
  - 1. Use an existing utility or light pole. If it is not possible to use an existing utility or light pole, a new pole may be provided so long as it is connected to the existing utility pole system so that it appears to be an integral part of that utility system and does not jeopardize the integrity of the pole. In no case may either a new pole or an extension to an existing utility pole be 25 feet higher than the existing utility poles or 10 feet higher than a light pole. (3/10)
  - 2. A franchise agreement and/or other regulation with the city shall be required prior to the operation of any WTS within the city's right of way. (3/10)
  - 3. Where a WTS is proposed in the city's right of way where utilities are located underground no new utility poles are permitted. (3/10)
  - 4. Equipment cabinets associated with the operation of a WTS facility may not be placed within the right of way. They shall be placed on private property subject to private property owner's permission and shall comply with the fencing requirements in Section 2.309 and accessory structure requirements in Section 2.313 for determining setback requirements. (3/10)
- G. For a WTS facility abutting residential zoning districts the setback from the property line shall be determined by calculating the difference between the height of the tower and the underlying height allowed within the zone district (for example, if the height of tower is 75 feet and underlying zone allows a maximum height of 50 feet then the setback is 25 feet). In no case shall the setback be less than 25 feet. (3/10)
- H. For a WTS facility abutting non-residential property lines the setback shall be determined by calculating  $\frac{1}{2}$  the difference between the height of the tower and the underlying height allowed within the zone district (for example, if the height of tower is 75 feet and underlying zone allows a maximum height of 50 feet then the setback is 12.5 feet). (3/10)
- I. A WTS facility that is abandoned shall be removed within 90 days of abandonment. Failure to remove an abandoned WTS within this timeframe is

hereby declared a nuisance, and shall be subject to abatement under the provisions of local and state law. (3/10)

- J. Proposed WTS on existing water towers shall be designed so as to be unobtrusive and to minimally extend above the height of the tower. (3/10)
- K. Collocation is required where feasible pursuant to generally accepted engineering practices. Collocation shall not be considered infeasible due solely to cost. (3/10)
- L. WTS shall not create or emanate noise which can be heard on any abutting or adjacent property. (3/10)

**2.427.08 Submittal requirements for WTS facilities shall be as follows.**

(1/10)

- A. WTS facilities on Acceptable Sites as outlined in Section 2.427.04 shall submit the following information with the application for building and electrical permits. The Zoning Administrator shall review for compliance with the requirements in Sections 2.427.07 and Section 2.427.08. (3/10)
  - 1. A copy of that portion of the lease agreement with the property owner, including collocation provisions (where applicable), (3/10)
  - 2. A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable). (3/10)
  - 3. A map of the city showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include all other facilities owned or operated by the applicant within the City, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site. (3/10)
  - 4. A technical analysis/report of the recommended site location area for the proposed facility indicating that the RF emissions at grade, or at nearest habitable space when attached to an existing structure comply with FCC rules for such emission; the cumulative RF emissions if collated. Provide the RF range in Megahertz and the wattage output of the equipment. (3/10)
  - 5. A plot plan showing: the lease area; antenna structure; height above grade and setback from property lines; equipment shelters and setback from property lines; access; connection point with land line system; and all landscape areas intended to screen the WTS facility. (3/10)
  - 6. Photosimulation of the proposed WTS facility from a variety of vantage points. (3/10)

B. WTS providers on a Conditional Suitable Site, or those listed in Section 2.427.05, in addition to the Items required in Subsection 2.427.07 and .08 shall submit a conditional use permit application pursuant to the requirements in Section 3.103. However, in place of the review criteria in Section 3.103.03 the following criteria shall be used: (3/10)

1. Proposed use is listed as either a conditional use or a special use in the underlying zone. (3/10)
2. A technical statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.) and why it must be constructed at the proposed height. Locations adjacent to arterials are preferred. (3/10)
3. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features. (3/10)
4. The proposed use will not alter the character or aesthetics of the surrounding area. (3/10)
5. The proposed use will not limit, impair, or preclude the use of surrounding properties. (3/10)

The Zoning Administrator, or appellant body, shall use the preceding criteria to evaluate the proposal. The Zoning Administrator, or appellant body, shall not grant approval of the request unless each of the criteria has been met. Conditions may be placed pursuant to Section 3.103. (3/10)

**2.427.09** Failure to comply with the standards, provisions and conditions of this Section, and any other applicable Section of this Code, may be enforced through the Civil Infractions Ordinance. (3/10)

**2.427.10** Private amateur radio (HAM) antennas, their support structures, and direct to home satellite receiving antennas are exempt from the WTS facilities siting and review provisions of the Code, but shall otherwise comply with the applicable provisions of the underlying zoning district in which they are located. (3/10)

## **2.428            TEMPORARY COMMERCIAL ACTIVITIES AT STADIUMS**

Where permitted as a special use, temporary commercial activities at stadiums in excess of 4,000 person capacity shall meet the following additional use and development standards.(2/00)

### **2.428.01**

Temporary commercial activities may be maintained and allowed within both the stadium itself and its parking facilities subject to the following requirements.(2/00)

- A.     Such commercial activities shall be temporary in nature and shall remain subordinate to the primary use of the stadium. As used herein, “temporary” means that no single event shall exceed ninety (90) days in duration.(2/00)



## **2.429 TRANSIT STATION**

### **2.429.01 Overview**

A Transit Station functions as a major transfer point for transit passengers between various transportation modes or vehicles. The Transit Station site provides for the exclusive or priority operations of transit vehicles. A Transit Station is a significant element of the transportation system because it increases transit connections between a variety of destinations. The application to place a Transit Station is processed as a conditional use permit, however the application shall be reviewed directly by the City Council. (05/09)

### **2.429.02 Review Procedure**

The procedure for approving a Transit Station Conditional Use Permit is set forth in Section 3.101.03(B). The application is a Type II – B action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (05/09)

### **2.429.03 Submittal Requirements**

The applicant shall submit evidence addressing the criteria set forth below and a site plan that includes at a minimum: (05/09)

1. Adequate auto parking areas; (05/09)
2. Passenger waiting areas; (05/09)
3. Bicycle parking and connecting facilities; and (05/09)
4. Access to transit vehicles. (05/09)

A transit station may include ancillary transit-oriented uses. (05/09)

### **2.429.04 Criteria**

Where permitted as a conditional use, a Transit Station application, in addition to the requirements in Section 3.103, shall meet the following criteria: (05/09)

- A. Justification of the amount of area required for the use shall be established. (05/09)

- B. Need for the facility at the proposed location shall be identified. (05/09)
- C. If a park-and-ride facility is proposed, applicant shall justify the lot area, number of spaces and any accessory facilities. (05/09)
- D. Traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified. (05/09)
- E. A Transit Station shall have direct access to a collector or arterial street. (05/09)
- F. A Transit Station shall be located on land that is of sufficient size to accommodate the proposed use. (05/09)
- G. As conditioned, the Transit Station will not unreasonably impact existing or planned uses in the neighborhood of the subject property. (05/09)
- H. A transit station will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties. (05/09)

City Council has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied. (05/09)



## **2.430 PUBLIC WATER SUPPLY**

Where permitted as a special use, Public Water Supply shall meet the following additional use and development standards. (6/10)

- A. Setbacks. All buildings shall be setback from any adjacent property line consistent with provision within Section 2.102. (6/10)
- B. Height. The maximum building height shall be 35 feet. (6/10)
- C. Screening. With the exception of the front yard the perimeter of the property shall be screened with a minimum six foot sight obscuring fence. With the exception of the front yard, a hedge row shall be planted on the side of the fence facing adjacent properties. Neither the fence nor hedge shall violate clear vision provisions in Section 2.312. Notwithstanding the provisions in Section 2.312.10.A (2) barbed wire is allowed as needed to comply with security requirements. Electrical wire shall be prohibited. (6/10)
- D. Outdoor Storage. The outdoor storage of vehicles, tools, parts and disassembled equipment shall be prohibited unless screened from view. (6/10)
- E. Design. Any building which is constructed to house public water supply equipment shall incorporate design elements which are typically found on residential houses, however need not to fully comply with the provisions in Section 2.314. (6/10)
- F. Underground. Public water supply equipment which is located underground shall be exempt from these requirements. (6/10)
- G. Landscaping. Yards fronting an improved street shall be landscaped in a manner to be compatible with the surrounding area. (6/10)



## **2.431 NURSING AND PERSONAL CARE FACILITIES**

### **2.431.01 Overview**

Residential Care Facilities that are over 15 residents, or uses that are listed in SIC 805 (Nursing and Personal Care Facilities) are uses that provide limited medical care, nursing and personal care where the patients reside at the facility. An application to place this type of facility is processed as a conditional use permit, however the application shall be reviewed directly by the Planning Commission. (6/11)

### **2.431.02 Review Procedure**

The procedure for approving a Conditional Use Permit for these types of uses is set forth in Section 3.101.03(B). The application is a Type II–C action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (9/18)

### **2.431.03 Submittal Requirements**

The applicant shall submit evidence addressing the criteria set forth below in addition to the requirements in Section 3.103, and all other submittal requirements as outlined in Section 3.201. (6/11)

### **2.431.04 Criteria**

Where permitted as a conditional use, in addition to the requirements in Section 3.103, shall meet the following criteria: (6/11)

- A. Need for the facility at the proposed location shall be identified. (6/11)
- B. If determined, as noted in Section 2.301, to be warranted a traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified. (6/11)
- C. A facility shall have access provided to an arterial street. (6/11)
- D. As conditioned, the facility will not unreasonably impact existing or planned uses in the neighborhood of the subject property. (6/11)
- E. A facility will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties. (6/11)

The Planning Commission has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied. (6/11)

## **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.B). (7/23)
- C. Accessory Structures. Permitted in all zones where cottage development is permitted (section 2.432.04.C). (7/23)
- 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 three 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 have their primary entrance face the street, or a sidewalk or pedestrian path that is directly connected to the common open space. (7/23)

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. (7/23)
- 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: (7/23)
1. The existing dwelling, or detached accessory dwelling unit, may be nonconforming with respect to the requirement of this code. (7/23)
  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. (7/23)
  3. The existing dwelling, or detached accessory dwelling unit, is not required to orient towards the common area. (7/23)



## **2.433 MARIJUANA SPECIAL PERMITTED USES**

### **2.433.01 Medical Marijuana Facilities**

Where permitted as a Special Permitted Use, Medical Marijuana Facilities may be allowed provided that they comply with the following: (10/14)

- A. Obtain a state permit consistent with all applicable state regulations as developed by the Oregon Health Authority to operate a Medical Marijuana Facility; (10/14)
- B. Obtain a Keizer permit consistent with all applicable Keizer regulations to operate a Medical Marijuana Facility. (10/14)

### **2.433.02 Marijuana Grow Site**

Where permitted as a Special Permitted Use, a Marijuana Grow Site may be allowed provided that they comply with the following: (1/16)

- A. Obtain a state permit consistent with all applicable state regulations as developed by the Oregon Health Authority to operate a Marijuana Grow Site; (10/14)
- B. A Marijuana Grow Site shall be located indoors and shall not be located on the same tax lot as a Medical Marijuana Facility. (10/14)

Note that the above provisions are not intended to regulate a single marijuana grow site that operates in accordance with provisions of state statutes and are legally established as accessory to residential uses. No more than one grow site operator is allowed on a single residential tax lot. (10/14)

### **2.433.03 Marijuana Retailer**

Where permitted as a Special Permitted Use, Marijuana Retailers may be allowed provided that they comply with the following: (1/16)

- A. Obtain a state license consistent with all applicable state regulations as developed by the Oregon Liquor Control Commission; (1/16)
- B. Obtain a Keizer permit consistent with all applicable Keizer regulations to operate as a Marijuana Retailer. (1/16)

### **2.433.04 Marijuana Processor**

Where permitted as a Special Permitted Use, a Marijuana Processor may be allowed provided that they comply with the following: (1/16)

- A. Obtain a state license consistent with all applicable state regulations as developed by the Oregon Liquor Control Commission; (1/16)
- B. A Marijuana Processor may only process allowed products at a licensed premise that meets the regulations as set by the Oregon Liquor Control Commission and if applicable, the Oregon Department of Agriculture. (1/16)

### **2.433.05 Marijuana Producer**

Where permitted as a Special Permitted Use, a Marijuana Producer may be allowed provided that they comply with the following: (1/16)

- A. Obtain a state license consistent with all applicable state regulations as developed by the Oregon Liquor Control Commission; (1/16)
- B. A Marijuana Producer shall not be located at the same physical location or address as a Marijuana Grow Site unless the Producer is also the person responsible for the Marijuana Grow Site and has been issued a license by the Oregon Liquor Control Commission; (1/16)
- C. A Marijuana Producer shall be located indoors at a licensed premise as approved by the Oregon Liquor Control Commission. (1/16)

Note that the above provisions are not intended to regulate a grower that operates in accordance with provisions of state statutes and are legally established as accessory to residential uses. No more than one grower is allowed on a single residential tax lot. A Marijuana Producer as stated herein is for commercial use only. (1/16)

### **2.433.06 Marijuana Wholesaler**

Where permitted as a Special Permitted Use, a Marijuana Wholesaler may be allowed provided that they comply with the following: (1/16)

- A. Obtain a state license consistent with all applicable state regulations as developed by the Oregon Liquor Control Commission; (1/16)
- B. A Marijuana Wholesaler shall only be located at a licensed premise as approved by the Oregon Liquor Control Commission. (1/16)

## **2.434 MOBILE FOOD VENDORS**

Where permitted as a Special Permitted Use, Mobile Food Vendors may be allowed provided that they comply with the following:

- A. Obtain a license from Marion County Environmental Health or appropriate governing agency.
- B. Must be located on a site which has obtained a Mobile Food Vendor Premises Permit. (5/19)



### **3.101 SUMMARY OF APPLICATION TYPES**

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

#### **3.101.01 Type I Action - Summary**

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

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

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

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

### **3.101.02 Type II Actions - Summary**

- A. A Type II action is a quasi-judicial review in which the Hearings Officer applies a mix of objective and subjective standards that allow considerable discretion. A Type II action follows the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator may refer any application to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Appeal of a Type II decision is to the City Council. The following actions are processed under a Type II procedure: (2/01)
1. Subdivision (5/98)
  2. Planned Unit Development (5/98)
  3. Manufactured Home Parks (5/98)
- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The City Council shall hold a public hearing and make the decision. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (12/18)
1. Transit Station (5/09)
  2. Designation or Removal of a Historic Resource (9/18)
  3. Development Standards Alternative within Keizer Station (12/18)

- C. Type II-C: A quasi-judicial action in which the Planning Commission applies a mix of objective and subjective standards that allow considerable discretion. Type II-C actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The Planning Commission shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.204 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-C procedure: (12/18)
1. Nursing and Residential Care Facilities (6/11)
  2. Permit for demolition, modification, or moving of a Historic Resource (9/18)
  3. Development Standards Alternative (12/18)

### **3.101.03 Type III Actions - Summary**

A Type III action is a quasi-judicial process in which the City Council applies a mix of objective and subjective standards. A Type III action follows the procedures found in Section 3.202.04. Staff and the Hearings Officer have advisory roles for Comprehensive Plan Map Amendments and Zone Changes. Staff and Planning Commission have advisory roles for Annexations. Public notice is provided and public hearings are held before the Hearings Officer, Planning Commission and City Council as determined by the application. Section 3.204 lists the notice requirements. In addition to applications by private parties, the City Council, by resolution, may initiate a Type III action. Appeal of the decision is to the Land Use Board of Appeals (LUBA). The following actions are processed under a Type III procedure: (2/01)

- A. Comprehensive Plan Map Amendments (involving 5 or fewer adjacent land ownerships) (5/98)
- B. Zone Changes (involving 5 or fewer adjacent land ownerships) (5/98)
- C. Annexation (5/98)
- D. Keizer Station Master Plans which may include Subdivision and Partitioning (4/10)
- E. Keizer Station Master Plan Amendment (9/18)
- F. Lockhaven Center Master Plans (see Section 2.130.08) (12/19)

### **3.101.04 Type IV Actions - Summary**

A Type IV action is a legislative review in which the City considers and enacts or amends laws and policies. A Type IV action follows the procedures found in Section 3.203. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process. The following actions are processed under a Type IV procedure:  
(2/01)

- A. Text Amendments to the Comprehensive Plan (5/98)
- B. Text Amendments to the Development Code (5/98)
- C. Enactment of new Comprehensive Plan or Development Code text (5/98)
- D. Comprehensive Plan Map Amendments (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)
- E. Zone Changes (involving more than 5 adjacent land ownerships, or, non-adjacent properties) (5/98)

#### **LAND USE APPLICATION PROCESS (6/22)**

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COM-MISSION	CITY COUNCIL
Signs, Temporary Use	I-A	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Floodplain Development Permit (including Floodplain Development Permit Variances (3/10)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. decision
Greenway Development Permit	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Conditional Use (except Transit Station) (5/09)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision



LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Property Line Adjustment	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Partition	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Development Review	I-C	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Alternative Design Review for Detached Accessory Dwelling Unit (Front Yard) (1/19)	I-C	Recommendation to Planning Commission		Final Decision	Appeal of Planning Commission Decision
Variances (Major)	I-D	Final Decision		Appeal of Staff Decision	Appeal of Planning Commission Decision
Subdivision	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Planned Unit Development	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Manufactured Home Park	II	Recommendation to Hearings Officer	Final Decision		Appeal of H.O. Decision
Transit Station (5/09)	II-B	Recommendation to City Council			Final Decision
Designation or Removal of a Historic Resource (9/18)	II-B	Recommendation to City Council			Final Decision
Development Standards Alternative (12/18)	II-B	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Development Standards Alternative within Keizer Station (12/18)	II-B	Recommendation to City Council			Final Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Nursing and Residential Care Facilities (6/11)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Permit for demolition, modification, or moving of a Historic Resource (9/18)	II-C	Recommendation to Planning Commission		Final Decision	Appeal of Plan Comm Decision
Comprehensive Plan Map Amendment	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Zone Change	III	Recommendation to Hearings Officer	Recommendation to City Council		Final Decision
Annexation	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Keizer Station Master Plan Amendment	III	Recommendation to City Council			Final Decision
Lockhaven Center Master Plan	III	Recommendation to Planning Commission		Recommendation to City Council	Final Decision
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

MIDDLE HOUSING LAND DIVISION AND EXPEDITED LAND DIVISION APPLICATION  
PROCESS (6/22)

LAND USE ACTION	TYPE	STAFF	REFEREE	PLANNING COM- MISSION	CITY COUNCIL
Middle Housing Land Division (1)	N/A	Final Decision	Appeal of Staff Decision (2)		
Expedited Land Division (1)	N/A	Final Decision	Appeal of Staff Decision (2)		

(1) Per ORS 197.360, Middle Housing Land Divisions and Expedited Land Divisions are not land use decisions or limited land use decisions under ORS 197.015 or permits under ORS 215.402 or 227.160. (6/22)

(2) ORS 197.375 establishes the requirements for appeals of Middle Housing Land Divisions and Expedited Land Divisions. An appeal of the Referee's Decision is heard by the Court of Appeals. (6/22)



## **3.102 ADMINISTRATIVE LAND USE PROCEDURES**

### **3.102.01 Signs**

Section 2.308.03 establishes the procedures for review of sign permits. Administrative actions are a Type I-A review. The applicant must indicate compliance with the sign code requirements in Section 2.308. Appeal of the decision is to the Hearings Officer. (2/01)

### **3.102.02 Floodplain Development Permit**

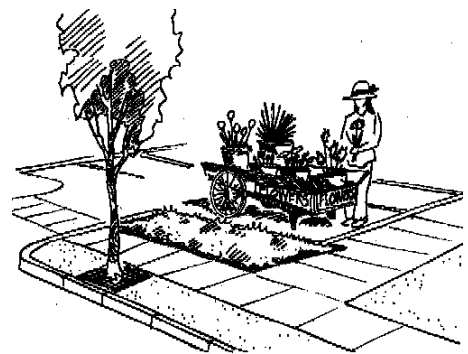
Section 2.122 establishes the procedures for review of development within the Floodplain. Administrative actions of this type are a Type I-B review. The applicant must indicate compliance with the floodplain development standards Section 2.122.05. Appeal of the decision is to the Hearings Officer. (3/10)

### **3.102.03 Greenway Development Permit**

Section 2.123 establishes the procedures for review of development within the Greenway. Administrative actions are a type I-A review. The applicant must demonstrate compliance with the Greenway development standards in Section 2.123.06. Administrative actions permit uses outright and are not subject to staff review. The proposed action, however, may require a building permit and/or floodplain development permit. Appeal of the decision is to the Hearings Officer. (2/01)

### **3.102.04 Temporary Use Permit**

- A. Permit Required. Each temporary business use under Section 2.203.04 A., shall be required to obtain a permit from the Community Development Department to operate within the City. Copies of approved permits shall be forwarded to the Police Department and Fire District. (5/98)
- B. Requirements. The permit shall be issued by the Community Development Department, upon payment of the applicable fee, provided the intended use conforms to the requirements set forth in Section 2.203.04 A., any conditions placed on approval and further provided that the applicant furnishes the following: (2/01)
  - 1. A signed statement from the property owner or lessee of the primary use on said property: (1) granting permission for the property to be used by the permit applicant, (2) copy of property deed or ground lease for subject property, (3) specifying the day(s) for which permission is granted, (4) containing the name, mailing address and telephone number of the owner or lessee,



Example of Temporary Use

and (5) acknowledging responsibility to ensure all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases. (2/01)

2. A signed statement from the permit applicant: (1) specifying the permit applicant's name, permanent home or business address (not P.O. Box), home or business telephone number, (2) specifying the type of use proposed by the applicant, (3) attaching proof that any applicable state or federal licenses or other requirements to engage in the temporary use proposed by the applicant have been granted by the appropriate governmental agencies, (4) acknowledging responsibility to ensure that all litter, trash and materials on the property associated with the temporary use are removed within two days after the temporary use ceases. (2/01)
  3. Each applicant shall be accompanied by a site plan. The site plan shall be drawn to a standard scale on a 8 ½" x 11" sheet of paper. The site plan shall include the following: (1) locations of all existing structures, (2) proposed location of temporary use, (3) parking spaces and aisles within the parking lot, (4) driveways, and (5) streets. (2/01)
- C. Fee. The permit fee may be established by the City Council by resolution. The Community Development Department shall waive the permit fee for nonprofit organizations upon a written request for the waiver of said fee and appropriate proof that such organization has been granted nonprofit status by the Internal Revenue Service. (5/98)
- D. Length of Operation. In determining the length of operation of a temporary use, the use will be deemed continuous from the first day that the permit was issued. The use will be deemed discontinued upon cessation of the temporary use, restoration of the premises as set forth herein, and surrender of the permit to the Community Development Department, which ever occurs last. The applicant may apply and be granted approval up to six months in advance of the actual issuance of the permit. (2/01)
- E. Revocation. The temporary business permit may be revoked in the event that the operating business does not conform to the requirements specified in subsection 2.203.04 A., or if any of the information in the written statements referred to in subsection 3.102.04 is false. (5/98)
- F. Denial. Denial of a temporary use permit may be appealed to the Hearings Officer. (5/98)

### **3.102.05 Development Review**

Section 2.315 establishes the procedures for compliance with the Development Standards. Development Review is an administrative action, which may be appealed to the Planning Commission. Development Review is a Type I-C administrative action. (12/18)

## **3.103 CONDITIONAL USE PERMITS**

### **3.103.01 Process**

Conditional Use Permit applications shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.202.02. (2/01)

### **3.103.02 Application and Fee**

An application for a Conditional Use Permit 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. (2/01)

### **3.103.03 Criteria for Approval**

Conditional Use Permits shall be approved if the applicant provides evidence substantiating that all the requirements of this Ordinance relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria: (5/98)

- A. The use is listed as a conditional use in the underlying district. (5/98)
- B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features. (5/98)
- C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use. (5/98)
- D. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying district. (5/98)
- E. The proposal satisfies any applicable goals and policies of the Comprehensive Plan which apply to the proposed use. (5/98)

### **3.103.04 Conditions**

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

### **3.103.05 Transfer of a Conditional Use**

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

### **3.103.06 Other Conditional Use Actions**

- A. Signs. Pursuant to Section 2.308.09 certain types of signs require Conditional Use approval. A sign conditional use contains specific decision criteria which is found in Section 2.308.09. The Conditional Use request for signs is subject to a Type I-B review process with appeals to the Hearings Officer. (9/18)
- B. Floodplain Development Permit. Pursuant to Section 2.122.06 certain types of floodplain development requires Conditional Use approval. A floodplain conditional use contains specific decision criteria which is found in Section 2.122.06. The Conditional Use request is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)
- C. Greenway Development Permit. Pursuant to Section 2.121.04 certain types of Greenway activities require Conditional Use approval. A Greenway conditional use contains specific decision criteria which is found in Section 2.121.04. The Conditional Use requests are subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)



## **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 percent 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 2.122.03.D modification of the floodplain standards requires a variance. The floodplain variance contains specific decision criteria which is found in Section 2.122.03.D.1. A Variance request is subject to a Type I-B review process with appeals to the Hearings Officer. (7/23)



## **3.106 PROPERTY LINE ADJUSTMENT**

### **3.106.01 Purpose**

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. In the event the property line between two or more properties is proposed to be moved with the consent of all parties, approval of a property line adjustment is necessary to assure the resultant parcels meet all standards of this Code. (6/16)

### **3.106.02 Application and Fee**

An application for a property line adjustment 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. The application shall include: (6/16)

- A. A copy of all recorded deeds for the existing units of land; (6/16)
- B. A site plan indicating: (6/16)
  - 1. The dimensions and areas of the units of land before and after the proposed property line adjustment; (6/16)
  - 2. Building setbacks and location to existing and proposed property line adjustment. (6/16)

### **3.106.03 Applicability**

Under the following provisions and in accordance with Section 2.310.03.B, a property owner(s) or his designate may propose a property line adjustment. (6/16)

### **3.106.04 Criteria – Property Line Adjustment**

Staff may grant a property line adjustment in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (6/16)

- A. The adjustment of lot lines results in no more parcels than originally existed. (5/98)
- B. The proposed property line adjustment results in parcels that meet all area and dimension standards of this Code; and (6/16)
- C. The proposed property line adjustment does not locate lot lines in violation of the setback and height provisions of the Code relative to existing structures and improvements. (6/16)

- D. The property line adjustment involves only lots or parcels that have been lawfully created. (6/16)
- E. The property line adjustment by itself does not prohibit any property from accessing either a public right of way or an access easement. (6/16)

### **3.106.05 Process for Final Approval**

- A. Survey. Within 2 year of the final decision, a preliminary plat, survey of record, property line adjustment deed or other document as required by Marion County Surveyor shall be recorded or filed. If such document is not submitted within 2 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the property line adjustment. (9/20)
- B. Recording of Approved Plat, Survey of Record, Property Line Adjustment Deed or Other Document. No building permit shall be issued until the appropriate documents have been recorded with the County Recorder. The applicant shall be responsible for all recording fees. (6/16)

## **3.107 PARTITIONS**

### **3.107.01 Purpose**

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. The development standards for Partitioning are provided for the orderly, safe, efficient and livable development of land within the City of Keizer. (2/01)

### **3.107.02 Applicability**

A partition is required for any land division that creates two or three parcels in a calendar year. (2/01)

### **3.107.03 Application and Fee**

An application for a partition 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. (2/01)

### **3.107.04 General Provisions**

- A. Validity. Partition approval is valid in perpetuity, upon recording of the final surveyed plat. (2/01)
- B. Number of Parcels. No parcel within an approved partition may be redivided within the same calendar year in which it was recorded, except through the subdivision process. (2/01)
- C. Master Plan. A master plan for development may be required for any application that leaves a portion of the subject property capable of replatting. (7/07)

### **3.107.05 Submittal Requirements for Preliminary Review**

- A. Application Process. Applications for partitions shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (5/98)
- B. Submittal Requirements. Each application shall be accompanied by a preliminary partition plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (5/98)
  - 1. Appropriate identification stating the drawing is a preliminary plan. (5/98)
  - 2. North point, scale and date. (5/98)

3. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)
4. Assessor Map number and tax lot number of subject property. (2/01)
5. The property lines and approximate area of the subject property. (2/01)
6. Dimensions and size in square feet or acres of all proposed parcels. (5/98)
7. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (5/98)
8. Future Street Plan. A future street plan shall be submitted with partition proposals that include (a) public street(s) to connect to adjacent property for future development. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (1/02)

### **3.107.06 Process for Preliminary Review**

Preliminary plats for partitions shall be reviewed in accordance with the Type I-B review procedures specified in Section 3.202.02. (2/01)

### **3.107.07 Review Criteria**

Approval of a partitioning shall require compliance with the following: (5/98)

- A. Each parcel shall meet the access requirements of Section 2.310.03.D. (5/98)
- B. Each parcel shall satisfy the dimensional standards of applicable zoning district, unless a variance from these standards is requested and is approved. (7/07)
- C. Each parcel shall comply with the requirements of Section 2.310. (2/01)
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (1/02)
- E. Each parcel shall comply with the applicable requirements within Sections 2.301 (General Provisions) ; 2.302 (Street Standards); 2.303 (Off-Street Parking and



Loading); 2.305 (Transit Facilities); 2.306 (Stormwater Management); 2.307 (Utility Lines and Facilities); and 2.309 (Site and Landscaping Design). (1/23)

- F. Adequate public facilities shall be available to serve the existing and newly created parcels. (5/98)

### **3.107.08 Process for Final Plat Approval**

- A. Survey. Within 2 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded. If the final survey is not submitted within 2 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the partition. (9/20)
- B. Final Approval. If the partition plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat. (5/98)
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees. (2/01)
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney, as provided for in Subsection 3.202.05.B. (2/01)



## **3.108 SUBDIVISIONS, PLANNED UNIT DEVELOPMENTS, AND MANUFACTURED HOME PARKS**

### **3.108.01 Purpose**

The development standards in this Development Code protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other development standards that apply to various uses. Development standards for Subdivisions are provided for the orderly, safe, efficient and livable development of land within the City of Keizer. Planned Unit Development standards allow flexibility and encourage a more creative approach in the development of land. Manufactured Home Park standards are developed to protect the public health, safety and welfare by establishing standard setbacks, minimum lot areas, density, and other applicable development standards. (2/01)

### **3.108.02 Application and Fee**

An application for a Subdivision, Planned Unit Development or Manufactured Home Park shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application in accordance with Section 3.201.03 and that addresses the review criteria of this Section. (2/01)

### **3.108.03 Applicability**

A subdivision (or planned unit development) is required for any land division that creates more than three parcels in a calendar year. A Manufactured Home Park approval is required for establishing such a park. (2/01)

### **3.108.04 Submittal Requirements**

- A. Application Process. Applications for all subdivisions, planned unit developments, and manufactured home parks shall be submitted on forms provided by the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application, and to assure that it addresses the review criteria of this Section. (2/01)
- B. Submittal Material. The following submittal requirements shall apply to all Preliminary Plan applications for subdivisions, planned unit developments, and manufactured home parks. (5/98)
  - 1. All applications shall be submitted on forms provided by the City to the City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section. (5/98)
  - 2. Submittal Requirements. Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet

nor more than one inch equals 200 feet, and containing at a minimum, the following: (5/98)

- a. Appropriate identification stating the drawing is a preliminary plan. (5/98)
- b. North point, scale and date. (5/98)
- c. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (5/98)
- d. Assessor Map and tax lot number of subject property. (2/01)
- e. The property lines and approximate area of the subject property. (2/01)
- f. Dimensions and size in square feet or acres of all proposed parcels. (5/98)
- g. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (5/98)
- h. The name, address and phone number of the applicant engineer, land surveyor, or person preparing the application; (5/98)
- i. Name of the PUD, subdivision, or manufactured home park. (5/98)
- j. Date the drawing was produced. (2/01)
- k. Vicinity sketch showing location of the proposed land division. (5/98)
- l. Identification of each lot or parcel and block by number. (5/98)
- m. Gross acreage of property being subdivided or partitioned. (5/98)
- n. Direction of drainage and approximate grade of abutting streets. (5/98)
- o. Streets proposed and their names, approximate grade, and radius of curves. (5/98)
- p. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (5/98)
- q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (5/98)

- r. All areas to be offered for public dedication. (5/98)
  - s. Future Street Plan. Applicants for a subdivision, planned unit development, or manufactured home park shall submit as a part of their application, a future street plan. The future street plan shall show the pattern of existing and future streets from the boundaries of the proposed land division and shall include other parcels within 500 feet of the proposed land division property line. The City may determine future neighborhood street connections. A future street proposal may be modified when subsequent development proposals are submitted. (01/02)
- C. Supplemental Information. The following supplemental information shall be required for all PUD Preliminary Plan applications: (2/01)
  - 1. Calculations justifying the proposed density of development. (5/98)
  - 2. Proposed uses of the property, including sites, if any, for attached dwelling units, recreational facilities, parks and playgrounds or other public or semi-public uses. Clearly indicate the purpose, conditions and limitations of such reservations. (2/01)
  - 3. The approximate location and dimensions of all commercial or multi-family structures proposed to be located on the site. (5/98)
  - 4. Written statement identifying improvements to be made or installed including streets, sidewalks, bikeways, trails, lighting, tree planting, landscaping, and time such improvements are to be made or completed. (2/01)
  - 5. Written statement outlining proposals for ownership and maintenance of all open space areas, private streets and any commonly owned facilities. (5/98)
  - 6. Traffic Impact Analysis, if required pursuant to Section 2.301.03 of this code. (7/09)

### **3.108.05 Review Procedures**

- A. Hearings Officer. All Preliminary Plans for subdivisions, PUDs, and manufactured home parks shall be heard by the Hearings Officer pursuant to the procedures set forth in Section 3.202.04. (2/01)
- B. Time Limit. Approvals of any preliminary plans for a subdivision, PUD, or manufactured home park shall be valid for two years after the date of the written decision. A Final Plat for a subdivision shall be recorded within this time period or the approvals shall lapse. PUDs or manufactured home parks, which do not involve the subdivision of property, shall show substantial progress toward the construction of the project within the two year period or the approval shall lapse. (9/20)

- C. Time Extension. The City staff may extend the approval period for any subdivision, PUD, or manufactured home park for not more than 1 additional year at a time. Requests for extension of approval time shall be submitted in writing thirty days prior to the expiration date of the approval period. (5/98)
- D. Reapplication Required. If the approval period is allowed to lapse, the applicant must resubmit the proposal, including all applicable fees, for public hearing before the Hearings Officer. The applicant will be subject to all applicable standards currently in effect. (5/98)

### **3.108.06 Review Criteria**

Approval of a subdivision, PUD, or manufactured home park shall require compliance with the following: (2/01)

- A. The proposal shall comply with the applicable development standards in Section 2.405 and Section 2.3, as appropriate, including provisions for streets and utilities. (5/98)
- B. Each lot shall satisfy the dimensional standards and density standard of the applicable zoning district, unless a variance from these standards is approved. (5/98)
- C. Adequate public facilities shall be available and shall serve the existing and newly created parcels. (2/01)
- D. Rough Proportionality. Improvements or dedications required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements or dedications are roughly proportional to the impact. (01/02)

### **3.108.07 Form of Final Subdivision Plat**

- A. Final Plat Requirements. The final plat shall be prepared in a form and with information consistent with ORS 92.010-92.160, and approved by the County Surveyor. (2/01)
- B. Owners Association. Where applicable, all Owners Agreements, Articles and By-Laws shall be submitted with the final plat for review by the City Attorney. (5/98)
  - 1. The Zoning Administrator, until the Owners Association Agreement, Articles and By-Laws are approved shall not approve the final plat. (5/98)
  - 2. The Owner's Association Agreement shall be consistent with Chapter 94, Oregon Revised Statutes. (5/98)

3. A Certificate of Formation of a non-profit corporation, with a State seal, for the Owners Association, shall be submitted with the final plat for review by the Planning Commission. (5/98)
  4. Signed, original documents of the Owners Association Agreement, Articles and By-Laws and the Certificate of Formation described in (3) above, shall be recorded with the final plat. (5/98)
- C. Subdivision Names. All plat names shall conform to ORS 92.090. (5/98)

### **3.108.08 Final Plat Review of Subdivisions**

- A. Final Review. The final subdivision or planned unit development plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The Zoning Administrator shall signify staff approval of the final plat by signing the final plat. (2/01)
- B. Filing Final Plat. The final subdivision plat shall be filed with the Marion County Clerk's Office. (5/98)





## **3.109 COMPREHENSIVE PLAN MAP AMENDMENTS**

### **3.109.01 Process**

Amendments to the Comprehensive Plan map shall be reviewed as a Type III action for amendments affecting 5 or fewer parcels. Map amendments affecting more than 5 adjacent parcels shall be reviewed as a Type IV action in accordance with the procedures specified in Section 3.203.02. (2/01)

### **3.109.02 Application and Fee**

An application for a map amendment 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)

### **3.109.03 Submittal Requirements**

Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (2/01)

- A. Appropriate identification stating the drawing is a preliminary plan. (2/01)
- B. North point, scale and date. (2/01)
- C. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (2/01)
- D. Assessor Map and tax lot number of subject property. (2/01)
- E. The property lines and approximate area of the subject property. (2/01)
- F. Dimensions and size in square feet or acres of all proposed parcels. (2/01)
- G. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section or political boundary lines. (2/01)
- H. The name, address, and phone number of the applicant, engineer, land surveyor, or person preparing the application. (2/01)
- I. Name of the PUD, subdivision, or manufactured home park. (2/01)
- J. Date the drawing was produced. (2/01)
- K. Vicinity sketch showing location of the proposed land division. (2/01)
- L. Identification of each lot or parcel and block by number. (2/01)

- M. Gross acreage of property being subdivided or partitioned. (2/01)
- N. Direction of drainage and approximate grade of abutting streets. (2/01)
- O. Streets proposed and their names, approximate grade, and radius of curves. (2/01)
- P. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (2/01)
- Q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (2/01)

### **3.109.04 Criteria for Approval**

Comprehensive Plan map amendment proposals shall be approved if the applicant provides evidence substantiating the following: (2/01)

- A. Compliance is demonstrated with the statewide land use goals that apply to the subject properties or to the proposed land use designation. If the proposed designation on the subject property requires an exception to the Goals, the applicable criteria in the LCDC Administrative Rules for the type of exception needed shall also apply. (5/98)
- B. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated. (5/98)
- C. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan. (5/98)
- D. The Plan provides more than the projected need for lands in the existing land use designation. (5/98)
- E. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity. (5/98)
- F. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands. (5/98)
- G. Public facilities and services necessary to support uses allowed in the proposed designation are available or are likely to be available in the near future. (5/98)

## **3.110 ZONE CHANGE**

### **3.110.01 Process**

Zone change shall be reviewed in accordance with the Type III review procedures specified in Section 3.202.03. Type III reviews shall be limited to zone changes affecting 5 or fewer adjacent parcels. A Type IV review shall be required for any zone change affecting more than five adjacent parcels. (5/98)

### **3.110.02 Application and Fee**

An application for a zone change 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)

### **3.110.03 Submittal Requirements**

Each application shall be accompanied by a preliminary plat drawn to scale of not less than one inch equals 50 feet nor more than one inch equals 200 feet, and containing at a minimum, the following: (2/01)

- A. Appropriate identification stating the drawing is a preliminary plan. (2/01)
- B. North point, scale and date. (2/01)
- C. Name and addresses of land owner, applicant, engineer, surveyor, planner, architect or other individuals responsible for the plan. (2/01)
- D. Assessor Map and tax lot number of subject property. (2/01)
- E. The property lines and approximate area of the subject property. (2/01)
- F. Dimensions and size in square feet or acres of all proposed parcels. (2/01)
- G. The approximate location of existing streets, easements or right-of-ways adjacent to, or within, the subject property, and, existing improvements on the property and important features such as section, political boundary lines. (2/01)
- H. The name, address, and phone number of the applicant, engineer, land surveyor, or person preparing the application. (2/01)
- I. Name of the PUD, subdivision, or manufactured home park. (2/01)
- J. Date the drawing was produced. (2/01)
- K. Vicinity sketch showing location of the proposed land division. (2/01)
- L. Identification of each lot or parcel and block by number. (2/01)

- M. Gross acreage of property being subdivided or partitioned. (2/01)
- N. Direction of drainage and approximate grade of abutting streets. (2/01)
- O. Streets proposed and their names, approximate grade, and radius of curves. (2/01)
- P. Any other legal access to the subdivision, PUD, manufactured home park, or partition other than a public street. (2/01)
- Q. Contour lines at two foot intervals if 10% slope or less, five foot intervals if exceeding 10% slope, and a statement of the source of contour information. (2/01)

### **3.110.04 Criteria for Approval**

Zone change proposals shall be approved if the applicant provides evidence substantiating the following: (5/98)

- A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification. (5/98)
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity. (5/98)
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance. (5/98)
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property. (5/98)
- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met. (5/98)
- F. The following additional criteria shall be addressed: (5/98)
  - 1. The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone during the next 5 years, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use. (5/98)
  - 2. The supply of vacant land in the existing zone is adequate, assuming the zone change is granted, to accommodate the projected rate of development of uses allowed in the zone during the next 5 years. (5/98)

3. The proposed zone, if it allows uses more intensive than other zones appropriate for the land use designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties. (5/98)

### **3.110.05 Zone Change Conditions**

- A. Imposition of Conditions. Approval of a zone change application may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that: (5/98)
  1. The zone change will allow uses more intensive than allowed in the current zone; and (5/98)
  2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and (5/98)
  3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and (5/98)
  4. The conditions are based upon policies or standards in the Comprehensive Plan or other standards adopted by the City of Keizer. (5/98)
- B. Conditions. Conditions that could meet the criteria in A., include, but are not limited to: (5/98)
  1. Dedication of right-of-way for public streets, utility easements, etc. (5/98)
  2. Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks. (5/98)
  3. Provision of storm drainage facilities. (5/98)
  4. Extension of public sewer, storm drain, and water service including over-sizing to permit development on other lands. (5/98)
  5. Provision of fire suppression facilities and equipment. (5/98)
  6. Provision of transit and traffic control facilities. (5/98)
  7. Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation. (5/98)
  8. Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property. (5/98)

9. Financial contributions to public agencies to offset increased costs for providing services or facilities related to the intensification of the use of the property. (5/98)

## **3.111 TEXT AMENDMENTS**

### **3.111.01 Purpose**

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as “map & text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in law. (2/01)

### **3.111.02 Process**

Amendments to the Comprehensive Plan and Development Ordinance texts shall be reviewed in accordance with Type IV procedures specified in Section 3.203. Type IV reviews shall also apply to Comprehensive Plan amendments and Zone Changes involving more than 5 adjacent land ownerships, or, non-adjacent properties. (2/01)

### **3.111.03 Application and Fee**

A Plan or Ordinance text amendment can be initiated by staff, the Planning Commission or City Council. Upon initiation of an amendment staff shall establish a file and set a schedule to review the proposed changes before the Planning Commission and the City Council. No fee is required. (7/06)

### **3.111.04 Criteria for Approval**

Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following. Amendments to the map shall be reviewed for compliance with each of the following, while text amendments shall only be reviewed for compliance with B, C, and D: (7/06)

- A. Impact of the proposed amendment on land use and development patterns within the city, as measured by: (5/98)
  - 1. Traffic generation and circulation patterns; (5/98)
  - 2. Population concentrations; (5/98)
  - 3. Demand for public facilities and services; (5/98)
  - 4. Maintenance of public health and safety; (5/98)
  - 5. Level of park and recreation facilities; (5/98)
  - 6. Economic activities; (5/98)
  - 7. Protection and use of natural resources; (5/98)
  - 8. Natural hazards and constraints;

9. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvement programs. (5/98)
- B. A need exists for the proposed amendment. (7/06)
- C. The proposed amendment complies with all applicable Statewide Planning Goals and applicable administrative rule requirements. (7/06)
- D. The amendment is appropriate as measured by at least one of the following criteria: (5/98)
  1. It corrects identified error(s) in the provisions of the plan. (5/98)
  2. It represents a logical implementation of the plan. (5/98)
  3. It is mandated by changes in federal, state, or local law. (5/98)
  4. It is otherwise deemed by the council to be desirable, appropriate, and proper. (5/98)

### **3.111.05 Transportation Planning Rule Compliance**

- A. Review of Applications for Effect on Transportation Facilities. A proposed comprehensive plan amendment, zone change or land use regulation change, whether initiated by the City or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the proposal would:
  1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  2. Change standards implementing a functional classification system; or
  3. As measured at the end of the planning period identified in the adopted transportation system plan:
    - a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or



- c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- B. Amendments That Affect Transportation Facilities. Amendments to the comprehensive plan and land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
  - 1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - 2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
  - 3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  - 4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
- C. Traffic Impact Analysis. A Traffic Impact Analysis shall be submitted with a plan amendment or zone change application. (See Section 2.301.03 Traffic Impact Analysis (TIA)).



## **3.112 ANNEXATIONS**

### **3.112.01 Authority of City to Annex**

The boundary of the City may be extended by the annexation of territory not then within the City and which territory is within the urban growth boundary and contiguous to the City or separated from it by a stream or right-of-way only or is consistent with Marion County Comprehensive Plan Policies and applicable state regulations. (6/10)

### **3.112.02 General Annexation Procedure**

- A. Public Hearing. Following submission of annexation proposal or initiation, the City Recorder shall set a date for hearing with the Planning Commission. Notice shall be pursuant to the proposed method of annexation. (5/98)
- B. Planning Commission Action. The Planning Commission shall hear testimony and shall recommend approval or denial of the proposed annexation and submit such recommendation to the Council. The Planning Commission's decision shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. For all annexations the decision shall state how the proposal will: (6/10)
  - 1. Affect the community's air resources; (5/98)
  - 2. Promote an orderly, timely and economical transition of rural and agricultural lands into urbanized lands; (5/98)
  - 3. Relate to areas with natural hazards; (5/98)
  - 4. Affect the fish and wildlife in the proposed annexation; (5/98)
  - 5. Utilize energy resources and conserve energy use; (5/98)
  - 6. Protect open spaces and scenic views and areas; (5/98)
  - 7. Provide for transportation needs in a safe, orderly and economic manner; (5/98)
  - 8. Provide for an orderly and efficient arrangement of public services; (5/98)
  - 9. Provide for the recreation needs of the citizens; (5/98)
  - 10. Affect identified historic resources and provide for the preservation of such resources; (9/18)
  - 11. Improve and enhance the economy of the City; and
  - 12. Provide quality, safe housing through a variety of housing types and price ranges. (5/98)

- C. City Council Action. The City shall set a date for a public hearing with the Council upon receipt of the Planning Commission's recommendation. Notice shall be pursuant to the proposed method of annexation. After considering all testimony the Council shall sustain or reverse the Planning Commission's recommendation. The Council shall, in a written form, state the rationale used in justifying the decision, and that the decision is in conformance with the City's comprehensive plan. The decision shall state how the proposed annexation will address the criteria stated in 3.112.02 (B). (5/98)

### **3.112.03 Annexation by Election**

- A. Election Process. The Council, upon approval of the annexation proposal, has the authority to submit, except when not required under ORS. 222.850 to 222.915, or to dispense with submitting the proposal for annexation to the registered voters of the City. (2/01)
- B. General or Special Election. The proposal for annexation may be voted upon at a general election or at a special election to be held for that purpose. The proposal for annexation may be voted upon by the voters of the City and of the territory simultaneously or at different times not more than twelve months apart. (5/98)
- C. Multiple Annexations. Two or more proposals for annexation may be voted upon simultaneously; however in the City each proposal shall be stated separately on the ballot and voted on separately, and in the territory proposed for annexation no proposal for annexing other territory shall appear on the ballot. (5/98)
- D. Notice. The Council shall give notice of each annexation election by publication prior to such election one each week for four successive weeks in a newspaper of general circulation in the City. Whenever simultaneous elections are held, the same notice and publication shall fulfill the requirements of publication for the City election and the election held in the territory. Notice shall also be given by posting notices of the election in four public places within the City if votes are to be cast therein and four public places in each territory proposed to be annexed for a like period as provided in this section for publication of notice. The notice shall distinctly state the proposition to be submitted, shall contain a legal description of, and a map indicating the boundaries of each territory proposed to be annexed, and the registered voters shall be invited thereby to vote upon such annexation. The Council shall also designate and the notice shall state the hours during which the polls will be open within the City and each territory proposed to be annexed. If the election is to be held at the usual precinct polling places designated for a general election held at that time, or if the election is not held at the same time as a general election, but is held at the same polling places used for the last preceding general election, the notice shall so state; if any polling place is to be different than the regular polling places, the notice shall describe the location of the polling places to be used in the area or precincts in which the polling places are different. (5/98)

#### **3.112.04 Annexation Procedure Without City Election**

- A. Council Hearing. By ordinance, the Council may elect to conduct a hearing on the annexation and set a date for a public hearing, at which time the registered voters of the City can be heard on the annexation proposal. (5/98)
- B. Published Notice. Notice of the public hearing shall be published once a week for two successive weeks prior to the day of the hearing, in a newspaper of general circulation in the City, and posted in four public places in the City for a like period. (5/98)
- C. Written Notice. Written notice shall be given to all property owners within the boundaries of the proposed annexation and within 500 feet of the external boundaries of the proposed annexation. (5/98)
- D. Public Hearing. After the public hearing the Council, by ordinance subject to referendum, and containing a legal description of the proposed annexation declare that the territory is annexed to the City where persons with land ownership in the proposed territory consent in writing to such annexation as provided in Section 3.200. (2/01)

#### **3.112.05 Annexation Procedure with Election in Proposed Territory**

Property Owner Petition. The Council need not call or hold an election in any contiguous territory proposed to be annexed, or post notice in the contiguous territory, if more than half the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory consent in writing to the annexation of their land in the territory and file the annexation proposal on or before the day: (5/98)

- A. The public hearing procedure shall be pursuant to Subsections 3.112.02 (A) and (B); and Subsections 3.112.04 (B), and (C). If the Council dispenses with submitting the question to the registered voters of the City; or (5/98)
- B. The Council takes the necessary action to call the annexation election in the City under Subsection 3.112.03 (D), if the Council submits the question to the registered voters of the City. (5/98)

#### **3.112.06 Island Annexation**

- A. City Council Authority. It is within the power and authority of the City by ordinance subject to referendum, to annex land, provided it is not an incorporated City, that is surrounded by the corporate limits or boundaries of the City, with or without consent of any property owner or resident in the territory. (5/98)
- B. Notice and Procedures. Notice and procedures for public hearing without election shall be provided pursuant to the provisions of Section 3.112.02 and 3.112.04 Notice and procedures by election shall be provided pursuant to Section 3.112.03. & 3.112.05 (2/01)

### **3.112.07 Submission of Annexation Reports**

- A. Notice to County. The City shall report all changes in the boundaries or limits of the City to the County Clerk and County Assessor. The report shall contain a legal description of the new boundaries and shall be filed within 10 days from the effective date of the change of any boundary lines. (5/98)
- B. Notice to State. With the exception of "Island Annexation" the City Recorder shall submit to the Secretary of State: (5/98)
  - 1. A copy of the annexation ordinance; (5/98)
  - 2. An abstract of the vote within the City if votes were cast therein, which shall show the whole number of registered voters voting therein on the annexation, the number of votes cast against annexation; (5/98)
  - 3. A copy of the statement of consent of landowners in the territory annexed; (5/98)
  - 4. A copy of the ordinance of the City declaring that no election is required in the City; and (5/98)
  - 5. An abstract of the vote upon the referendum if a referendum petition was filed with respect to the deferred ordinance. (5/98)

### **3.112.08 Effective Date of Annexation**

The annexation shall be complete from the date of filing with the Secretary of State as provided in ORS 222.150, 222.160, 222.170, 111.900, and Subsection 3.112.07 (B). Thereafter, the annexed territory shall be and remain part of the City. The date of such filing shall be the effective date of annexation, provided such filing is not made later than 90 days prior to any general or primary election; otherwise, the effective date of such annexation shall be the day after the primary or general election next following the date of filing. (5/98)

### **3.112.09 Zone Designation of Annexed Property**

The City Council shall establish the appropriate Comprehensive plan designation and Zoning district upon annexation of the property to the City. (5/98)

## **3.113 KEIZER STATION MASTER PLAN**

### **3.113.01 Area of Application**

The Keizer Station Plan requires the development of Master Plans for each of the five Areas. This process provides the City Council with an opportunity to review development proposals in conformance with the Keizer Development Code and the adopted Keizer Station Plan. Each Master Plan shall be reviewed through a Type III review process. (9/18)

### **3.113.02 Review Procedures**

The Keizer Station Plan identifies different areas for planned development. Each area has provisions to be approved through the Keizer Station Master Plan (Type III) application procedure. (9/18)

Type III actions follow the procedures found in Section 3.202.04. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission which then makes a recommendation to the City Council for public hearing and final decision. In the case of an amendment to a previously approved master plan, the Zoning Administrator shall make a recommendation to the City Council for public hearing, bypassing the Planning Commission. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.205 and 3.206 sets forth the hearings process. (9/18)

Properties in Area C may develop as an individual parcel with a Conditional Use Permit (Type I-B) approved by the Zoning Administrator in accordance with the applicable criteria and subject to conditions of approval in Section 3.113.04. Areas A, B, D, and two or more parcels in Area C, may develop with Type III Keizer Station Master Plan approval by the City Council. (9/18)

### **3.113.03 Submittal Requirements**

1. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way and pedestrian connections), utilities, open space and parking areas, depicting the number and types of spaces. (2/03)
2. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation. (2/03)
3. Building elevations, typical cross-sections and typical wall sections of all building areas. (2/03)

4. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials. (2/03)
5. Elevations, typical cross sections of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts. (2/03)
6. Proposed layouts for exterior signage and graphics. (2/03)
7. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns. (2/03)
8. An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any. (2/03)
9. A description of servicing requirements, trash compactors and related areas, loading docks, etc. (2/03)
10. Calculation of gross building, parking and open space. (2/03)
11. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (2/03)
12. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (2/03)

### **3.113.04 Review Criteria**

Approval of a Master Plan for an area of the Keizer Station Plan shall require compliance with the following: (2/03)

- A. The master plan shall meet the purpose and objectives identified in the Keizer Station Design Plan. (2/03)
- B. The master plan shall meet the following standards as identified in the Keizer Station Plan in addition to standards within applicable zones: (2/03)
  1. Design standards (2/03)
  2. Transportation system standards (2/03)
  3. Utility standards (2/03)



4. Parking standards (2/03)
5. Landscape standards (2/03)

If a conflict exists between standards within the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards shall be applied. (2/03)

C. Development Strategies (4/10)

1. Pedestrian Access, Safety and Comfort (2/03)

- a. To ensure safe, direct, and convenient pedestrian circulation, development, shall provide a continuous pedestrian and/or multi-use path system. (4/10)
- b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (2/03)
- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (2/03)
- d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (2/03)
- e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (2/03)
- f. For driveways that service more than 100 parking spaces, shall not have any parking within twenty-five feet of the driveway intersection. This area shall be landscaped in accordance with Section 2.309 of the Keizer Development Code. (4/10)
- g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

2. Crime Prevention and Security (2/03)

Crime prevention shall be considered in the site design through application of all of the following guidelines: (2/03)

- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (2/03)
- b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (2/03)
- c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (2/03)
- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (2/03)
- e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

### 3. Reduced Parking (2/03)

Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (2/03)

4. Creating and Protecting Public Spaces (2/03)

- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (2/03)
- b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (2/03)

5. Human Scaled Building Design (2/03)

Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (2/03)

6. Request for Reallocation of Retail Square Footage Limit

The Keizer Station Plan (as amended) allows an applicant to request a reallocation of the retail square footage limits in the context of a Master Plan. If an applicant is requesting such reallocation, the applicant shall comply with the following criteria: (9/18)

- a. Does not result in significant adverse traffic impacts beyond those mitigated in the Keizer Station Master Plan TIA or that any resulting impacts can be mitigated in order to maintain the Level of Service and volume/capacity Standards in the Keizer Station TIA; (9/18)
- b. The reallocation results in a total limitation of no more than 975,000 square feet for all of the Keizer Station Plan area; (6/10)
- c. Other property owners in the Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (6/10)
- d. Residents and/or property owners in the vicinity of Keizer Station will not be unduly burdened by the direct or indirect effects of the reallocation. (6/10)
- e. Considering all positive and negative impacts overall, the citizens of Keizer will benefit from the reallocation. (6/10)

A reallocation shall not reduce the amount of retail square footage allowed in an approved Master Plan for a different Area without the amendment of the Master Plan for such different Area. (9/18)

### **3.113.05 Conditions of Approval**

The City may attach conditions to any development within an Activity Center to achieve the following objectives: (2/03)

- A. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require: (2/03)
  - 1. Orienting building and facilities towards transit services. (2/03)
  - 2. Minimizing transit/auto conflicts. (2/03)
  - 3. Encouraging transit supportive uses. (2/03)
  - 4. Minimizing walking distance to transit stops. (2/03)
  - 5. Avoiding excess parking areas. (2/03)
  - 6. Encouraging shared parking and structures or under-structure parking.
- B. Pedestrian/Bicycle Circulation. The development shall facilitate pedestrian/bicycle circulation. This may require: (2/03)
  - 1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments with the Activity Center facilities, and surrounding development. (2/03)
  - 2. Separating auto and truck circulation and activities from pedestrian areas. (2/03)
  - 3. Pedestrian-oriented design. (2/03)
  - 4. Pedestrian amenities. (2/03)
  - 5. Bicycle parking. (2/03)
  - 6. Outdoor lighting. (2/03)
- C. Coordination. Coordination of development within an Activity Center area. This may require: (2/03)
  - 1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (2/03)
  - 2. Siting and orientation of land uses. (2/03)
  - 3. Frontage roads or shared access. (2/03)

- D. Compatibility. Developments within the Activity Center should be compatible with, and complement the surrounding neighborhood. This may require: (2/03)
  - 1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (2/03)
  - 2. Buffering of adjacent residential uses. (2/03)
- E. Other Conditions. The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan. (2/03)
- F. Traffic Impact. To minimize congestion and traffic impact within the development and in adjacent areas. (2/03)

### **3.113.06 Master Plan Amendment Process**

Amendments to an adopted Master Plan may be allowed subject to the provisions of this Section. (9/18)

- A. Applicability. The amendment process is limited to the following:
  - 1. Site plan changes that have no increase to overall square footage allowed in the existing Master Plan and cause no increase in the overall vehicle trips generated. For example, an amendment could be a change in the number of buildings and their location. (9/18)
  - 2. Landscaping design changes. (9/18)
  - 3. Changes to building design. (9/18)

Any other proposed changes to any adopted Master Plan shall be processed as a new Master Plan application. (9/18)

- B. Application Submittal Requirements:
  - 1. All changes to any items identified in Section 3.113.03. (9/18)
  - 2. A written explanation demonstrating how the proposed amendment is generally consistent with the adopted Master Plan. (9/18)
  - 3. A transportation analysis demonstrating consistency with the adopted Master Plan Traffic Impact Analysis (TIA). (9/18)
  - 4. An overall Master Site Plan which includes details for the subject area of change as well as the incorporation of those changes into the entire Master Plan Area, (9/18)

C. Review Criteria:

1. All applicable review criteria of Section 3.113.04 considering the type and extent of the proposed amendment. (9/18)
2. The amendment is consistent with the adopted Master Plan, or achieves an equally desirable result. (9/18)
3. The amendment does not result in additional traffic generation and is consistent with the adopted Traffic Impact Analysis. (9/18)

D. Conditions of Approval:

1. All original conditions of the adopted Master Plan shall remain in effect unless specifically modified. (9/18)
2. Additional conditions may be placed for any Master Plan Amendment to assure the objectives in Section 3.113.05 are achieved. (9/18)

## **3.114 LOCKHAVEN CENTER MASTER PLAN**

### **3.114.01 Purpose**

The purpose of requiring Master Plans within the Lockhaven Center is to allow for a mixture of intensive land uses, emphasizing employment opportunities, housing, transit and pedestrian facilities, and circulation; to allow some flexibility in how sites are developed; and to ensure coordination between the development of different sites within the Center. Each Master Plan shall be reviewed through a Type III review process. (12/19)

### **3.114.02 Applicability**

The provisions of this Section shall apply to development sites that are: (1) located within the Lockhaven Center, as identified in Figure 3.114.02-1; (2) larger than 4 acres; and (3) zoned Mixed Use (MU). For cohesive developments that partially include MU property, all of the development shall be included in the Master Plan. (12/19)

### **3.114.03 Review Procedures**

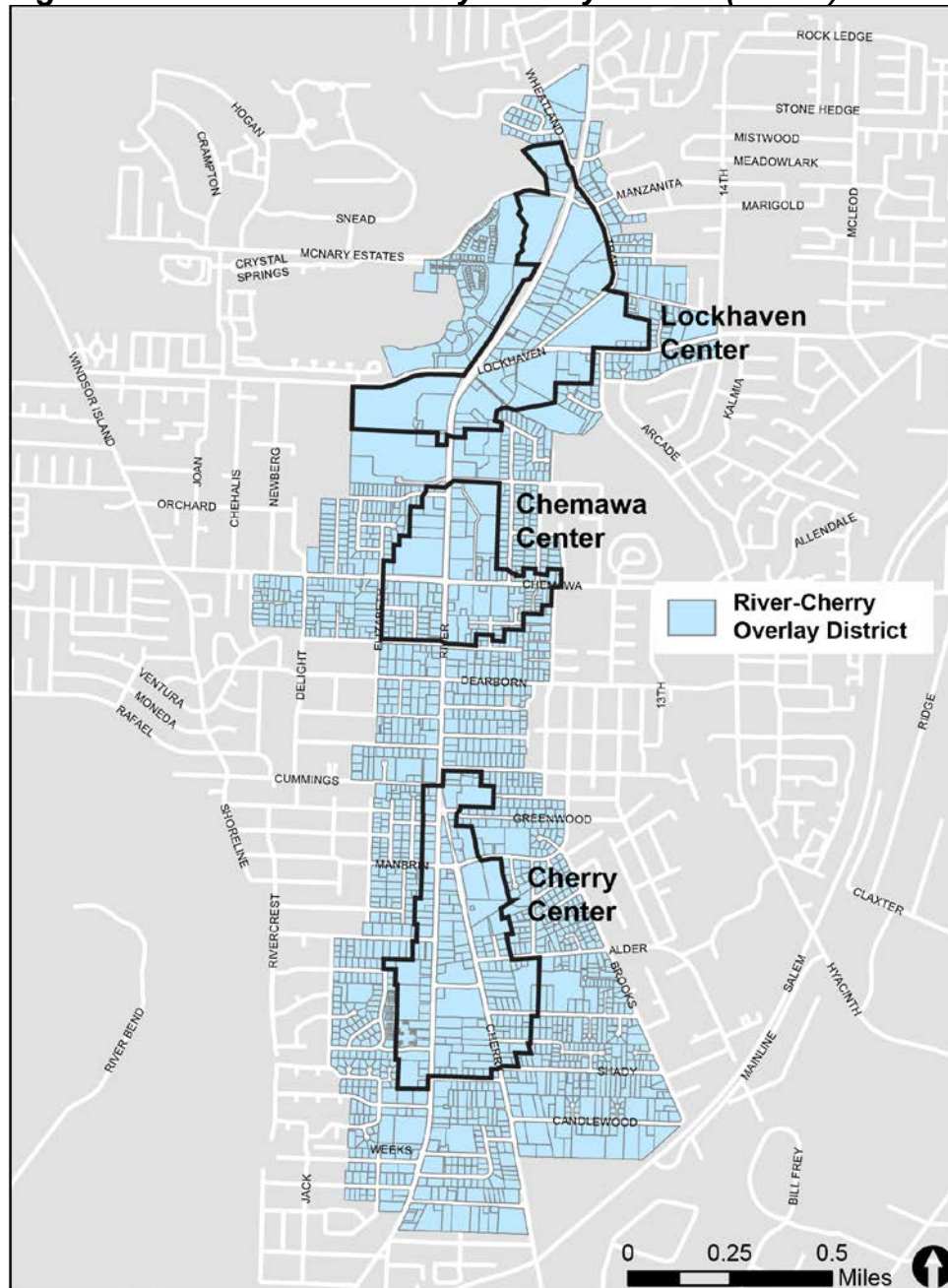
All development over 4 acres within the Lockhaven Center is subject to Type III review as provided in KDC Section 3.101, and shall be required to submit a Site Master Plan for approval as part of the application process. (12/19)

Type III actions follow the procedures found in Section 3.204.02. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the Planning Commission, which then makes a recommendation to the City Council for public hearing and decision, bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.205 and 3.206 sets forth the hearings process. (12/19)

The elements of a Site Master Plan shall include, but are not limited to, the following:

- A. A master plan map showing the location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the Keizer Revitalization Plan. (12/19)
- B. For any project for which the projected average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (12/19)

**Figure 3.114.02-1: River-Cherry Overlay District (RCOD)**



### **3.114.04 Submittal Requirements**

- A. Infrastructure engineering and architectural site plans showing all structures in relation to projected final topography of the project, all proposed connections to existing or proposed roads, transportation facilities (including proposed right-of-way and pedestrian connections), utilities, open space and parking areas, depicting the number and types of spaces. (12/19)
- B. Landscape plans generally showing the common and botanical name of plant species, the number and size of plantings and demonstrating the location and type of irrigation. (12/19)



- C. Building elevations, typical cross-sections and typical wall sections of all building areas. (12/19)
- D. Typical elevations of the buildings to determine the specific configuration and relationship of design elements of the typical building exteriors, which describe the general aesthetic and technical aspects of the building exterior, including materials. (12/19)
- E. Elevations, typical cross sections of the interior space layout of the building areas, entrance canopies, interior public courts, specialty areas, and service area layouts. (12/19)
- F. Proposed layouts for exterior signage and graphics. (12/19)
- G. Preliminary outline specifications describing exterior construction materials and methods, including indications of colors, finishes, and patterns. (12/19)
- H. An outline of amenities, including, but not limited to, public art, furniture, handrails, seating areas and food areas, if any. (12/19)
- I. A description of servicing requirements, trash compactors and related areas, loading docks, etc. (12/19)
- J. Calculation of gross building, parking and open space. (12/19)
- K. For any project for which the projected daily average daily traffic will exceed 250 vehicle trips per day, in accordance with the Institute of Traffic Generation Manual, a traffic impact analysis will be required and a written explanation how negative impacts will be mitigated. (12/19)
- L. Location of land uses, open spaces, and pedestrian and vehicular circulation and a written explanation showing how these features achieve the purpose of the activity center design plan. (12/19)

### **3.114.05 Review Criteria**

Approval of a Master Plan for the Lockhaven Center area shall require compliance with the following criteria: (12/19)

- A. Meet all applicable standards within the RCOD and Lockhaven Center, as provided by Sections 2.130.04 through 2.130.07, Sections 2.130.08.D.2 through 2.130.08.D.3, and Sections 2.130.09 through 2.130.10, in addition to applicable standards within base zones; or (12/19)
- B. Mix of Uses and Housing Types. (12/19)
  - 1. Residential use shall occupy no less than 35% and no more than 65% of the building floor area on any property or a coordinated development on more than one property. (12/19)

2. The Master Plan must identify at least two different housing types. The following are considered distinct housing types for purposes of meeting this standard: (12/19)
  - a. Single family detached dwellings (with or without accessory residences) or residential homes (12/19)
  - b. Duplexes or single family attached dwellings (12/19)
  - c. Townhouses (12/19)
  - d. Cottage cluster development (12/19)
  - e. Multi-family dwellings or residential care facility (12/19)
  - f. Manufactured dwelling park (12/19)
- C. Minimum Residential Density.  
The minimum density for any residential development shall be 10 units per acre. (12/19)
- D. Transit Orientation. The development shall emphasize transit usage by residents, employees and customers. This may require conditions regarding: (12/19)
  1. Orienting building and facilities towards transit services. (12/19)
  2. Minimizing transit/auto conflicts. (12/19)
  3. Encouraging transit supportive uses. (12/19)
  4. Minimizing walking distance to transit stops. (12/19)
  5. Avoiding excess parking areas. (12/19)
  6. Encouraging shared parking and structures or understructure parking. (12/19)
- E. Pedestrian/Bicycle Circulation and Orientation. The development shall facilitate pedestrian/ bicycle circulation and orientation. This may require conditions regarding: (12/19)
  1. Providing efficient, convenient, and continuous pedestrian and bicycle transit circulation systems, linking developments within Lockhaven Center facilities, and surrounding development. (12/19)
  2. Separating auto and truck circulation and activities from pedestrian areas. (12/19)
  3. Pedestrian-oriented design. (12/19)
  4. Pedestrian amenities. (12/19)
  5. Pedestrian-scale building and site features. (12/19)

6. Bicycle parking. (12/19)
  7. Outdoor lighting. (12/19)
- F. Coordination and Connectivity. Coordination of development within the Lockhaven Center area. This may require conditions regarding: (12/19)
1. Continuity and/or compatibility of landscaping, circulation, access, public facilities, and other improvements. (12/19)
  2. Siting and orientation of land uses. (12/19)
  3. Consistency with development concepts adopted as part of the Keizer Revitalization Plan. (12/19)
  4. Frontage roads or shared access to provide connectivity to future development within the property or on adjacent property. (12/19)
  5. Non-road connections to adjacent sites and transportation facilities intended to provide direct connections to surrounding development as well as to other key destinations in the area. (12/19)
- G. Compatibility. Developments within Lockhaven Center should be compatible with, and complement the surrounding neighborhood. This may require conditions regarding: (12/19)
1. Sensitive use of landscaping, building heights, building scale, materials, lighting, circulation systems, and architectural features. (12/19)
  2. Buffering of adjacent residential uses. (12/19)
- H. At the time of development, the Zoning Administrator may approve some minor variations to the adopted master plan if the applicant can demonstrate that the variation equally or better meets the purpose of the RCOD and the Keizer Revitalization Plan. (12/19)

### **3.114.06 Conditions of Approval**

The Council may impose other conditions of approval it deems appropriate for the health, safety, and welfare of the citizens of Keizer or to ensure the desired implementation of the approved master plan, including, but not limited to conditions designed to minimize congestion and traffic impact within the development and in adjacent areas. (12/19)



## **3.115 MIDDLE HOUSING LAND DIVISION**

### **3.115.01 Purpose**

This chapter provides standards and procedures for middle housing land divisions (MHLD), in accordance with state law. An MHLD is an expedited land division of a lot or parcel on which the development of middle housing is allowed under state law. The purpose of an MHLD is to provide a simplified and expedited process for subdividing or partitioning lots with middle housing so that each unit is on a separate property, which enables middle housing dwelling units to be sold and owned individually.

### **3.115.02 Applicability**

MHLD can be applied to a lot or parcel with middle housing, as defined by this Code and allowed under state law and administrative rules. Middle housing types that are eligible for an MHLD include duplexes, triplexes, quadplexes, townhouses, and cottage clusters. An MHLD is the creation of multiple parcels from a single parent lot on which middle housing is developed or proposed, which results in individual lots for each housing unit. After an MHLD is applied to a property, each resulting lot or parcel becomes a middle housing child lot. The development is still subject to the requirements and standards that applied to the middle housing parent lot, or the original lot prior to an MHLD. In other words, the middle housing development is still defined and regulated as the original middle housing type after a MHLD is applied to the property (e.g., a duplex that undergoes a MHLD does not become a townhouse development – the structure and property are still subject to requirements/standards for duplexes). The MHLD process follows the procedures defined by state law and the development code.

### **3.115.03 Application and Fee**

An application for an MHLD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

### **3.115.04 Submittal Requirements**

- A. A preliminary plat for the middle housing development as it relates to the existing lot, containing the following information:
  - 1. Drawn to scale;
  - 2. The boundaries, dimensions, and area of the lot;

3. The location, width, and names of all proposed streets, flag lot accessways, and public accessways including those abutting the perimeter of the lot;
  4. The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
  5. The location of all existing and proposed off-street parking and vehicle use areas;
  6. The location of all existing and proposed trees.
  7. The location of all existing or proposed public utility connections.
  8. Existing or proposed easements necessary for each dwelling unit on the plan.
- C. A written statement providing a description of the manner in which the proposed division complies with the criteria in Section 3.115.06.
- D. Draft copies of all necessary easements for review by the City Attorney.

### **3.115.05 Process for Middle Housing Land Division Review**

- A. Preliminary Plat Procedures for Middle Housing Land Division. Unless the applicant requests to use the procedure set forth in Section 3.202, the City shall use the following procedure.
1. Completeness Review.
    - a. If the application for an MHLD is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
    - b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

2. Notice of Application.

- a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
- b. The notice shall include the following:
  - a) The deadline for submitting written comments;
  - b) A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period;
  - c) A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue;
  - d) The applicable criteria for the decision;
  - e) The place, date, and time that comments are due;
  - f) A time and place where copies of all evidence submitted by the applicant will be available for review;
  - g) The street address or other easily understood geographical reference to the subject property;
  - h) The name and telephone number of City contact;
  - i) A brief summary of the process for the land division decision being made.

3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.

4. There shall be no public hearing on the application.

5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a complete application.

6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.115.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
  - a. A summary statement explaining the determination; and
  - b. An explanation of appeal rights under state law.
8. The applicant, or any person or organization who files written comments in the comment period established under 3.115.05.A.3, may appeal the Zoning Administrator's decision to the referee within 14 days of the mailing of the decision notice. The City may appoint the Hearings Officer as the referee. An appeal shall be accompanied by an appeal application and appeal fee.
9. An appeal shall be based solely on the following types of allegations:
  - a. A violation of the substantive provisions of the applicable land use regulations;
  - b. Regarding the unconstitutionality of the decision;
  - c. That the application is not eligible for review under state Middle Housing laws or regulations or Section 3.115.02 and should be reviewed as a land use decision or limited land use decision.
  - d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
  - e. Any other allegation specifically provided by state law.
10. The referee shall decide the appeal decision and the referee shall comply with state law when issuing a decision. The referee shall conduct a hearing similar to the process for a Partition appeal consistent with state law. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

### **3.115.06 Middle Housing Land Division Review Criteria**

- A. Approval of a preliminary plat for a MHLDD will be granted if the Zoning Administrator finds that the applicant has met all of the following criteria:



1. Existing Compliance. The middle housing development complies with the Oregon Residential Specialty Code and applicable KDC middle housing regulations. To demonstrate compliance with this criterion, the applicant shall submit approved building permits demonstrating that existing or proposed structures comply with the Oregon Residential Specialty Code and KDC middle housing regulations.
2. Separate Utility Connections. To qualify for a MHL D separate utility, service connections for public water and sewer must be present for each dwelling unit.
3. Easements. Formal easements will be provided as necessary for each dwelling unit on the site for:
  - a. Locating, accessing, replacing, and servicing all utilities;
  - b. Minimum 5-foot wide pedestrian access from each dwelling unit to a private or public road, consistent with KDC 2.315.06.A.7;
  - c. Any common use areas or shared building elements;
  - d. Any dedicated driveways or parking;
  - e. Any dedicated common area;
  - f. Access easements for private streets shall comply with 2.302.08.
4. One Dwelling Unit per Lot. Exactly one dwelling unit will be located on each resulting child lot, except for lots, parcels, or tracts used as common areas, on which no dwelling units will be permitted. Resulting child lots may have accessory structures provided the accessory structure complies with applicable zoning requirements.
5. Comply with Building Code. Buildings or structures on a child lot will comply with applicable Building Code provisions relating to new property lines.
6. Notwithstanding the creation of new child lots, structures or building located on the newly created lots will comply with the Oregon Residential Specialty Code.
7. Frontage improvements. Where a resulting child lot abuts a street that does not meet City standards, street frontage improvements will be constructed and, if necessary, additional right-of-way will be dedicated prior to the creation of the child lot, pursuant to 2.310.05.C. Street frontage improvements or additional right-of-way must be completed or guaranteed prior to the MHL D.

- B. Preliminary Plat Conditions of Approval.
  - 1. The preliminary plat for a MHLD shall:
    - a. Prohibit further division of the resulting child lots;
    - b. Require that a notation appear on the final plat indicating:
      - a) The approval was given under ORS Chapter 92;
      - b) The type of middle housing approved on the parent lot and noting that this middle housing type is still subject to development requirements and standards that apply to the original middle housing development prior to the middle housing land division;
      - c) Accessory dwelling units are not permitted on child lots resulting from a middle housing land division.
  - 2. The City shall not attach conditions of approval that a child lot require driveways, vehicle access, parking, or minimum or maximum street frontage.

### **3.115.07 Process for Final Plat of Middle Housing Land Divisions**

Final Plat Review Criteria. Approval of a final plat for a MHLD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the MHLD.
- B. Final Approval. If the MHLD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Building Permit. A building permit for all new middle housing structures must be issued before the final plat is recorded with the County Recorder.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or

the construction shall be guaranteed through a performance bond or other instrument acceptable to the City as provided for in 3.202.05.B.

- E. Public Utilities. Prior to issuance of an occupancy permit, all public utilities for each individual unit shall be constructed or guaranteed.



## **3.116 EXPEDITED LAND DIVISION**

### **3.116.01 Purpose**

An expedited land division (ELD) is an alternative land division procedure for land zoned for residential use. Application and review timelines for ELDs can be shorter than standard land division timelines. ELDs shall be defined and may be used as provided under state law.

### **3.116.02 Applicability**

An ELD applies to the following:

- A. Includes only land that is zoned for residential uses.
- B. Is solely for the purposes of residential use, including recreational or open space uses accessory to a residential use.

### **3.116.03 Application and Fee**

An application for an ELD shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application that addresses the review criteria of this Section.

### **3.116.04 Submittal Requirements**

- A. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned unit development instead of the regular procedure type, must request the use of the ELD in writing at the time the application is filed, or forfeit the right to use it.
- B. Submittal shall follow the submittal requirements for whichever standard land division procedure that the ELD substitutes, which may include Partitions (3.107.05), Subdivisions (3.108.04), or Planned Unit Developments (3.108.04).

### **3.116.05 Process for Expedited Land Division Review**

Review Procedure. All applications for expedited land divisions shall comply with state law, the Keizer Comprehensive Plan, and zoning designation. State law details the criteria, application and notice requirements, and action and appeal procedures for ELD.

- A. Preliminary Plat Procedures for Expedited Land Division. Unless the applicant requests to use the procedure set forth in 3.202.02, the City shall use the following procedure, as described in state law.

1. Completeness Review.
  - a. If the application for an ELD is incomplete, the City shall notify the applicant of the missing information within 21 days of receiving an application signed by all property owners, and associated fee to allow the applicant to submit the missing information. The application shall be deemed complete on the date the applicant submits the requested information or refuses in writing to submit it.
  - b. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.
2. Notice of Application.
  - a. On receipt of a complete application, written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made and to any City Council-recognized neighborhood association(s) whose boundaries include the site. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site. The notification list shall be compiled from the most recent property tax assessment roll. For purposes of appeal to the referee under state law, this requirement shall be deemed met when the City can provide an affidavit or other certification that such notice was given.
  - b. The notice shall include the following:
    - a) The deadline for submitting written comments;
    - b) A statement of issues, that may provide the basis for an appeal to the referee, must be raised in writing prior to the expiration of the comment period; and
    - c) A statement that issues must be raised with sufficient specificity to enable the City to respond to the issue.
    - d) The applicable criteria for the decision.
    - e) The place, date, and time that comments are due.
    - f) A time and place where copies of all evidence submitted by the applicant will be available for review.

- g) The street address or other easily understood geographical reference to the subject property.
  - h) The name and telephone number of City contact.
  - i) A brief summary of the process for the land division decision being made.
- 3. There shall be a minimum 14-day period to allow for submission of written comments prior to the Planning Official's decision.
- 4. There shall be no public hearing on the application.
- 5. The Zoning Administrator shall make a decision on the application within 63 days of receiving a completed application.
- 6. The Zoning Administrator's decision shall be based on applicable elements of the Keizer Development Code and Comprehensive Plan. An approval may include conditions to ensure that the application meets applicable land use regulations.
- 7. Notice of the decision shall be provided to the applicant and to those who received notice under 3.116.05.A.2 within 63 days of the date of a completed application. The notice of decision shall include:
  - a. A summary statement explaining the determination; and
  - b. An explanation of appeal rights under state law.
- 8. The applicant, or any person or organization who files written comments in the comment period established under 3.116.05.A.3, may appeal the Zoning Administrator's decision to the referee within 14 days of the mailing of the decision notice. The City may appoint the Hearings Officer as the referee. An appeal shall be accompanied by an appeal application and appeal fee.
- 9. An appeal shall be based solely on the following types of allegations:
  - a. A violation of the substantive provisions of the applicable land use regulations;
  - b. Regarding the unconstitutionality of the decision;
  - c. That the application is not eligible for review under state Expedited Land Division laws or regulations or Section 3.116.02 and should be reviewed as a land use decision or limited land use decision.

- d. That the parties' substantive rights have been substantially prejudiced by an error in procedure by the City.
  - e. Any other allegation specifically provided by state law.
10. The referee shall decide the appeal decision and the referee shall comply with state law when issuing a decision. The referee shall conduct a hearing similar to the process for a Partition appeal consistent with state law. The referee shall make a written decision approving or denying the application or approving it with conditions designed to ensure the application satisfies the land use regulations within 42 days of the filing of an appeal.

### **3.116.06 Expedited Land Division Review Criteria**

- A. For an ELD to be considered, the proposed division must demonstrate how it complies with the following:
  - 1. The parent lot is zoned for residential use.
  - 2. The parent lot is solely for the purpose of residential use, including recreational or open spaces, accessory to residential use.
    - a. Preliminary and final plat, and notice requirements shall follow criteria in 3.116.03 – 3.116.05. These criteria are consistent with state law.
    - b. The land division will not provide for dwellings or accessory buildings to be located on land that is within the Floodplain Overlay zone (2.122), the Greenway Management Overlay zone (2.123) or the Resource Conservation Overlay zone (2.126).
    - c. The land division satisfies minimum street or other right-of-way connectivity standards established by the City's Transportation System Plan, Public Works Design Manual, and the Development Code.
    - d. The land division will result in development that either;
      - a) Creates enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted by the zoning designation of the site; or
      - b) All dwellings will be sold or rented to households with incomes below 120 percent of the median family income for Marion County. A copy of a deed restriction or other



legal mechanism approved by the Zoning Administrator shall be submitted.

### **3.116.07 Process for Final Plat of Expedited Land Division**

Final Plan Review Criteria. Approval of a final plat for a ELD shall be consistent with the review criteria in 3.107.07. The process and criteria for final plat approval is as follows:

- A. Survey. Within 3 years of the final decision approving a preliminary plat, the final plat shall be recorded. If the final plat is not recorded within 3 years, the preliminary approval shall lapse. The City staff may extend the approval period for not more than 1 additional year at a time. Requests for extension of approval time must be submitted in writing thirty days prior to the expiration date of the approval period. Extensions may only be granted if no subsequent code amendments have been adopted that affect the ELD.
- B. Final Approval. If the ELD plat is consistent with the approved preliminary plat, and if the conditions of approval have been satisfied, the City shall sign the final plat.
- C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.
- D. Improvements/Bonding. Prior to issuance of an occupancy permit, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City as provided for in 3.202.05.B



## **3.201 GENERAL PROVISIONS**

### **3.201.01 Multiple Applications**

- A. Applications for more than one land use action for the same property may, at the applicant's discretion, be combined and heard or reviewed concurrently. (5/98)
- B. Multiple land use requests involving different processing Types shall be heard and decided at the higher processing Type. For example, an application involving a Subdivision (Type II) with a Variance (Type I-B) shall be reviewed and decided as a Type II request. (5/98)

### **3.201.02 Area-wide Applications**

Applications involving a generalized area may be aggregated if in the opinion of the Zoning Administrator a better understanding of the entire land use proposal is served by combining requests. A final decision shall be granted for each request and each request is appealable individually. (5/98)

### **3.201.03 Application Requirements**

- A. Application Forms. The City shall prepare and provide application forms for land use actions requiring review and approval, and all permits under this Code. Application forms shall require at least the following information: (2/01)
  - 1. Names and mailing addresses of the applicant and owners of the subject property; (2/01)
  - 2. Address and legal description of the subject property; (2/01)
  - 3. Written description and reason of the request; (2/01)
  - 4. Plot plan of the subject property; (2/01)
  - 5. Such other information as required by the Zoning Administrator as applicable to the proposed action to its merits. (2/01)
- B. All applications for land use actions shall be filed with the administrator on forms prescribed under this section, and shall be complete as to all the factual information required to be stated on or furnished with the application. (2/01)
- C. All required information as identified on the application must be submitted to and approved by the City to be deemed complete. (2/01)

### **3.201.04 Application; By Whom Filed**

An application for a land use action or permit may be filed by one or more of the following persons: (2/01)

1. Owner of subject property; (2/01)
2. Purchaser of subject property under a dully executed written contract when the application is accompanied by proof of the purchaser's status and the seller consents in writing to such application; (2/01)
3. A leasee in possession of the property, when the owner consents in writing to such application; (2/01)
4. The agent for any of the foregoing, when dully authorized in writing to such application is accompanied by proof of authority. (2/01)

### **3.201.05 Resubmission of Application**

If any land use action applied for is denied on the merits, such denial shall be a bar to refiling the same or substantially similar application for a period of one year from the date of the final decision. (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)
- E. 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. (7/23)
- F. 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)
- G. Notice. Notice of the decision shall comply with the provisions in Section 3.204.01. (5/98)
- H. 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)
- I. 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 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. (7/23)
- 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)
- 5.

## **3.203 TYPE IV ACTIONS**

### **3.203.01 Initiation**

Type IV may be initiated by: (5/98)

- A. Majority vote of the City Council. (5/98)
- B. Majority vote of the Planning Commission. (5/98)
- C. Recommendation by the Zoning Administrator subject to majority approval by the City Council or Planning Commission. (5/98)

### **3.203.02 Procedure for Type IV Actions**

- A. Public Hearings by Planning Commission: (5/98)
  - 1. The Planning Commission shall first hold a public hearing on all Type IV requests. (5/98)
  - 2. The Planning Commission may continue any hearing in order to make a reasonable decision. Amendments to the original request may be considered and acted upon by the Planning Commission. (5/98)
  - 3. A Type IV Planning Commission action shall be in the form of a recommendation to the City Council. (5/98)
- B. Public Hearing by City Council:
  - 1. Following Planning Commission action, the City Council shall hold a public hearing to consider the Planning Commission's recommendation. (5/98)
  - 2. The City Council may continue any hearing in order to make a reasonable decision. Amendments to the original request or the Planning Commission's recommendation may be considered and acted upon by the City Council. (5/98)
  - 3. An approved Type IV City Council action shall be in the form of an Ordinance. (5/98)



## **3.204 PUBLIC NOTICE REQUIREMENTS**

### **3.204.01 Type I-A, Type I-B and Type I-D Actions**

- A. Type I-A. Written notice of any Type I-A decision shall be mailed or delivered to the applicant. The notice shall be sufficient to indicate approval or denial of the request. (5/98)
- B. Type I-B and I-D. Written notice of any Type I-B and I-D decision shall be mailed to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. Written notice for a Type I-B and I-D shall be a summary of the application and the decision, plus a notice that the recipient may request a copy of the full decision, which shall include the following: (7/03)
  - 1. Summary of the request. (5/98)
  - 2. Relevant decision criteria. (5/98)
  - 3. Findings of fact indicating how the request does or does not comply with the decision criteria. (5/98)
  - 4. Conclusionary statement indicating approval or denial of the request. (5/98)
  - 5. Information regarding the appeal process including whom may appeal, where appeal must be submitted, fees and the appeal deadline. (5/98)
- C. Type I-C. Written notice of any Type I-C decision shall be mailed or delivered to the applicant. The notice shall be sufficient to indicate approval or denial of the request. Upon appeal of a Type I-C action, notice shall be sent to the applicant, all property owners within 250 feet of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. (2/01)

### **3.204.02 Type II and Type III Actions**

- A. Written Notice. Written notice of any public hearing shall be mailed at least 10 days prior to the hearing date to the applicant, owners of property within 250 feet of the boundaries of the subject property, and any affected neighborhood association. An affected neighborhood association is one containing the subject property, or within 250 feet of the subject property regardless of the jurisdiction. (5/98)

B. Posting Notice.

1. For application-initiated proceedings, including appeal from or review of administrative decisions, it shall be the applicant's responsibility to provide a sign frame and to place the notice. The City shall provide the notice to be attached to the frame. The applicant must post the notice on the subject property at least 10 days prior to the initial public hearing. At least five days prior to the hearing, the applicant shall file an affidavit with the Administrator that such posting has occurred. (1/07)
2. Notice of public hearing for legislative zone changes shall be given by posting in accordance with subsection 3.204.02B3. Each individual property need not be posted so long as there is such notice posted on each property or group of properties, which is not contiguous with other properties so posted. (2/01)
3. Notices shall be posted facing all streets adjoining the subject property so as to be visible from the street. If no street abuts the subject property, the notice shall be placed in such a manner as near as possible to the subject property that can be readily seen by the public. The posted notice shall include the following: (2/01)
  - a. The proposed action. (2/01)
  - b. Land use case number. (2/01)
  - c. The date, time and place of the public hearing. (2/01)
  - d. Name and phone number of the City representative to contact where additional information may be obtained. (2/01)

- C. Published Notice. Notice of the time, place and purpose of the Hearings Officer, Planning Commission, or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ten days prior to the date of the initial hearing before the Hearings Officer, Planning Commission, or City Council. (1/07)

### **3.204.03 Type IV Actions**

Notice of the time, place and purpose of the Planning Commission or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than ten days prior to the date of the hearing before the Planning Commission or City Council. (1/07)

### **3.204.04 Notice of Public Hearing**

Notice of a hearing for any Type II, III or IV proposal that includes a new transportation facility or improvement, and where these facilities or improvements include or may impact a collector or arterial street, will be sent to the Oregon Department of Transportation and



any special interest transportation groups as appropriate. Special interest transportation groups could include trucking organizations, bicycle and pedestrian interest groups, and disabled persons interest groups. Information that should be conveyed with the notice includes the following: (7/09)

- a) Project location
- b) Proposed land use action
- c) Location of project access point(s)

### **3.204.05 Notice for Appeals**

An appeal to either the Hearings Officer, Planning Commission or City Council the city shall provide written notice at least 10 days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision. (1/07)

### **3.204.06 Public Hearing Notice Requirements**

Public notice shall: (5/98)

- A. Explain the nature of the application and the proposed use or uses which could be authorized; (5/98)
- B. Cite the applicable criteria from the ordinance and the plan that apply to the application at issue; (5/98)
- C. Set forth the street address or other easily understood geographical reference to the subject property; (5/98)
- D. State the date, time and location of the hearing; (5/98)
- E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals; (5/98)
- F. Include the name and phone number of the City representative where additional information may be obtained; (5/98)
- G. State that a copy of the application, all documents and
- H. evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost; (5/98)
- I. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost; (5/98)
- I. Include a general explanation of the requirements for submission of test.



## **3.205 PUBLIC HEARING BEFORE THE HEARINGS OFFICER OR PLANNING COMMISSION**

### **3.205.01 General Provisions**

- A. Appeal of the Administrator's Decision. Appeal of a Type I-A or Type I-B action shall be heard by the Hearings Officer. Findings of the Hearings Officer on such appeal shall be final unless further appealed to the City Council. Appeal of a Type I-C or Type I-D action shall be heard by the Planning Commission, with appeal to the City Council. Findings of the Planning Commission on such appeal shall be final unless further appealed to the City Council (07/0703)
- B. Initial Hearing. Land use actions, which require a public hearing by the Hearings Officer or Planning Commission under the provisions of this Ordinance, shall be initially heard within 60 days of the receipt of an application or appeal. (5/98)
- C. Continuance. The Hearings Officer or Planning Commission may continue a public hearing for additional, information, testimony or for decision only, to its next regular meeting or to a special meeting. In no instance, however, shall the decision be continued more than sixty (60) days beyond the initial hearing date. (5/98)
- D. Open Record. Unless there is a continuance, if a participant so requests before the conclusion of the initial evidentiary hearing, the record shall remain open for at least seven days after the hearing. (5/98)
- E. Final Decision. The decisions of the Hearings Officer on applications for Type II actions shall be final unless appealed to the City Council pursuant to Section 3.207. The decision of the Planning Commission for Type I-C actions shall be final unless appealed to the City Council pursuant to Section 3.207. (2/01)
- F. Recommendation. The recommendations of the Hearings Officer or Planning Commission on applications for Type III actions shall be referred to the City Council for final determination. (5/98)
- G. LUBA Appeal Requirements. An issue which may be the basis for an appeal to the Land Use Board of Appeals (LUBA) may be raised not later than the close of the record at or following the final evidentiary hearing on the proposal before the City. Such issues shall be raised with sufficient specificity so as to afford the decision authority, and affected parties, an adequate opportunity to respond to each issue. (5/98)

### **3.205.02 Public Hearing Procedures**

The public hearings before the Hearings Officer or Planning Commission shall be conducted according to hearings procedures adopted by City Council resolution. (5/98)

### **3.205.03 Evidence**

- A. Exclusion. All evidence offered and not objected to may be received unless excluded by the Hearings Officer or Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility. (5/98)
- B. Testimony. The Hearings Officer or Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Officer or Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. Any part of the evidence may be received in written, video or form. (5/98)
- C. Public Record. All evidence shall be offered and made a part of the public record in the case. (5/98)
- D. Testimony and Rebuttal. All interested persons shall be allowed to testify. Every party is entitled to an opportunity to be heard and to present and rebut evidence. (5/98)

### **3.205.04 Record of Hearing**

A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record. (5/98)

### **3.205.05 Limits on Oral Testimony**

The Hearings Officer and Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. (5/98)

### **3.205.06 Exhibits**

All exhibits received shall be marked so as to provide identification upon review. The City shall retain such exhibits. (5/98)

### **3.205.07 Referee**

As used herein, the term "Hearings Officer" shall also apply to referee under KDC 3.115 and KDC 3.116, except where the process is described differently elsewhere in this Code or state law. (6/22)

## **3.206 REVIEW AND PUBLIC HEARINGS BY CITY COUNCIL**

### **3.206.01 General Provisions**

- A. Action on Type III Reviews. The City Council shall hear all Type III actions, and Type I or II actions upon appeal, or referral by the Administrator, pursuant to Subsection 3.202. The City Council action on such requests shall be the final action by the City. (2/01)
- B. Appeals. The City Council shall hear appeals of all Hearings Officer or Planning Commission actions conducted pursuant to Section 3.205. The appeal hearing shall be conducted in a manner consistent with Section 3.207. The action of the Hearings Officer or Planning Commission shall be final and the Council shall not hear the appeal if the appeal period has lapsed. (2/01)
- C. Time Limit. All hearings or reviews required by the City Council shall be heard within thirty (30) days of the Hearing Officer's or Planning Commission's written decision or appeal request. In no instance, however, shall this period extend the date of the hearing and final action beyond 120 days from the date of the initial submission of a complete application, unless voluntarily agreed to by the applicant. (5/98)
- D. Final Decision. The decision shall be made by the City Council and written findings prepared listing findings for approval or denial, and any conditions of approval, within two weeks of the hearing by the City Council. In no case, however, shall this decision and the preparation of written findings extend beyond 120 days from the date of initial submittal of a complete application, unless voluntarily agreed to by the applicant. (5/98)

### **3.206.02 Hearings by City Council**

- A. Rules of Procedure. Actions on quasi-judicial issues shall be conducted at public hearings pursuant to the City Council's adopted rules of procedure. The City Council shall allow the opportunity for all parties to be heard and may accept new evidence, to be considered a de novo hearing. (2/01)
- B. Appeals. Decisions of the City Council may be appealed to the State Land Use Board of Appeals (LUBA), subject to the provisions in ORS 197.805-855. (5/98)

### **3.206.03 Appeal Review by City Council**

- A. City Council Hearing Procedures. The Council shall conduct the hearing according to the following provisions: (2/01)
1. Evidence (2/01)
    - a. Exclusion. All evidence offered and not objected to may be received unless excluded by the Hearings Officer or Planning Commission on its own motion. Evidence may be received subject to a later ruling as to its admissibility. (2/01)
    - b. Testimony. The Hearings Officer or Planning Commission may exclude irrelevant, unduly repetitious, immaterial or cumulative evidence; but erroneous admission of evidence by the Officer or Commission shall not preclude action or cause reversal on appeal unless shown to have substantially prejudiced the rights of a party. Any part of the evidence may be received in written, video or form. (2/01)
    - c. Public Record. All evidence shall be offered and made a part of the public record in the case. (2/01)
    - d. Testimony and Rebuttal. All interested persons shall be allowed to testify. Every party is entitled to an opportunity to be heard and to present and rebut evidence. (2/01)
  2. Record of Hearing. A verbatim record of the proceeding shall be made by written, mechanical or electronic means, which record need not be transcribed except upon review of the record. (2/01)
  3. Limits on Oral Testimony. The Hearings Officer and Planning Commission Chairman may set consistent, reasonable time limits for oral presentations to the end that parties are encouraged to submit as much evidence as possible in writing prior to the hearing. (2/01)
  4. Exhibits. All exhibits received shall be marked so as to provide identification upon review. The City shall retain such exhibits. (2/01)
- B. City Council Action. The City Council may affirm, rescind or amend the action of the Hearings Officer or Planning Commission and may grant approval subject to conditions necessary to carry out the Comprehensive Plan and as provided for in Subsection 3.202. The City Council may also remand the matter back to the Hearings Officer or Planning Commission for additional information, subject to the agreement of the applicant to extend the 120 day review period. (2/01)

## **3.207 APPEAL PROVISIONS**

### **3.207.01 Appeal Period**

- A. Administrator's Decision. The decision of the Zoning Administrator shall be final for a Type I land use decision unless a notice of appeal from an appropriate aggrieved party is received by the City within ten days of the date of the final written notice. An appeal stays the proceedings in the matter appealed until the determination of the appeal. (5/98)
- B. Hearings Officer or Planning Commission Decision. The decision of the Hearings Officer or Planning Commission for a Type II land use decision, or the appeal of a Type 1-A, 1-B, 1-C or 1-D decision, shall be final unless a notice of appeal from an aggrieved party is received by the City within ten days of the date of the final written notice. An appeal stays the proceedings in the matter appealed until the determination of the appeal. (7/03)
- C. Referee Decision. The decision of the referee under KDC 3.115 or KDC 3.116 is final unless appealed in the time and manner required under state law. (6/22)

### **3.207.02 Form of Appeal**

Appeal requests shall be made on forms provided by the City. Appeals shall state the alleged errors in the original action and the specific criteria, which the appeal is based upon. (2/01)

### **3.207.03 Notice Requirements**

- A. Notice for Hearings Officer and Planning Commission. Notice of hearings by the Hearings Officer or Planning Commission on appeal requests shall be as specified in Section 3.204. (5/98)
- B. Notice for City Council. Notice of hearings by the City Council on appeal requests shall be as specified in Section 3.204. (5/98)





## **3.208 FEES**

### **3.208.01 Purpose**

Fees are for the purpose of defraying administrative costs. (5/98)

### **3.208.02 General Provisions**

- A. Determination and Payment. Fees shall be payable at the time of application and shall be as set forth by Ordinance or Resolution of the City Council. There shall be no fee required for an application initiated by the Planning Commission or the City Council. (5/98)
- B. Failure to Pay. The failure to submit the required fee with an application or notice of appeal, including return of checks unpaid or other failure of consideration, shall be a jurisdictional defect resulting in the dismissal of the case. (5/98)
- C. Refunds. Fees are not refundable unless the application is withdrawn prior to the completion of a staff report for a Type I action or notification of the hearing for Type II and III actions. (5/98)
- D. Reduction or Waiver of Fees. The City Manager or City Council may reduce or waive the fees upon showing of just cause to do so. (5/98)



## **3.209 REVOCATION OR REVERSAL OF DECISION**

### **3.209.01 Compliance with Conditions**

Facts and evidence in support of an application are assumed to be correct. Further, compliance with conditions imposed by the Zoning Administrator, Hearings Officer, Planning Commission or City Council in granting a permit for any land use action shall be required. Submitting false or misleading information or departing from required conditions of approval and approved plans constitutes a violation of this Ordinance. (5/98)

### **3.209.02 General Provisions**

- A. Initiation. The Zoning Administrator may initiate a revocation of any land use permit or approval issued for failure to comply with any prescribed condition of approval. The hearing shall be conducted as a Type II hearing and in accordance with the procedures for a Type II hearing including right of appeal to the City Council. (5/98)
- B. Plan Amendments or Zone Changes. Final decisions regarding Comprehensive Plan text or map amendments, Development Code text amendments or zone changes shall not be subject to revocation, but shall be subject to reversal upon initiation by the Planning Commission or City Council. (5/98)

### **3.209.03 Criteria for Revocation**

The decision to grant a revocation of a decision may be based on any of the following factors: (5/98)

- A. Submittal of false or misleading evidence in the original land use request. (5/98)
- B. Failure to comply with the conditions of approval. (5/98)

### **3.209.04 Criteria for Reversal**

A reversal of a Plan Amendment or Zone Change is a land use procedure subject to the same criteria as any Commission or Council initiated Plan Amendment or Zone Change taking into account that there may have been the submittal of false or misleading evidence in the original land use request or there has been a failure to comply with conditions of approval. (5/98)

### **3.209.05 Remedies**

Upon a decision to revoke an approved land use decision, and in addition to the violations provisions in Section 1.1, the City has the authority to pursue appropriate remedies including, but not limited to, removing structures, terminating approved uses, or requiring additional conditions on the request to correct the deficiency. (5/98)



## **3.210 PRE-APPLICATION CONFERENCE**

### **3.210.01 Purpose**

The purpose of a pre-application conference is to assist land owners to plan development in compliance with the Keizer Development Code. The pre-application conference informs the applicant of the substantive and procedural requirements of the development code, provides for an exchange of information regarding applicable requirements of other City Codes, and identifies policies and regulations that create opportunities or pose significant problems for a proposal. Technical and design assistance is available at the conference that will aid in the development of an application. (1/02)

### **3.210.02 Applicability and Requirements**

Pre-application conferences may be applied for development applications. Forms for pre-application conferences are available from the planning department. The applicant must submit a written proposal or sketched site plan of the proposal. A pre-application conference must be held within 21 days of receipt of a completed request form. (6/16)

### **3.210.03 Participants and Notice**

The applicant and interested parties meet with planning staff at the pre-application conference. The planning staff will notify City engineering and other urban service provider representatives and invite them to attend. (1/02)