



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

04/20/2012

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Keizer Plan Amendment
DLCD File Number 006-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, May 04, 2012

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Sam Litke, City of Keizer
Angela Lazarean, DLCD Urban Planner
Steve Oulman, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA

FOR 2 Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

DATE STAMP
DEPT OF
APR 16 2012
LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: Keizer Local file number: TA2011-16

Date of Adoption: 4/2/2012 Date Mailed: 4/13/2012

Date original Notice of Proposed Amendment was mailed to DLCD: 12/22/2011

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other: _____

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

Text amendment to Section 2.109 (Commercial Retail) of the Keizer Development Code that will delete references to obsolete code sections and that will include references to appropriate sections in the current code.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME". If you did not give Notice for the Proposed Amendment, write "N/A".

Sections (2.108.07.A(2), 2.109.08.B and 2.110.08.B) were deleted since each references the Chemawa Specific Plan which was never adopted by the council

Plan Map Changed from: na to: na

Zone Map Changed from: na to: na

Location: na Acres Involved: na

Specify Density: Previous: na New: na

Applicable Statewide Planning Goals: na

Was an Exception Adopted? YES NO

DLCD File No.: 006-11 (19114) [17007]

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

- Forty-five (45) days prior to first evidentiary hearing? Yes No
If no, do the statewide planning goals apply? Yes No
If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State or Federal Agencies, Local Governments or Special Districts:

none

Local Contact: Sam Litke, Senior Planner Phone: (503) 856-3442 Extension: _____
Address: 390 Chemawa Rd. City: Keizer
Zip Code + 4: 97307- Email Address: litkes@keizer.org

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:
ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540
2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to **maru.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

1 BILL NO. 634

A BILL

ORDINANCE NO.

2012-655

3 FOR

4 AN ORDINANCE

5
6
7
8 AMENDING KEIZER DEVELOPMENT CODE REGARDING
9 SECTION 2.108 (COMMERCIAL OFFICE), 2.109
10 (COMMERCIAL RETAIL), AND 2.110 (COMMERCIAL
11 MIXED USE); AMENDING ORDINANCE 98-389
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14 WHEREAS, the Keizer Planning Commission has recommended to the Keizer
15 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

16 WHEREAS, the City Council has held a hearing on this matter and considered the
17 testimony given and the recommendation of the Keizer Planning Commission; and

18 WHEREAS, the Keizer City Council has determined that it is necessary and
19 appropriate to amend the Keizer Development Code as set forth herein; and

20 WHEREAS, the Keizer City Council has determined that such amendments meet
21 the criteria set forth in state law, the Keizer Comprehensive Plan, and the Keizer
22 Development Code;

23 NOW, THEREFORE,

24 The City of Keizer ordains as follows:

25 Section 1. FINDINGS. The City of Keizer adopts the Findings set forth in
26 Exhibit "A" attached hereto and by this reference incorporated herein.

1 Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE. The
2 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption
3 of the changes to Section 2.108 (Commercial Office), Section 2.109 (Commercial
4 Retail), and Section 2.110 (Commercial Mixed Use) as set forth in Exhibit "B" attached
5 hereto, and by this reference incorporated herein.


6 Section 3. SEVERABILITY. If any section, subsection, sentence, clause,
7 phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional, or
8 is denied acknowledgment by any court or board of competent jurisdiction, including,
9 but not limited to the Land Use Board of Appeals, the Land Conservation and
10 Development Commission and the Department of Land Conservation and Development,
11 then such portion shall be deemed a separate, distinct, and independent provision and
12 such holding shall not affect the validity of the remaining portions hereof.

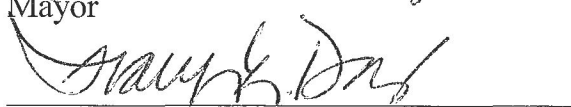
13 Section 4. EFFECTIVE DATE. This Ordinance shall take effect thirty (30) days
14 after its passage.

15 PASSED this 2nd day of April, 2012

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17 SIGNED this 2nd day of April, 2012

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Mayor


City Recorder

EXHIBIT "A"

Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.108 (Commercial Office), 2.109 (Commercial Retail), and 2.110 (Commercial Mixed Use))

The review criteria are listed in Section 3.111.04 of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.
 - a. The particulars of this case are found within planning file Text Amendment 2011-16. Public hearings were held before the Planning Commission on February 8, 2012 and also before the City Council on March 5, 2012. The Planning Commission reviewed the proposed revisions and in a unanimous vote recommended that it be adopted. The City Council voted to direct staff to prepare findings and an ordinance to adopt the proposed text amendment.
 - b. The proposed text amendment will revise three sections to delete references to obsolete code sections.
2. Amendments to the Comprehensive Plan or Development Code 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 Section 3.111.04 B, C, and D. Given that this is a text amendment Section 3.111.04 A is not applicable.
3. **Section 3.111.04.B - A demonstrated need exists for the product of the proposed amendment -**
Findings: The proposed revision to the zone code reflects a demonstrated need. The City Council has recognized that from time to time the Keizer Development Code should be updated to avoid having the code become so out of date that it would require a massive and costly comprehensive update. The revisions are intended to clarify an ambiguity within the existing regulations. As such, the proposed code revision complies with this review criterion.
4. **Section 3.111.04.C- The proposed amendment to the Keizer Development Code complies with statewide land use goals and related administrative rules**

FINDINGS: The proposed text amendment complies with the statewide land use planning goals as discussed below.

Goal 1 – Citizen Involvement: The adoption of this ordinance followed notice to interested parties, a public process of decision making involving public hearings, deliberation, and ordinance adoption. Public notice was provided in the Keizer Times. Public hearings were held before the planning commission and the city council. Public hearings were held before the planning commission on February 8, 2012 and also before the City Council on March 5, 2012. Citizens were afforded the opportunity to participate in the public process. Finally, the city council meetings are televised further providing an avenue for awareness of the issue. This process is consistent with the provision for providing an opportunity for citizens to be involved in all phases of this planning process as required by this goal and with implementing administrative rules within Oregon Administrative Rules.

Goal 2 – Land Use Planning: This ordinance amends the Keizer Development Code. The adoption proceeding was conducted in a manner consistent with requirements of the Keizer Comprehensive Plan, Keizer Development Code, and applicable state law. Notice was published in the Keizer Times. Public hearings were conducted before both the planning commission and city council where an opportunity for both verbal and written testimony was provided. No public testimony was received at either the planning commission or the city council’s public hearing. Therefore, the proposed revision to the zone code is consistent with this statewide planning goal and administrative rules.

Goal 3 – Farm Land: The purpose of this goal is to protect lands that are designated for agricultural uses. Within the city limits there are two zones, Exclusive Farm Use (EFU) and Special Agriculture (SA), which are designated to allow commercial agricultural uses. The amendment involves regulations within the boundaries of the city limits of Keizer. Since the text amendments will only involve lands that are designated inside the city limits it will not affect either the EFU or the SA zoned lands or lawful uses occurring on those lands. Therefore, the proposed amendment will comply with the Farm Land Goal and with any implementing administrative rules.

Goal 4 – Forest Land: The intent of this goal is to protect lands that are designated for commercial forest uses. There are no zone districts that are specifically designated within the city limits to allow for commercial forestry. Also, there are no commercial forest lands near or adjacent to Keizer. The amendment to KDC Sections 2.108, 2.109, and 2.110 will not involve any land which is designated as forest land, nor will it impact the use of any forest lands. Therefore, this Goal and implementing administrative rules are not applicable to the proposed zone code amendments.

Goal 5 – Natural Resources: The intent of the Natural Resources Goal is to protect various natural resources such as wetlands, waterways, big game habitat, etc. The city established a Resource Conservation overlay zone to maintain, preserve and protect the natural features adjacent to Claggett Creek. The proposed amendments to the zone code regulations will not affect any of the city's natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. Therefore, the proposed text amendments will be consistent with this goal and with administrative rules designed to implement this goal.

Goal 6 – Air, Water and Land Quality: The intent of this goal is to protect the city's air, water and land qualities. The city provides its residents with city water from groundwater sources. New construction is required to be connected to the established sanitary sewer system thereby reducing the likelihood of groundwater contamination from failing on-site septic systems. The city has storm water regulations which are geared to maintain water quality in the Willamette River and any other local streams. Land quality is preserved through the city's erosion control regulations and through zone code development regulations. Air quality is preserved through the city's development code regulations which limit certain types of uses in certain zones. Primarily, air quality regulations will continue to be enforced by the appropriate state agencies which govern air emission standards. The revisions to the city's zone code regulations will have no impact on the quality of air, water, or land resources and so complies with this goal and with administrative rules that implement this goal.

Goal 7 – Natural Hazards: The purpose of this goal is to protect life and property from hazards resulting from flooding, steep slopes or other natural occurrences. The city has floodplain regulations that govern the placement of structures within identified 100-year floodplains within the city limits. A floodplain is the area that is adjacent to a body of water which may be subject to periodic inundation. In Keizer, these are primarily located along the Willamette River and smaller streams such as Claggett Creek. The floodplains have been mapped by the federal government. With the exception of areas removed from the 100-year floodplain through the Letter of Map Amendment the 100-year floodplain is the area of greatest concern. While this area is referred to as a 100-year floodplain it is because it has a statistical probability of having a 1% chance of flooding in any one year. The last major 100 year flood event was the 1964 flood. By contrast, the 1996 flood was not a 100 year flood event for Keizer, although clearly there was a significant amount of water flowing through parts of Keizer during that flood event. The intent of the floodplain regulations is to minimize the loss of life and property damage by preventing development, elevating structures above the flood elevation, or flood proofing structures in the floodplain. Only in the area identified as a floodway will most forms of development be prohibited. The floodway is that area that is generally the channels of rivers and streams which during a flood event will experience

very significant water depth and velocity flows. The revisions to the zone code will neither impact this goal nor any administrative rules.

Goal 8 – Recreation: This goal requires the city to identify and plan for the current and future recreation needs of the residents of the city. The city has an adopted Parks and Recreation Master Plan that inventories the parks, playgrounds, and other recreational opportunities within the city limits and also plans for the city’s future park and recreation needs. The proposed amendments to the city’s regulations regarding the deletion of references to obsolete code sections will not have any impact on the recreational activities or uses that occur on any park land within the city. Therefore, the amendment will not impact either this goal or any administrative rules that implement it.

Goal 9 – Economic Development: The intent of this goal is to ensure that the city plans for its overall economic vitality. The city recently engaged with Marion and Polk Counties and with the City of Salem to conduct a planning study of an economic opportunity analysis for the Salem – Keizer regional area. The intent of this study is to identify potential economic opportunities facing the region so as to better plan to take advantage of identified economic opportunities. A follow up to that study will be for the city to adopt its own local economic opportunities analysis which will be geared specifically to economic opportunities facing Keizer. The proposed amendments to the city’s regulations regarding the deletion of references to obsolete code sections will not have any impact on the city economic development plans. Therefore, the proposal is consistent with this goal and with all administrative rules.

Goal 10 – Housing: This goal requires the city to plan and provide for the housing needs of its residents. The city recently engaged with the City of Salem to conduct a planning study of buildable lands and housing needs analysis for the Salem – Keizer regional area. A follow up to that study will be for the city to adopt its own local housing needs analysis which will be geared specifically to Keizer and will identify the projected 20 year housing needs for the city. The intent of the proposed text amendments is to modify the city’s regulations regarding the deletion of references to obsolete code sections. The proposed amendments to KDC Sections 2.108, 2.109, and 2.110 will not impact either this goal or any related rules.

Goal 11- Public Facilities and Services: The intent of this goal is to develop a timely, orderly and efficient arrangement of public facilities and services necessary to serve the residents of Keizer. The city provides its residents with water, sanitary sewer, and an established street system. Administrative services, police services and public safety also are provided by the city. Fire protection services will continue to be provided by the Keizer Fire District or Marion County Fire District #1 depending on which district property is located. The proposed text amendments will not impact any of the city’s public facilities and

services. The proposed amendments to KDC Sections 2.108, 2.109, and 2.110 will comply with this goal and all administrative rules.

Goal 12 – Transportation: The city has an adopted Transportation System Plan that describes the city’s transportation systems. This system includes streets, transit bike, and pedestrian systems. The proposed text amendments to the city’s regulations regarding the deletion of obsolete code sections will have no impact on the city’s transportation systems. The proposed text amendment will not affect either this goal or any rules.

Goal 13 – Energy Conservation: This goal seeks to maximize the conservation of energy. All new construction requires compliance for review to applicable energy conservation standards. The proposed zone code text amendments will not impact this goal nor any of the implementing administrative rules.

Goal 14 – Urbanization: The intent of this goal to provide for an orderly and efficient transition from rural to urban land use. The city has an adopted Comprehensive Plan and zone code that complies with the goal. The proposed text amendment to the city’s regulations regarding the deletion of obsolete code sections will have no impact on the intent of this goal as it only will involve land that is within the city limits and not the use of land being transitioned from rural to urbanized uses.

Goal 15 – Willamette River: This goal seeks to protect, conserve, maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. While the Willamette River is located along the western flanks of Keizer the proposed text amendments will not impact the Willamette River. The revision to the city’s requirements in KDC Sections 2.108, 2.109, and 2.110 will have no impact on the ability of the city to regulate uses along the river or the Willamette River overlay zone regulations and so this goal is not applicable.

Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 Ocean Resources) govern areas along the ocean. Since Keizer is not located along the coast these goals are not applicable

In consideration of the above findings, the proposed zone code revision to Sections 2.108, 2.109, and 2.110 comply with all applicable statewide land use goals and with all applicable administrative rules which implement the relevant goal.

5. **Section 3.111.04.D - The amendment is appropriate as measured by at least one of the following criteria:**

- a. It corrects identified error(s) in the previous plan.
- b. It represents a logical implementation of the plan.

- c. It is mandated by changes in federal, state, or local law.
- d. It is otherwise deemed by the council to be desirable, appropriate, and proper.

FINDINGS: The proposed amendment is intended in part to correct several identified errors within the existing regulations. This text amendment is to consider proposed revisions to Section 2.109 (Commercial Retail) of the Keizer Development Code that will delete references to obsolete code sections and include references to appropriate sections in the current code. When the city's development code was updated in 1998 the old sections that were referenced within this section of the code were not updated to reference the new code sections. This revision will correct that oversight. In addition, each of the three sections (2.108.07.A(2), 2.109.08.B and 2.110.08.B) contains language that needs to be deleted since it references the Chemawa Specific Plan which was never adopted by the council and so does not have the force of law.

While there are no Comprehensive Plan goals or policies that offer guidance it is determined that the proposed amendment to the zone code represents a logical implementation of the Keizer Comprehensive Plan. The proposed amendment is not mandated by any federal, state, or local laws. The City Council has, by this adoption, determined that the text revision to KDC Sections 2.108, 2.109, and 2.110 is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

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)

Draft

- 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)

Draft

- 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. **Child care facility.** (5/98)
- RR. **Child foster home.** (5/98)
- SS. **Elementary and secondary schools (SIC 8211).** (5/98)
- TT. **Transit Facilities (Section 2.305).** (Ordinance 2009-586 – 05/09)

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. **Zero side yard dwellings.** (5/98)
- C. **Home occupations.** (5/98)
- D. **Child day care services.** (5/98)
- E. **Domiciliary Care Facility (SIC 836).** (5/98)
- F. **Bed and breakfast establishments.** (5/98)
- G. **Veterinary services (SIC 074).** (5/98)
- H. **Mixed-use buildings.** (5/98)
- I. **House of Worship.** (5/98)
- J. **Wireless Telecommunications Facilities (Section 2.421)** (5/98)

2.108.04 Conditional Uses

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

- A. Transit Station (Section 2.429). (Ordinance 2009-586 – 05/09)

2.108.05 Dimensional Standards

- A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex 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

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. (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)*

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>Min</u>	<u>Max.</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 2.31504 - Design Development Standards. (5/98)
 2. ~~Circulation - Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan:~~
 - a. ~~Streets - New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)~~
 - b. ~~Internal Driveway Connections - Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)~~

~~c. Pedestrian Ways—Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10-foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)~~

~~3. Pedestrian Connections—Pedestrian walkways shall be provided between buildings and the public right of way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)~~

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 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. **Gasoline service stations (554)** (~~SU-12-52~~ Section 2.419) except as provided in Section 2.109.04 28-03, below. (5/98)
- I. **Eating and drinking places (58)** except as provided in Section 2.109.04 28-03, below. (5/98)
- J. **Miscellaneous retail (59)** except fuel and ice dealers (598) provided all display is within a building. (5/98)
- K. **Used Merchandise Store** (Section 2.417 SU-12-48) provided all display is within a building. (5/98)
- L. **Vehicle sales and secondary repair** except as provided in Section 2.109.04 28-03, below. (5/98)
- M. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)

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- N. **Hotels, motels, and tourist courts** (701). (5/98)
- O. **Religious organizations** (Section 2.423 SU 12.60). (5/98)
- P. **Veterinary services** (074) (Section 2.414 SU 12.42 in urban areas). (5/98)
- Q. **Membership organizations** (86). (5/98)
- R. **Public utility structures and buildings** except as provided in Section 2.109.04 28.03, below. (5/98)
- S. **Recreational vehicle parks** (7033) Section 2.412 (SU 12.40) except as provided in Section 2.109.04 28.03, below. (5/98)
- T. Uses prescribed in Section 2.203 Chapter 24. (5/98)
- U. **Unlimited number of guest rooms** including **rooming and boarding houses** (702), organization hotels and lodging homes on membership basis (704). (5/98)
- V. **Signs** (Section 2.308 SU Chapter 15). (5/98)
- W. **Bed and breakfast establishments** (Section 2.408 SU 12.26). (5/98)
- X. **Miscellaneous amusement and recreation services** (799) except golf courses (7992) and amusement parks (7996). (5/98)
- Y. **Landscape counseling and planning** (0781). (5/98)
- Z. **News dealers and newsstands** (5994). (5/98)
- AA. **Commercial printing** (275). (5/98)
- BB. **Communications** (48). (5/98)
- CC. **Apparel and accessory stores** (56). (5/98)
- DD. **Furniture, home furnishings, and equipment stores** (57). (5/98)
- EE. **Electrical and lighting shops and office machines and equipment stores**. (5/98)
- FF. **Personal services** (72) except carpet and upholstery cleaning (7217) and industrial launderers (7218). (5/98)

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- GG. **Business services** (73) except disinfecting and exterminating services (7342) and research and development laboratories (7391). (5/98)
- HH. **Automobile parking** (752) except as provided in Section 2.109.04 28.03, below. (5/98)
- II. **Watch, clock, and jewelry repair** (763). (5/98)
- JJ. **Motion picture distribution** and allied services (782). (5/98)
- KK. **Motion picture theaters** (783) except drive-ins (7838). (5/98)
- LL. **Dance halls, studios, and schools** (791). (5/98)
- MM. **Theatrical producers** (except motion pictures), **bands, orchestras**, and **entertainers** (792). (5/98)
- NN. **Bowling alleys and billiard and pool establishments** (793). (5/98)
- OO. **Health services** (80) except hospitals (806). (5/98)
- PP. **Ambulance service**. (5/98)
- QQ. **Legal services** (81). (5/98)
- RR. **Educational services** (82). (5/98)
- SS. **Social services** (83). (5/98)
- TT. **Museums, art galleries, botanical and zoological gardens** (84). (5/98)
- UU. **Miscellaneous services** (89). (5/98)
- VV. **Executive offices** (911). (5/98)
- WW. **Executive and legislative combined** (913). (5/98)
- XX. **Finance, taxation, and monetary policy** (93). (5/98)
- YY. **Administration of human resources programs** (94). (5/98)
- ZZ. **Administration of environmental quality and housing programs** (95). (5/98)
- AAA. **Administration of economic programs** (96). (5/98)
- BBB. **National security and international affairs** (97). (5/98)

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CCC. **Automotive Dealers** (55) but excluding gasoline service stations (554) except as provided in Section 2.109.04 28-03, below. (5/98)

DDD. **Adult entertainment business** (Section 2.418 SU-12.50). (5/98)

~~EEE. **Billboards** (non-appurtenant signs) (SU Chapter 15). (5/98)~~

~~EEE, FFF. **Mixed-use buildings** (SU 12.46) Accessory commercial uses (Section 2.416). (5/98)~~

~~FFF GGG. **Residential home care and adult residential home care.**~~

~~GGG HHH. **Printing & Publishing** (Ord 87-078) (Ord 92-232) (Ord 96-357)~~

~~HHH III. **Child foster home** for five or fewer children as a secondary use. (6/99)~~

~~III JJJ. **Pet Grooming** (6/01)~~

~~JJJ KKK. **Transit Facilities** (Section 2.305). (Ordinance 2009-586 – 05/09)~~

2.109.03 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 2.109.04 28-03, below. (5/98)
- D. **Automotive repair shops** (753) except as provided in Section 2.109.04 28-03, below. (5/98)
- E. **Automotive services, except repair** (754) except as provided in Section 2.109.04 28-03, below. (5/98)
- 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 2.109.04 28-03, below. (5/98)

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- 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). (~~Ord 87-078~~)(~~Ord 96-357~~) (5/98)
- N. **Transit Station (Section 2.429).** (Ordinance 2009-586 – 05/09)

2.109.04 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 SU 12.52). (5/98)
- 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 SU 12.40). (5/98)
- 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)

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- K. **Utilities – secondary truck parking and material storage yard.** (Ord 96-357) (5/98)

2.109.05 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 or amended master plan. (06/10)

2.109.06 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)

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- (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)*

2.109.07 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)

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- 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%

2.109.08 Design Standards

All development in the CR 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 CR zone shall comply with the following standards: (5/98)
 - a. Non-residential structures shall comply with the provisions in Section 2.315 2.314 – Development Design Standards. (5/98)
 - b. Residential structures shall comply with the provisions in Section 2.314 – Standards for Single Family Dwellings.
- ~~B. Circulation – Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)~~

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- ~~1. Streets — New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)~~
- ~~2. Internal Driveway Connections — Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)~~
- ~~3. Pedestrian Ways — Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)~~
- ~~4. Pedestrian Connections — Pedestrian walkways shall be provided between buildings and the public right of way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)~~

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. **Child day care** service, including family day care provider. (5/98)
- 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)

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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)

Draft

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).** (Ordinance 2009-586 – 05/09)

Draft

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

1. **Shared housing facilities** (Section 2.403). (5/98)
2. **Zero side yard dwelling units** (Section 2.404). (5/98)
3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast establishments** (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411) except as provided in Section 2.110.05, below. (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413) except as provided in Section 2.110.05, below. (5/98)
10. **Veterinary services** (074) (Section 2.414). (5/98)
11. **Funeral service and crematories** (726) (Section 2.415). (5/98)
12. **Used Merchandise Store** (Section 2.417)
13. **Adult entertainment business** (Section 2.418). (5/98)
14. **Service stations** (554) (Section 2.419) except as provided in Section 2.110.05, below. (5/98)
15. **Recreational vehicle parks** (7033) (Section 2.412) except as provided in Section 2.110.05, below. (5/98)
16. **Automobile services** (75) (Section 2.420) except as provided in Section 2.110.05, below. (5/98)
17. **Manufacturing and Assembly Facilities** (Section 2.421). (5/98)
18. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

Draft

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). (Ordinance 2009-586 – 05/09)

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). (5/98)
 - 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 or amended master plan. (06/10)

2.110.06 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex 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

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *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)*
- (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)*

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)

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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)
- D. 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 2.315.4 – Development Design Standards. (5/98)

- ~~B. Circulation—Circulation standards apply for projects that are applicable and are developed within the River and Chemawa Specific Area boundaries. As stated in the Specific Plan: (5/98)~~
- ~~1. Streets—New streets shall conform to the street sections depicted in Figure 10 in the Specific Plan. In cases where the right-of-way varies, the sidewalk may need to be provided in an easement or private property. New Streets shall be provided in accordance with the Circulation Plan (Figure 9 in the Specific Plan). (5/98)~~
 - ~~2. Internal Driveway Connections—Where possible, internal parking lot driveways shall be designed to connect from parcel to parcel to allow travel through the site without the need to access a public street. (5/98)~~
 - ~~3. Pedestrian Ways—Where indicated on the Development Plan and Circulation Plan in the Specific Plan Specific Plan, 10 foot wide pedestrian pathways shall be provided across development parcels. The pathways shall be improved with distinctive paving material that differentiates the pathway from any adjoining parking area. Where crossing parking area, the pathways shall be raised and shall include a minimum two feet landscape planter between the pathway and the adjoining parking lot. (5/98)~~
 - ~~4. Pedestrian Connections—Pedestrian walkways shall be provided between buildings and the public right-of-way. Walkways shall be provided between adjoining commercial buildings when not connected by a public sidewalk. Walkways shall be not less than five feet in width and shall be constructed of concrete or similar material that is clearly distinguished from parking area pavement. (5/98)~~

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