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1.101TITLE

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
Historical Landmark Overlay Zone	HLO

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:

<u>Comprehensive Plan Designation</u>	<u>Zone Classification</u>
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 ^(02/03)
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)

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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 ordinance (general), and those terms that apply 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 2.120

[Greenway] Greenway Management Overlay Zone; Section 2.121

[Historical] Historical Landmark Overlay Zone; Section 2.125

[RV Park] Recreational Vehicle Park; Section 2.412

[Signs]Signs; Section 2.306

- 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 include the feminine, and feminine the masculine. 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. (5/98)

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)

Access Easement:

A narrow, private, limited use roadway, which provides access to a public street for a maximum of four dwelling units that do not have usable public street frontage. (01/02)

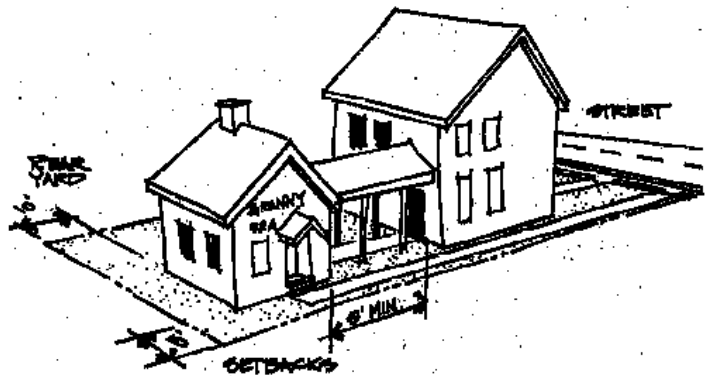


Figure 1 – Accessory Housing

Accessory Residential Housing: A, subordinate dwelling unit the use of which is incidental to the main building and is used as dwelling or living quarters. (5/98)

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 Structure [Flood]: Sheds or small garages less than 480 square feet in area that are exempt from elevation or flood proofing requirements. (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)

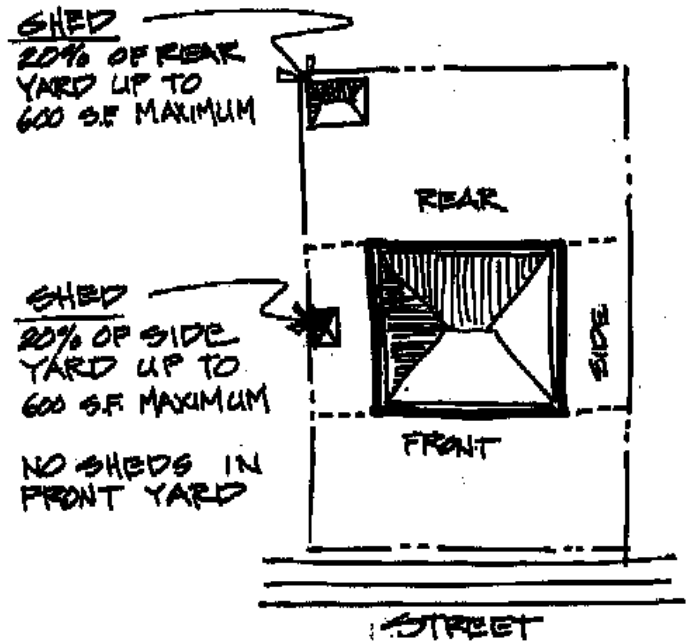


Figure 2 – Accessory Structure

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

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

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

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)

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

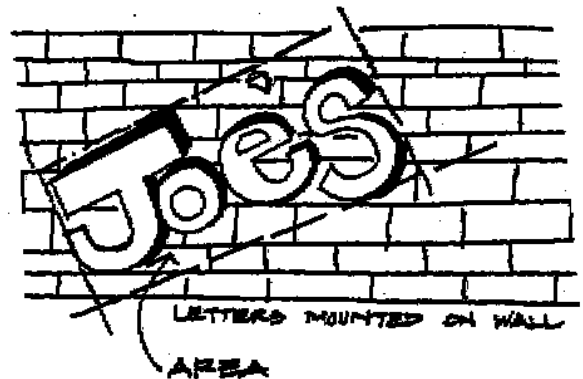


Figure 3 – Sign Area

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)

Area of Special Flood Hazard [Flood]: Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (5/98)

Attached Dwellings:

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

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

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)



Figure 4 – Sign Awning

Base Flood Level [Flood]: The flood level having a 1 percent chance of being equaled or exceeded in any given year (100 year flood plain). (5/98)

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)

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)

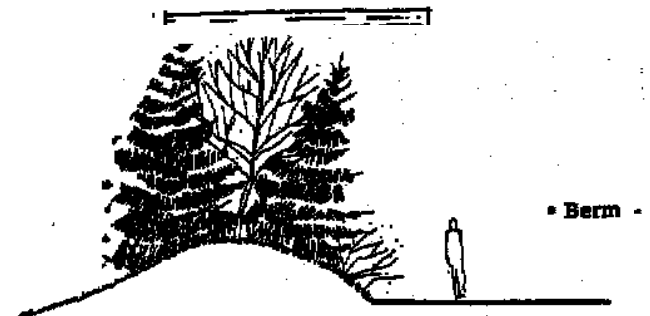


Figure 6 - Berm

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 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, 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)

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)

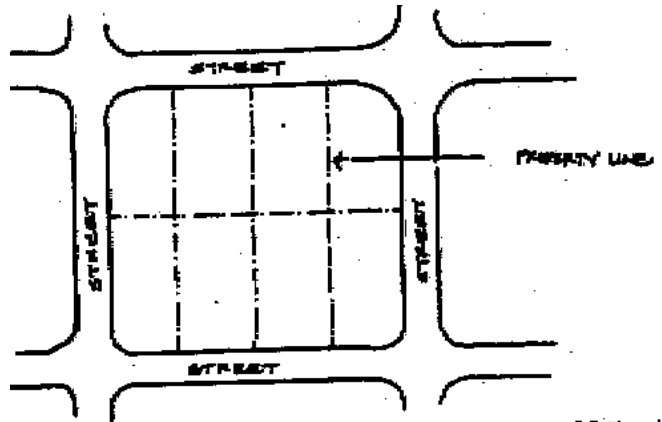


Figure 7 - Block

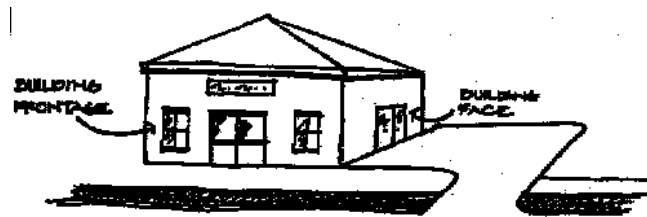


Figure 8 – Building Face & Frontage



Figure 9 – Building Height

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)

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)



Figure 10 – Canopy Sign

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 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)

Constrained Access Area:

Constrained access area means that portion of an infill street where modifications to the right-of-way or improvement widths have been made to allow access between existing structures or other physical obstructions for the purpose of infill development (see Section 2.316.10). (01/02)

Constrained Access Roadway:

Constrained access roadway refers to a public infill street that is reduced in width to allow access between two or more existing structures or other physical obstructions (see Section 2.316.10). (01/02)

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

Conveyance [Flood]: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of flood waters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)

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

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

Critical Feature [Flood]: An integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised. (5/98)

Cultural Resource Inventory [Historical]: Historical buildings or sites placed on the historical resource inventory. (5/98)

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 landmark or any building within an historic district. (5/98)

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

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

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

Development [Flood]: Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Development may include, but is not limited to, residential and non-residential structures, fill, utilities, transportation facilities, and the storage and stockpiling of buoyant or hazardous materials. (5/98)

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-Family (Duplex)." (5/98)

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

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

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

Dwelling, Townhouse: A multi-family structure so designed that each individual dwelling unit is located upon a separate lot or parcel. (5/98)

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

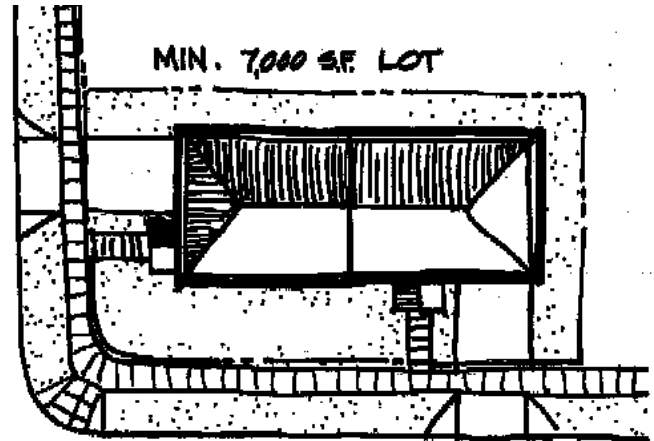


Figure 11 - Duplex

EASEMENT 20' FOR TWO OR MORE HOUSES
PAVEMENT 16' FOR TWO OR MORE HOUSES
SETBACK 5' FOR BUILDINGS FROM EASEMENT

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 premises. (5/98)

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

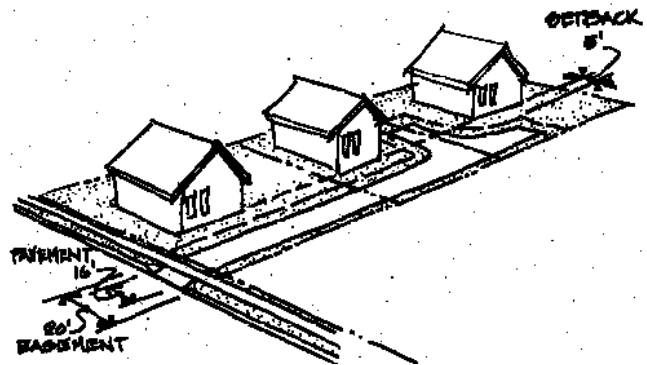


Figure 12 - Easement

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance. (5/98)

Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision [Flood]: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). (5/98)

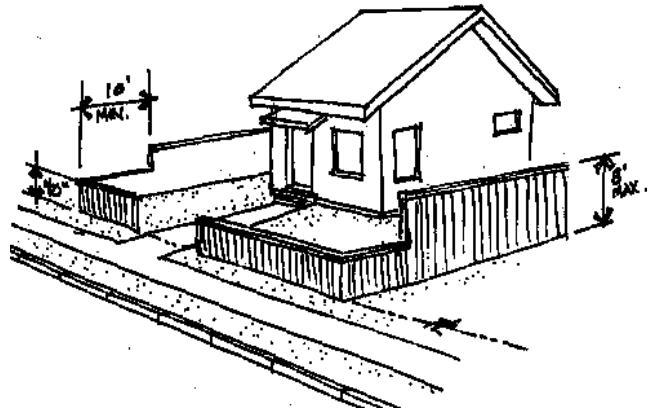
Family: An individual or two or more persons related by blood, marriage, adoption, or legal guardianship, or a group of not more than 5 unrelated individuals, living together as a single housekeeping unit. (5/98)

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)

Figure 13 - Fence

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 general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. (5/98)

Flood Boundary Floodway Map (FBFM) [Flood]: The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is delineated the Flood Plan, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS). (5/98)

Flood Elevation Certificate (FEC) [Flood]: Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building. (5/98)

Flood Insurance Rate Map (FIRM) [Flood]: The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Keizer. (5/98)

Flood Insurance Study (FIS) [Flood]: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Keizer. (5/98)

Flood Plain [Flood]: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Keizer. (5/98)

Flood Proofing [Flood]: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area. (5/98)

Floodway [Flood]: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation. (5/98)

Floodway Fringe [Flood]: The area of the flood plain lying outside of the floodway as delineated on the FBFM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge. (5/98)

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)

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

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

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)

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)

Hazardous Material [Flood]: Combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment. (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)

Historic District [Historical]: A geographically definable area, the boundaries of which have been adopted by the Council under Section 2.125.04. (5/98)

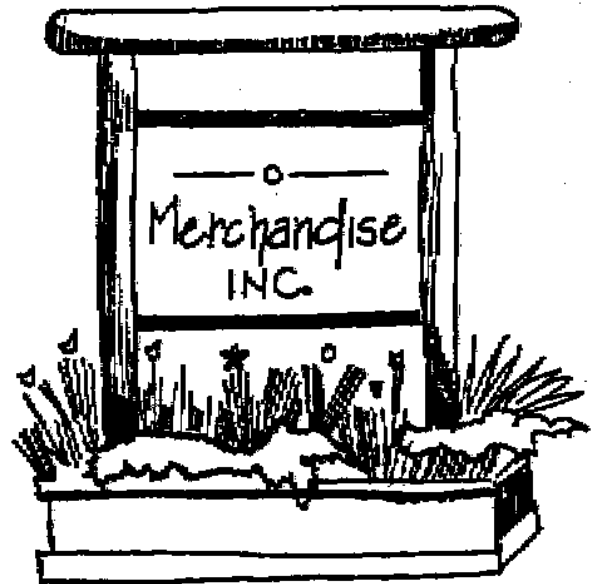


Figure 14 – Free-Standing Sign

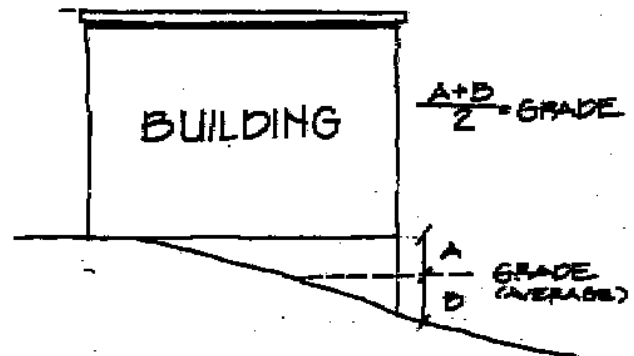


Figure 15 - Grade

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)

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)

Infill Development:

Residential infill development is development at densities allowed under existing zoning on vacant, or partially used land. Infill development occurs on lands which may have been by-passed in the urbanization process or which may have a use that could be or has been removed. (01/02)

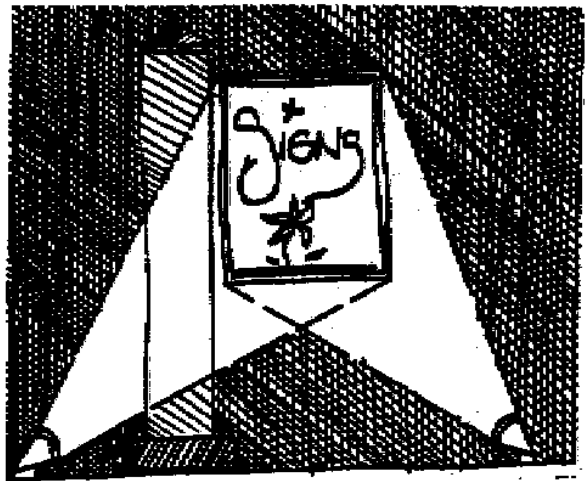


Figure 16 – Indirect Illumination

Infill Development Parcel:

Any parcel that meets the criteria for an infill development parcel specified in Section 2.316.03. (01/02)

Infill Street:

An infill street is a public street with a narrow right-of-way specifically designed to allow access to infill development parcels where a standard public street is not necessary or can not be provided given the shape and size of existing parcels. An infill street is intended to allow access to a limited number of dwelling units. (See Section 2.316.06A)

(01/02)

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

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

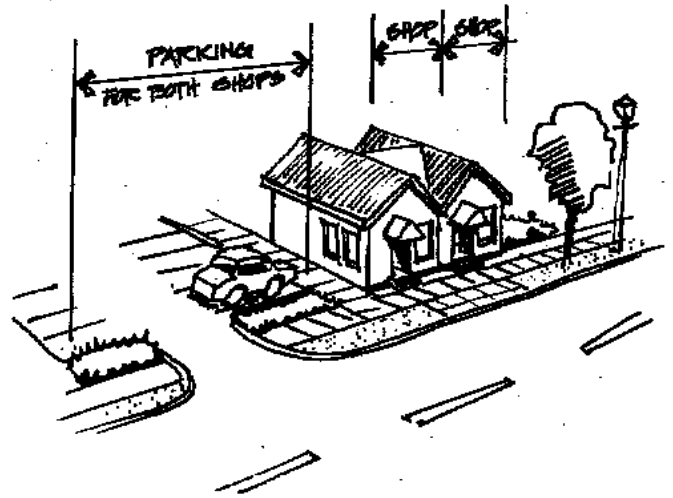


Figure 17 – Integrated Business Center - Small

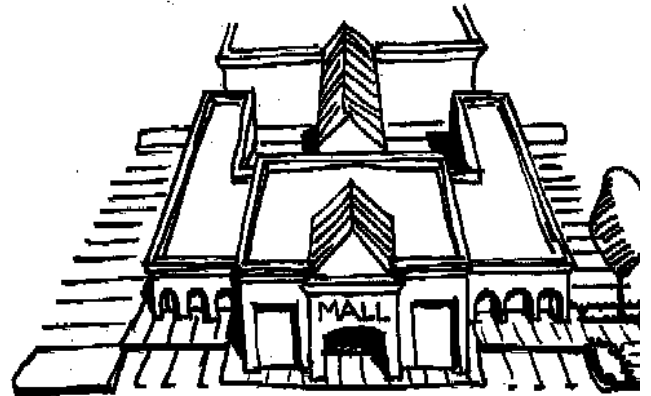


Figure 18 – Integrated Business Center - Large

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

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)
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)

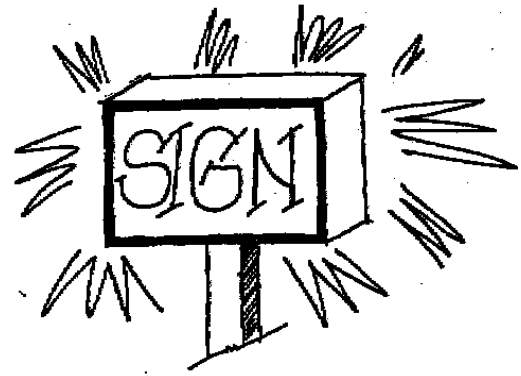


Figure 19 – Internal Illumination

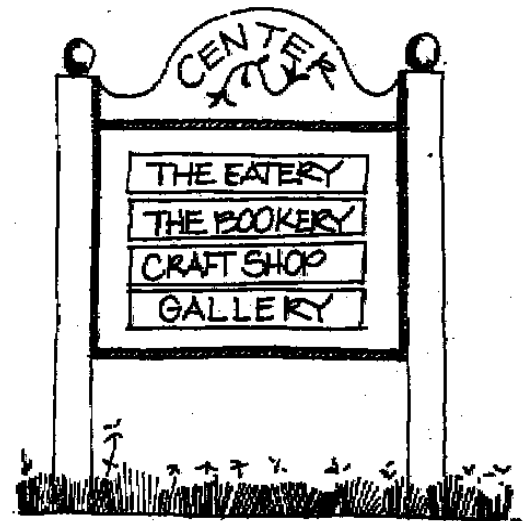


Figure 20 – Joint Use Sign

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)

Kenel: 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)

Landmark [Historical]: Any site, object, buildings, or structure designated by the Council under the provisions of the Historical Landmark Overlay Zone. (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)

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)

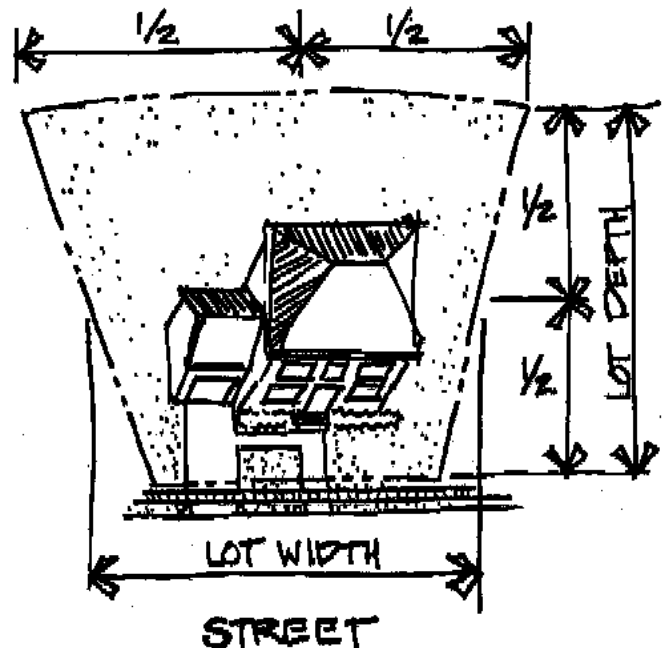


Figure 21 – Lot Width and Depth

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 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)

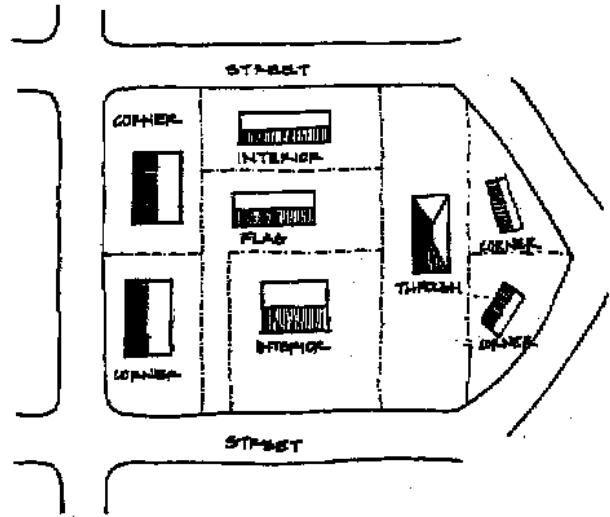


Figure 22 – Lot Types

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 Line Adjustment: The realignment of a common boundary between two contiguous lots or parcels which does not involve the creation of a new lot or parcel. (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. (5/98)

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

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

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 within a district or on a landmark site, except for the repair or maintenance of existing public improvements. (5/98)

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 Home [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. For flood plain management purposes, the term "manufactured home" also includes mobile homes. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (5/98)

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)

Manufactured home park or subdivision [Flood]: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (5/98)

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)

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)

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



Figure 23 – Multi-Faced Sign

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

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 home [Flood]: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section. (5/98)

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)

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)

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 original effective date of the Floodplain Overlay Zone. (5/98)

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)

Obstruction [Flood]: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by

such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property. (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)

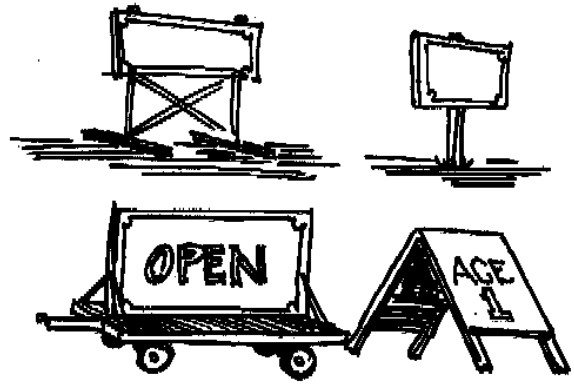


Figure 24 – Portable Signs

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)

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)

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)

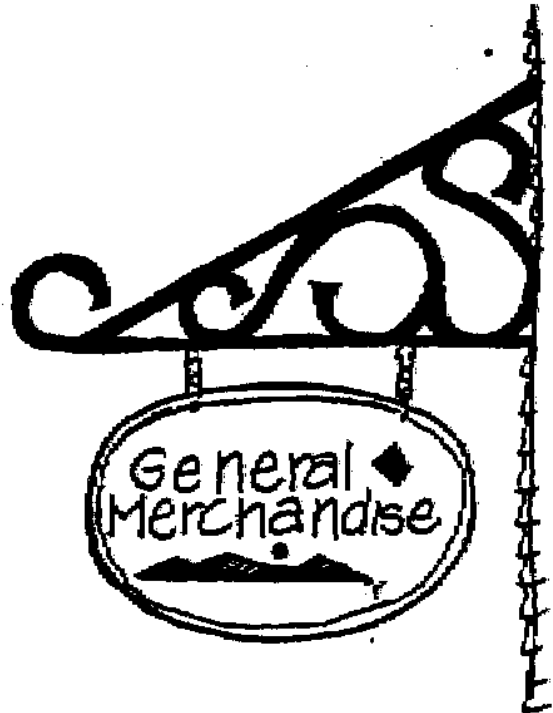


Figure 25 – Projecting Sign

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 "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a Mobile Home (Flood), of this Section. (5/98)

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)

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

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

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

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

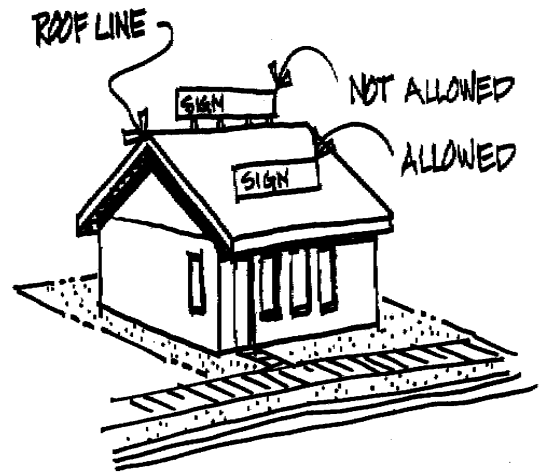


Figure 26 – Roof Line & Roof Sign

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

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

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

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

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

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

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

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

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

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)

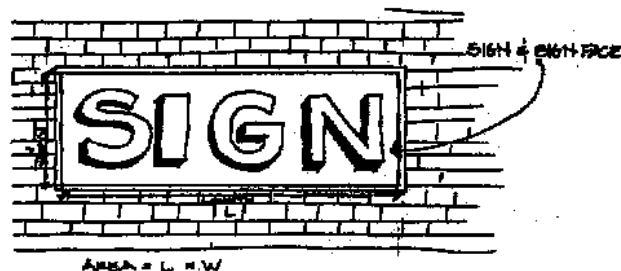


Figure 27 – Sign Face

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

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

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

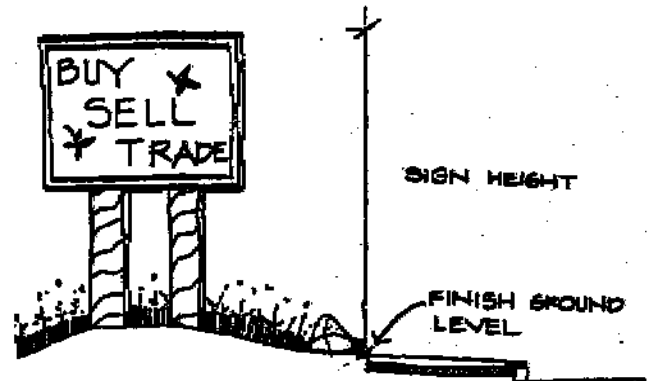


Figure 28 – Sign Height

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 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]:

1. The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 used as part of the main structure. (5/98)

2. For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. (5/98)
3. For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed. (5/98)

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)
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)

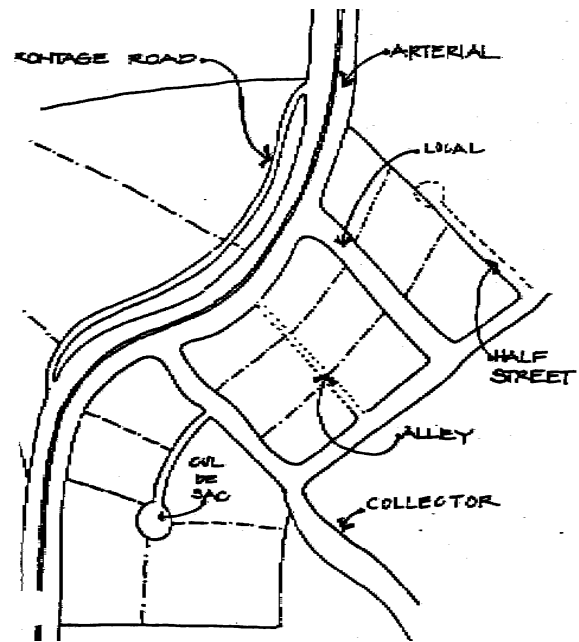


Figure 29 – Street Types

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

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

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

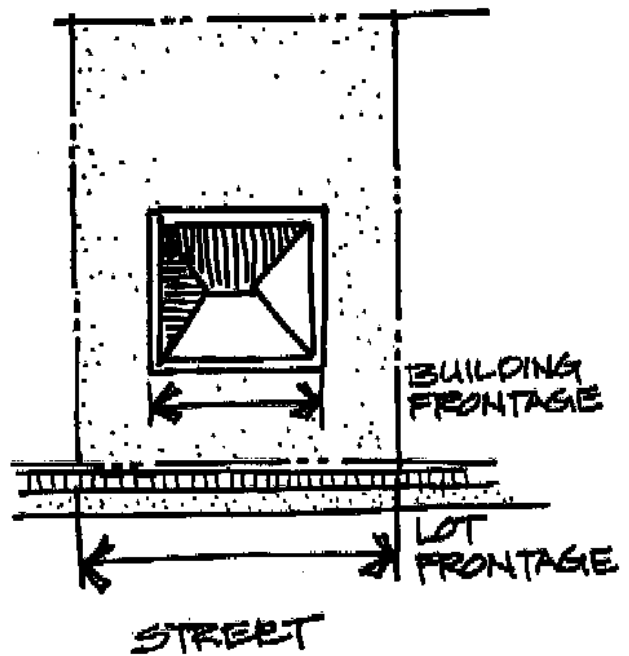


Figure 30 – Street & Building Frontage

Structure [Flood]: Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground. (5/98)

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 Improvement [Flood]: Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 50% of the market or assessed value of the structure before the start of construction of the improvement:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include:
 - a. Any project 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
 - b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure. (5/98)

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)

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)

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)

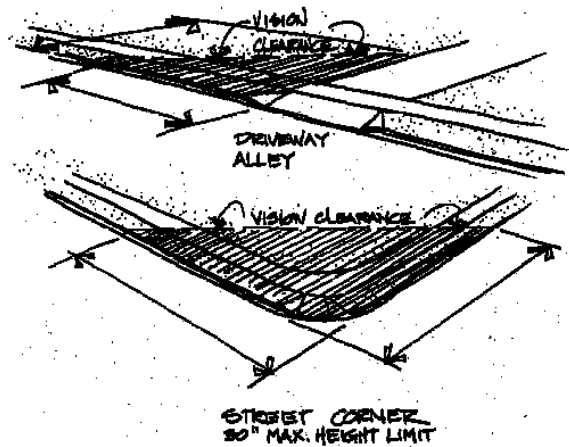


Figure 31 – Vision Clearance Area

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)



Figure 32 – Wall Sign

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)

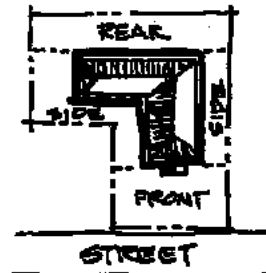
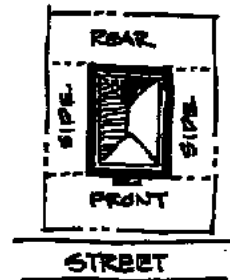
Water-Related [Greenway]: Uses which are not directly dependent upon access to a water body, but which provide goods or services that are directly associated with water-dependent land or waterway use, and which, if not located adjacent to water, would result in a public loss of quality in the goods or 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)

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. (5/98)



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. (5/98)

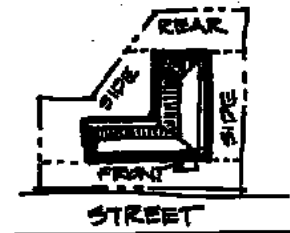
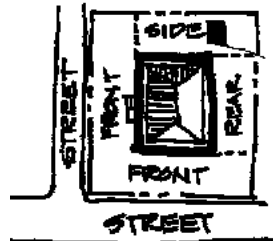


Figure 33 - Yards

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. (5/98)

Zero Lot Line Wall:

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

Zero Side Yard Dwelling Unit: An attached or detached dwelling unit constructed contiguous to a side lot line. (5/98)

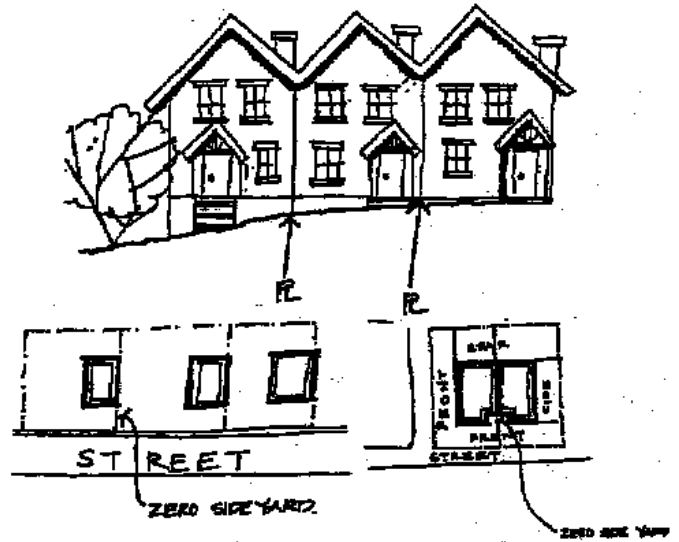


Figure 34 – Zero Side Yard Dwelling Unit

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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 homes on individual lots provided with urban services at low urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Low Density Residential in the Comprehensive Plan.
(5/98)

2.102.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes.** (5/98)
- C. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- 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)

2.102.03 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. The following special uses subject to the applicable standards in Section 2.400.
(5/98)
 - 1. **Duplex** on a corner lot (Section 2.403). (5/98)
 - 2. **Shared housing** Facilities (Section 2.403). (5/98)

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

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. **Child daycare** services for 13 or more children. (5/98)
- E. **Water supply** (494). (5/98)
- F. **Bed and breakfast establishment** (Section 2.408). (5/98)
- G. **Use of a mobile home as a temporary hardship dwelling** (Section 2.406) (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)

2.102.05 Dimensional Standards

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

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential Uses	Non-Residential Uses
Lot Size	4000 square feet (1)	(2)
Average Width	40 feet	None
Average Depth	70 feet	None
Maximum Height	35 feet	(3)

(1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404).* (5/98)

- (2) *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)*

B. Minimum Yard Setback Requirements

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

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 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)
- 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)
- 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 except in the RS zoned area north of Barnick Road where the maximum density shall be 6 units per acre with no minimum. (5/98)
- J. **Number of Buildings.** No more than one primary building shall be located on a lot or parcel. (5/98)

2.103 LIMITED DENSITY RESIDENTIAL (RL)

2.103.01 Purpose

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

2.103.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes** and facilities. (5/98)
- C. **Buildings with two or more dwelling units.** (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children.(6/99)

2.103.03 Special Permitted Uses

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

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

- E. The following special uses subject to the applicable standards in Section 2.4:
1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling** units (Section 2.404). (5/98)
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Residential sales offices** (Section 2.409). (5/98)
 5. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
 6. **House of Worship** (Section 2.423). (5/98)
 7. **Boat and RV storage** area (Section 2.411). (5/98)
 8. **Manufactured homes** on individual lots (Section 2.402) (5/98)
 9. **Recreational vehicle storage** space (Section 2.413). (5/98)
 10. **Electrical substations** (Section 2.426). (5/98)
 11. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)
 12. **Manufactured home parks** (Section 2.405). (5/98)

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. **Child day-care services** for 13 or more children. (5/98)
- 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

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4000 sq. ft. (1)(2)	7000 sq. ft.	10000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

(1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404).* ^(5/98)

- (2) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (3) *Multi-family development must comply with the density standard in Section 2.103.06.I. (5/98)*
- (4) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (5) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non-Residential
Front	10 feet	10 feet	10 feet	20 feet
Side	5 feet (1)	5 feet	(3)	10 feet
Rear	(2)	(2)	(3)	20 feet
Street-side (4)	10 feet	10 feet	10 feet	20 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. In no case shall the setback be less than 10 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)*

2.103.06 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 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. **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% (5/98)
- I. **Density:** Subdivisions and multi-family development within the RL zone shall comply with the following density requirements:
1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 14 units per acre. (5/98)

2.104 MEDIUM DENSITY RESIDENTIAL (RM)

2.104.01 Purpose

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

2.104.02 Permitted Uses

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

- A. **Detached single family dwelling** on a lot. (5/98)
- B. **Residential homes and facilities.** (5/98)
- C. **Buildings with two or more dwelling** units. (5/98)
- D. **Combination of permitted attached or detached dwellings** on a lot. (5/98)
- E. **Child day care service**, including family day care provider, for 12 or fewer children. (5/98)
- F. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- G. **Child foster home** for five or fewer children. (6/99)

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

1. **Shared housing facilities** (Section 2.403). (5/98)
2. **Zero side yard dwelling units** (Section 2.404). (5/98)
3. **Home occupations** (Section 2.407). (5/98)
4. **Bed and breakfast** establishments (Section 2.408). (5/98)
5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (7992) or membership recreation club having golf course (7997) (Section 2.410). (5/98)
7. **House of Worship** (Section 2.423). (5/98)
8. **Boat and RV storage** area (Section 2.411). (5/98)
9. **Manufactured home parks** (Section 2.405). (5/98)
10. **Manufactured homes** on individual lots (Section 2.402) (5/98)
11. **Accessory commercial uses** (Section 2.416). (5/98)
12. **Recreational vehicle storage space** (Section 2.413). (5/98)
13. **Electrical substation** (Section 2.426). (5/98)
14. **Wireless Telecommunications Facilities (Section 2.427)** (5/98)

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. **Child day care** service for 13 or more children. (5/98)
- 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)

2.104.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Single Family	Duplex	Multi-Family	Non-Residential
Lot Size	4,000 sq. ft. (1)(2)	6,000 sq. ft.	9,000 sq. ft. (3)	(4)
Average Width	40 feet	50 feet	50 feet	None
Average Depth	70 feet	80 feet	80 feet	None
Maximum Height	35 feet	35 feet	35 feet	(5)

- (1) *Newly created lots or parcels less than 5000 square feet in area shall be limited to zero lot line dwellings (2.404). (5/98)*
- (2) *A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)*
- (3) *Multi-family development must comply with the density standard in Section 2.104.06.I. (5/98)*
- (4) *Parcel size shall be adequate to contain all structures within the required yard setbacks. (5/98)*
- (5) *50 Feet - Required setbacks shall increase 1 foot for every foot the height exceeds 35 feet. (5/98)*

B. Minimum Yard Setback Requirements

SETBACKS	Single Family	Duplex	Multi-Family	Non- Residential
Front	10 feet	10 feet	10 feet	20 feet
Side	(1)	5 feet	(3)	10 feet
Rear	(2)	(2)	(3)	20 feet
Street-side (4)	10 feet	10 feet	10 feet	20 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. In no case shall the setback be less than 10 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)*

2.104.06 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 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. **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%. (5/98)
- I. **Density:** Subdivisions and multi-family development within the RM zone shall comply with the following density requirements:
 - 1. For property designated Medium Density in the Comprehensive Plan, the minimum density shall be 6 units per acre; the maximum density shall be 10 units per acre. (5/98)
 - 2. For property designated Medium-High Density in the Comprehensive Plan, the minimum density shall be 8 units per acre; the maximum density shall be 22 units per acre. (5/98)

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. **Child day care** service, including family day care provider, for 12 or fewer children. (5/98)
- D. **Public or private utility substation**, but excluding communication towers and electrical substations. (5/98)
- E. **Child foster home for five or fewer children.**(6/99)

2.105.03 Special Permitted Uses

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

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

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

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. **Child day care** service for 13 or more children. (5/98)
- 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;
 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)

2.105.05 Dimensional Standards

A. Minimum Lot Dimension and Height Requirements

DIMENSION	Residential	Non-Residential
Lot Size	6,000 sq. ft. (1)	(2)
Average Width	50 feet	None
Average Depth	80 feet	None
Maximum Height	(3)	(3)

- (1) *Multi-family development must comply with the density standard in Section 2.104.05.* ^(5/98)
- (2) *Parcel size shall be adequate to contain all structures within the required yard setbacks.* ^(5/98)
- (3) *No limit - Required setbacks shall increase 1 foot for every foot the height exceeds 50 feet.* ^(5/98)

B. Minimum Yard Setback Requirements

SETBACKS	Residential	Non-Residential
Front	10 feet	20 feet
Side	(1)	10 feet

Rear	(1)	20 feet
Street-side (2)	10 feet	20 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. In no case shall the setback be less than 10 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)*

2.105.06 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 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. **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% (5/98)
- 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. **Child day care service.** (5/98)
- 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

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	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	5 feet	5 feet	5 feet	5 feet
Garage entrance (2)	20 feet	20 feet	20 feet	20 feet

- (1) *The setback shall be no less than the rear yard setback of the zone on the adjacent property. (5/98)*
- (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 commercial and residential uses 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. (5/98)

The emphasis of the nonresidential uses is primarily on locally-oriented retail, service, and office uses. Commercial development will consist primarily of businesses on the ground floor with housing on upper stories. 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. (5/98)

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

I. **Retail Trade:** The following retail commercial uses are allowed:

1. **General merchandise stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (53). (5/98)
2. **Food stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (54). (5/98)
3. **Apparel and accessory stores** and further provided the gross floor area shall not exceed 10,000 square feet (56). (5/98)
4. **Home furnishing, appliance and equipment stores** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (57). (5/98)
5. **Eating and drinking places** and further provided the gross floor area shall not exceed 10,000 square feet (58). (5/98)
6. **Retail, miscellaneous** provided all display is within a building and further provided the gross floor area shall not exceed 10,000 square feet (59) BUT EXCLUDING non-store retailers (596) and fuel and ice dealers (598). (5/98)

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

1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
2. **Hotels, motels and lodging** facilities (701). (5/98)
3. **Personal services** (72) BUT EXCLUDING: power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217); and industrial laundries (7218). (5/98)
4. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342), building and cleaning services (7349), and equipment rental (735). (5/98)

5. **Watch, clock and jewelry repair (763).** (5/98)
 6. **Recreational or athletic clubs.** (5/98)
 7. **Health services (80) BUT EXCLUDING hospitals (806).** (5/98)
 8. **Legal services (81).** (5/98)
 9. **Miscellaneous services (89).** (5/98)
 10. **Community or neighborhood clubs.** (5/98)
 11. **Parking lots.** (5/98)
 12. **Pet Grooming** (6/01)
- K. **Public administration (91 - 97).** (5/98)

2.107.03 Special Permitted Uses

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)
- E. The following special uses subject to the applicable standards in Section 2.4:
 1. **Shared housing facilities** (Section 2.403). (5/98)
 2. **Zero side yard dwelling** units (Section 2.404). (5/98)
 3. **Home occupations** (Section 2.407). (5/98)
 4. **Bed and breakfast** establishments (Section 2.408). (5/98)
 5. **Residential sales offices** (Section 2.409). (5/98)
 6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
 7. **Boat and RV storage** area (Section 2.411). (5/98)
 8. **House of Worship** (Section 2.423). (5/98)

9. **Recreational vehicle storage** space (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)

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)

2.107.05 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. Any outdoor display or storage of merchandise or materials. (5/98)
- D. 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 of 65,000 square feet shall apply to the uses identified in Sections 2.107.02 (F), (G), (H), (I), (J), and (K). (12/03)

2.107.06 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 2.105.05. (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 2.106.06. (5/98)*

B. Minimum Yard Setback Requirements

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

- (1) *For all MU zoned property fronting Cherry Avenue south of Manbrin Drive the minimum setback shall be 5 feet and the maximum shall be 10 feet for yards adjacent to Cherry Avenue. The maximum setback shall apply to the primary wall of the building. Indentations in the primary wall, such as alcoves, courtyards, etc. have no maximum setback. (5/98)*
- (2) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (3) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (4) *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)*
- (5) *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)*
- (6) *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)*

2.107.07 Development Standards

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

- A. **Off Street Parking:** Parking shall be as specified in Section 2.303. (5/98)
- B. **Design Standards** - Unless specifically modified by provisions in this Section, buildings located within the MU zone shall comply with the following standards: (5/98)
 - 1. Single family homes 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)
 - 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:	75%
- I. **Density:**
 - 1. For property zoned MU as identified in the Keizer Station Plan, the minimum density for subdivisions, partitions, multi-family or any residential development shall be a minimum 8 units per acre and a maximum 24 units

per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (12/03)

2. The minimum density for multi-family development shall be 8 units per acre; the maximum density shall be 24 units per acre, except there shall be no minimum residential density requirement for multi-family development within a mixed use building. (5/98)

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. **Child care facility.** (5/98)
- RR. **Child foster home.** (5/98)
- SS. **Elementary and secondary schools** (SIC 8211). (5/98)

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 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)*

2.108.05 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)

2.108.06 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 2.304 - Design 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)** except as provided in Section 28.03, below. (5/98)
- I. **Eating and drinking places (58)** except as provided in Section 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 (SU 12.48)** provided all display is within a building. (5/98)
- L. **Vehicle sales and secondary repair** except as provided in Section 28.03, below. (5/98)
- M. **Finance, insurance, and real estate (60, 61, 63, 64, 65, 66 and 67).** (5/98)
- N. **Hotels, motels, and tourist courts (701).** (5/98)
- O. **Religious organizations (SU 12.60).** (5/98)

- P. **Veterinary services** (074) (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 28.03, below. (5/98)
- S. **Recreational vehicle parks** (7033) (SU 12.40) except as provided in Section 28.03, below. (5/98)
- T. Uses prescribed in Chapter 21. (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** (SU Chapter 15). (5/98)
- W. **Bed and breakfast establishments** (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)
- 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 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)
- CCC. **Automotive Dealers** (55) but excluding gasoline service stations (554) except as provided in Section 28.03, below. (5/98)
- DDD. **Adult entertainment business** (SU 12.50). (5/98)
- EEE. **Billboards** (non appurtenant signs) (SU Chapter 15). (5/98)
- FFF. **Mixed-use buildings** (SU 12.46). (5/98)
- GGG. **Residential home care and adult residential home care**.

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

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

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

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 28.03, below. (5/98)

D. **Automotive repair shops** (753) except as provided in Section 28.03, below. (5/98)

E. **Automotive services, except repair** (754) except as provided in Section 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 28.03, below. (5/98)

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)

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) (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) (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)
- 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 of 65,000 square feet shall apply to the uses identified in Sections 2.109.02 (D) – (M), (Z), (CC) – (EE), (CCC) and (DDD). (02/03)

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)*
- (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)
- 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)

Max.

Min

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 2.314 - 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)

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)

- 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. 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)

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)

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)
- 11.11. 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 of 25,000 square feet shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). (12/03)

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
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- (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)
 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 2.314 - 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)

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)

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

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	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. (5/98)
 - 2. Bakery products. (5/98)
 - 3. Beverages. (5/98)
 - 4. Miscellaneous food preparations and kindred products. (5/98)
 - 5. 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. (5/98)
 - 6. Textile mill products. (5/98)

7. Apparel and other finished products made from fabrics and similar products. (5/98)
8. Wood kitchen cabinets. (5/98)
9. Nailed and lock corner wood boxes and shook. (5/98)
10. Wood products, not elsewhere classified. (5/98)
11. Furniture and fixtures. (5/98)
12. Paperboard containers and boxes. (5/98)
13. Printing, publishing, and allied industries. (5/98)
14. Drugs. (5/98)
15. Soaps detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations. (5/98)
16. Miscellaneous plastic products. (5/98)
17. Leather and leather products BUT EXCLUDING leather tanning and finishing. (5/98)
18. Glass products, made of purchased glass. (5/98)
19. Pottery and related products. (5/98)
20. Metal cans and shipping containers. (5/98)
21. Cutlery, hand tools, and general hardware. (5/98)
22. Heating equipment, except electric and warm air, and plumbing fixtures. (5/98)
23. Fabricated structural metal products. (5/98)
24. Screw machine products, and bolts, nuts, screws, rivets, and washers. (5/98)
25. Metal forgings and stampings. (5/98)
26. Metalworking machinery and equipment. (5/98)
27. Special industry machinery, except metalworking machinery. (5/98)
28. Pumps and pumping equipment. (5/98)
29. Office, computing, and accounting machines. (5/98)

30. Electrical and electronic machinery, equipment, and supplies. (5/98)
 31. Transportation Equipment. (5/98)
 32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks. (5/98)
 33. Miscellaneous manufacturing industries. (5/98)
- C. Transportation, communications, electric, gas, and sanitary services;**
1. Motor freight transportation and warehousing. (5/98)
 2. Communication. (5/98)
 3. Public Utility Structures and Buildings. (5/98)
- D. 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. (5/98)
- E. 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. (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. (5/98)
 2. Research and development laboratories. (5/98)
 3. Management, consulting, and public relations services. (5/98)
 4. Noncommercial educational, scientific, and research organizations. (5/98)
- H. Public administration;** (5/98)
1. Fire protection. (5/98)
- 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. (5/98)

K. Finance, Insurance, and Real Estate; (5/98)

1. Commercial and Stock Savings Banks. (5/98)
2. Mutual Savings Bank. (5/98)
3. Savings and Loan Associations. (5/98)
4. Personal Credit Institutions. (5/98)

L. Services (5/98)

1. Hotels, motels, and tourist courts. (5/98)
2. Child daycare services. (5/98)
3. Membership sports and recreation clubs. (5/98)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (5/98)
5. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (5/98)
6. Miscellaneous services. (5/98)

M. Transit stop shelters. (5/98)

N. Flexible Space Uses

1. The following uses, when restricted, developed, and conducted as required in subsection 2 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; BUT EXCLUDING used merchandise stores (59). (5/98)

- e. Business Services. (5/98)
 - f. Miscellaneous Repair Services. (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 Ord 2004-510)
 - 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 Ord 2004-510)
 - 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 conterminous 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)

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

2.113.03 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)

2.113.04 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)

2.113.05 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 the internal 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. (5/98)

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)

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)

2.114.05 Prohibited Uses

- A. The following uses are prohibited on properties within the Keizer Station Plan boundary: (02/03)
 1. Manufacturing of grain mill products (204) (02/03)
 2. Manufacturing of biological products, except diagnostic substances (2836) (02/03)
 3. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284) (02/03)
 4. Miscellaneous plastic products (308) (02/03)
 5. Motor freight transportation and warehousing (42) (02/03)

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

ADJACENT PROPERTY USE

SETBACKS	Single Family or Duplex	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)

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)

2.115.5 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)

SETBACKS	ADJACENT PROPERTY USE	
	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)

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

SETBACKS	Single Family or Duplex	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)

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 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. (5/98)

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 2.118.11, 2.118.12, and 2.118.13. (5/98)
- G. **Nursery.** (5/98)
- H. **Child foster home** for five or fewer children. (6/99)

2.118.03 Conditional Uses

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

- A. 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. (5/98)

- B. Expansion or replacement of a use permitted under Section 2.118.02 subject to meeting the criteria in Section 3.103.03. (5/98)
- C. Commercial and industrial activities in conjunction with farm or forest use. (5/98)
- D. Use of a mobile home as a temporary hardship dwelling subject to Section 2.406. (5/98)
- E. Single family dwelling meeting criteria in Section 2.118.04 and Sections 2.118.11, 2.118.12, and 2.118.13. (5/98)
- F. 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. Greater height may be requested and approved as a conditional use. (5/98)

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

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home; 20 feet for a 2-story home. (5/98)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

2.118.08 Other Development Standards

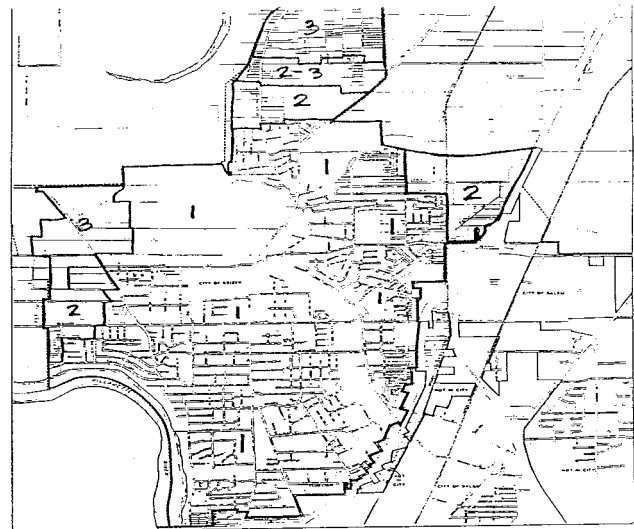
All development in the UT Zone shall comply with the applicable provisions of this Ordinance. The following includes referenced items as well as additional development requirements:

- 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 Development Priorities and Growth Management

The City of Keizer Comprehensive Plan establishes priorities for the future expansion of public facilities and services to currently unserved areas in the City. These unserved areas are in an UT or EFU zone. The map shown on Figure 2.118-1 indicates three development priorities for the UT and EFU zoned areas in the City. Priority 1 areas are surrounded by or are immediately adjacent to areas where public sewer and water currently exists, where LIDs or other commitments for service extension are approved, and where new growth is likely during the next 10 years. Priority 2 areas have a medium priority for service extensions, and will likely experience new growth in 5 to 15 years. Priority 3 areas have a low priority for service extensions, and are not expected to experience growth for 10 to 20 years. The following development standards apply to these development priority areas. (5/98)



DEVELOPMENT PRIORITY AREAS
 Legend
 1 HIGH
 2 MEDIUM
 3 LOW
 Figure 36-1
 City of Keizer
 KEIZER COMPREHENSIVE PLAN
 Wiley & Ham ECO Northwest

2.118.10 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)

FIGURE EREF_Toc168113 \H 459
 – UT Priority Areas – (Original in Comprehensive Plan)

- 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. The following regulations shall apply when lot line adjustments and partitionings of land within the UT zone are proposed:
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: 6,000 square feet. (5/98)
 - b. Lacking public sewer or water: 20,000 square feet. (5/98)
 - c. Lacking both public sewer and water: 1 acre in priority 1 and 2 development areas, 2 acres in priority 3 development areas. (5/98)
 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)
 4. Partitioning of land creating an undeveloped parcel of less than 5 acres in area shall not be allowed in Priority 2 and 3 areas. Minimum lot dimension standards in Priority 2 and 3 areas are: (5/98)
 - a. The property shall have no dimension less than 100 feet. (5/98)
 - b. The property shall have not less than 100 feet of frontage on a dedicated street that shall have a right-of-way width of not less than 40 feet. (5/98)

2.118.11 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 building. (5/98)

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 Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (2/03)
- 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 Site 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. (2/03)
 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 Site 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. (2/03)
 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. Child daycare services. (2/03)
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. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
6. Miscellaneous services, including pest control (7342). (2/03)

M. Transit stop shelters. (2/03)

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:
 - i. Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building; (2/03)
 - ii. Be enclosed with a sight-obscuring fence or wall; (2/03)
 - iii. Have at least one side conterminous with the building that it serves; (2/03)
 - iv. Have no opening within fifty feet and visible from any property boundary; and(2/03)
 - v. 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)

2.119.05 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. **Child day care** service, including family day care provider. (8351) (2/03)
- 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)
- 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)

2.119.06 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)

2.119.07 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 of 800,000 square feet shall apply to the uses identified in Sections 2.119.03 (K) and 2.119.05 (I).

2.119.08 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 for each sub-area are required to meet the criteria identified in Section 3.113 of the Code.
- B. Master Plan Required. A master plan must be reviewed and approved by the City Council prior to subdivision platting or development. The Master Plan shall be reviewed through a Type II-B 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.
 - 1. The Master Plan 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 is adopted, the proposed development of each use shall be reviewed through Development Review as required in Section 2.315 of the Keizer Development Code. In the case of conflicts between the Keizer Station Plan and the Keizer Development Code, the Keizer Station Plan standards will apply.
 - 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.

2.119.09 Dimensional Standards

- A. Purpose. The lot size standards promote new lots with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots, which are difficult to develop or to aggregate with other lots. The standards also discourage narrow lots, 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.

B. Minimum Lot Dimension Requirements.

1. Within the acreage identified for commercial uses, at least eighty percent (80%) of the lots must meet Standard A stated in the table within this subsection and the remainder lots must meet Standard B.
2. Within the acreage identified for industrial uses, at least eighty percent (80%) of the lots must meet Standard C stated in the table within this subsection and the remainder of the lots must meet Standard D.
3. Exempt Lots. Lots 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.

Development Type	Lot Standard	Minimum Lot Area	Minimum Average Width	Minimum Average Depth
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.

2.119.10 Development Standards

A. Height, Setback, Coverage, and Landscaping Requirements

Development Type	Building Standards		Building Setbacks			Minimum Landscaping
	Maximum Height	Maximum Lot Coverage	Street-side Min Max	Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot 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)	20 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 Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (2/03)
- “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. (2/03)
- 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 outdoors. Streetscaping may include, but not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (2/03)
- (a) In accordance with Section 3.113 Keizer Station Master Plan Review, 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. (2/03)

B. Design Standards. All development in the EG zone shall comply with applicable standards in Section 2.315 of the Code, in addition to the standards below: (2/03)

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 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	Storm Drainage
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

2.122 FLOOD PLAIN OVERLAY ZONE (FPO)

2.122.01 Purpose

The purpose of the Flood Plain Overlay Zone is to:

- A. Restrict or prohibit uses which are 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. (5/98)
- B. Minimize expenditure of public money for flood control projects, rescue and relief efforts in areas subject to flooding. (5/98)
- C. Minimize flood damage to new construction by elevating or flood proofing all structures. (5/98)
- D. Control the alteration of natural flood plains, stream channels, and natural protective barriers, which hold, accommodate or channel floodwaters. (5/98)
- E. Control filling, grading, dredging and other development, which may be subject to or increase flood damage. (5/98)
- F. Prevent or regulate the construction of flood barriers which may increase flood hazards in other areas. (5/98)
- G. Comply with the requirements of the Federal Insurance Administration to qualify the City of Keizer for participation in the National Flood Insurance Program. (5/98)
- H. Minimize flood insurance premiums paid by the citizens of the City of Keizer by reducing potential hazards due to flood damage. (5/98)
- I. Implement the flood plain policies in the City of Keizer Comprehensive Plan. (5/98)

2.122.02 Definitions

For purposes of this Overlay Zone, the following terms shall mean:

Accessory Structure: Sheds or small garages that are exempt from elevation or flood proofing requirements. This definition shall be limited to detached structures less than 120 square feet in area. (3/00)

Area of Special Flood Hazard: Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. (5/98)

Base Flood Level: The flood level having a one (1) percent chance of being equaled or exceeded in any given year (100-year flood plain). (5/98)

Basement: Any area of the building having its floor sub-grade (below ground level) on all four sides. (3/00)

Conveyance: Refers to the carrying capacity of all or a part of the flood plain. It reflects the quantity and velocity of floodwaters. Conveyance is measured in cubic feet per second (CFS). If the flow is 30,000 CFS at a cross section, this means that 30,000 cubic feet of water pass through the cross section each second. (5/98)

Development: Any activity that has the potential to cause erosion or increase the velocity or depth of floodwater. Any man made change to property including, but is not limited to, residential and non-residential structures, mining, dredging, filling, grading, excavation or drilling operations, utilities, transportation facilities, and the storage and stockpiling of materials located within the area of special flood hazard. (3/00)

Elevated Building: For insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns. (3/00)

Encroachment: Any obstruction in the flood plain that affects flood flows. (5/98)

Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision: A parcel (or contiguous parcels) of land divided into two or more mobile/manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile/manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Ordinance. (5/98)

Expansion to an Existing Mobile/Manufactured Home Park or Manufactured Home Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile/manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets). (5/98)

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

Fill: 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)

Flood or Flooding: A general and temporary condition of partial or complete inundation of usually dry land areas from the unusual and rapid accumulation of runoff of surface waters from any source. (5/98)

Flood Boundary Floodway Map (FBFM): The map portion of the Flood Insurance Study (FIS) issued by the Federal Insurance Agency on which is

delineated the Flood Plain, Floodway (and Floodway Fringe), and cross sections (referenced in the text portion of the FIS). (5/98)

Flood Elevation Certificate (FEC): Certification by a professional surveyor or other authorized official indicating the height of the lowest floor of a building. (5/98)

Flood Insurance Rate Map (FIRM): The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards (flood plain) and the risk premium zones applicable to the community and is on file with the City of Keizer. (5/98)

Flood Insurance Study (FIS): The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway map and the water surface elevation of the base flood and is on file with the City of Keizer. (5/98)

Flood Plain: Lands within the City that are subject to a one (1) percent or greater chance of flooding in any given year as identified on the official zoning maps of the City of Keizer. (5/98)

Flood Proofing: A combination of structural or non-structural provisions, changes, or adjustments to structures, land or waterways for the reduction or elimination of flood damage to properties, water and sanitary facilities, structures and contents of buildings in a flood hazard area. (5/98)

Floodway: The channel of a river or other watercourse and the adjacent land areas that must remain unobstructed to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. Once established, nothing can be placed in the floodway that would cause any rise in the base flood elevation. (5/98)

Floodway Fringe: The area of the flood plain lying outside of the floodway as delineated on the FIRM where encroachment by development will not increase the flood elevation more than one foot during the occurrence of the base flood discharge. (3/00)

Hazardous Material: Combustible, flammable, corrosive, explosive, toxic or radioactive substance, which is potentially harmful to humans and the environment. (5/98)

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

Manufactured home: 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. For flood plain management purposes, the term "manufactured home" also includes mobile homes as defined in this Section. For insurance and floodplain management purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles. (5/98)

Manufactured home park or subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (5/98)

Mean sea level: 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)

Mobile home: A vehicle or structure, transportable in one or more sections, which is eight feet or more in width, is 32 feet or more in length, is built on a permanent chassis to which running gear is or has been attached, and is designed to be used as a dwelling with or without permanent foundation when connected to the required utilities. Such definition does not include any recreational vehicle as defined by this Section. (5/98)

New Construction: Any structure(s) for which the start of construction commenced on or after the original effective date of the Floodplain Overlay Zone. (5/98)

Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that it is placed where the flow of water might carry the same downstream to the damage of life or property. (5/98)

Recreational vehicle: A "camper," "motor home," "travel trailer," as defined in ORS 801.180, 801-350, and 801-565 that is intended for human occupancy and is equipped with plumbing, sinks, or toilet, and does not meet the definition of a mobile home in this Section. (5/98)

Start of Construction: Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The first placement or permanent construction of a structure (other than a mobile/manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 used

as 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. (3/00)

For a structure (other than a mobile/manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. (5/98)

For mobile/manufactured homes not within a mobile/manufactured home park or manufactured home subdivision, "start of construction" means affixing of the mobile/manufactured home to its permanent site. For mobile/manufactured homes within mobile/manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile/manufactured home is to be affixed (including at a minimum, the construction of streets with final site grading or the pouring of concrete pads, and installation of utilities) is completed. (5/98)

Structure: Roofed buildings that have two or more walls, and gas or liquid storage tanks that are principally above ground. (5/98)

Substantial Improvement: Any repair, reconstruction, addition, rehabilitation or other improvements of a structure, the cost of which exceeds 20% of the market value of the structure before the start of construction of the improvement: (3/00)

1. Before the improvement or repair is started; or (5/98)
2. If the structure has been damaged and is being restored, before the damage occurred. For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences whether or not that alteration affects the external dimensions of the structures. The term does not include: (5/98)
 - a. Any project 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. (5/98)
 - b. Any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places, provided, the alteration will not preclude the structure's continued designation as an historic structure. (5/98)

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would be equal to or exceed 50% of the market value of the structure before the damage occurred. (3/00)

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

2.122.03 General Provisions

The following regulations apply to all lands in identified flood plains as shown graphically on the zoning maps. The flood plain is those areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Keizer, Oregon," or any revisions thereto with accompanying Flood Insurance Rate Maps. The most recent report and maps are incorporated in the overlay zone by this reference and are on file at the City of Keizer. When base flood elevation data has not been provided, the City shall have the authority to determine the location of the boundaries of the floodplain where there appears to be a conflict between a mapped boundary and the actual field conditions, provided a record is maintained of any such determination. The best available information or any revisions thereto for flood hazard area identification as outlined in Section 2.122.03B of this Ordinance shall be the basis for regulation until a new FIRM issued, which incorporates the data utilized under Section 2.122.03B. (3/00)

- A. City Responsibilities. Duties of the City shall include, but not be limited to:
1. Review all development permits, including manufactured homes, fill and other activities as set forth in Section 2.122.02 of this Ordinance, to determine that the permit requirements of this ordinance have been satisfied. (3/00)
 2. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required. (5/98)
 3. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.122.07 L., are met. (5/98)
- B. Use of Other Base Flood Data: When base flood elevation data has not been provided on the FIRM, the City shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer the provisions of this Ordinance. (3/00)
- C. Information Requirements. Information to be Obtained and Maintained:
1. From the developer of the property, where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as in Section 2.122.03B, obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures and whether or not the structure contains a basement. (3/00)
 2. For all new or substantially improved flood-proofed structures:

- a. Verify and record the actual elevation as furnished by the developer (in relation to mean sea level) to which the structure was flood proofed, and,
 - b. Maintain any flood-proofing certifications required by this Section. (3/00)
3. Maintain for public inspection all records pertaining to the provisions of this Ordinance. (5/98)
- D. Procedures. Permitted, but not exempt, activities in the flood area shall be reviewed as a Type I-A action. Activities requiring conditional use approval shall be reviewed as a Type I-B action. (5/98)

2.122.04 Uses - Exempt

Within the Flood Plain Overlay zone no uses, structures, vehicles, and premises shall be used or established except as provided in the applicable underlying zone and the provisions of this overlay zone. Except as provided herein all uses and floodplain development shall be subject to Type I-A or Type I-B action. The following uses are exempt from the regulations of this overlay zone:

- A. Signs, markers, aids, etc., placed by a public agency to serve the public. (5/98)
- B. Driveways, parking lots and other open space use areas where no alteration of topography will occur. (5/98)
- C. Minor repairs or alterations to existing structures provided the alterations do not increase the size or intensify the use of the structure, and do not constitute "substantial improvement" as defined in Section 2.122. (5/98)
- D. Customary dredging associated with channel maintenance consistent with applicable State or Federal law. (5/98)
- E. Placement of utility facilities necessary to serve established and permitted uses within flood plain areas, such as telephone poles. This exemption does not apply to buildings, substations, or other types of flood plain development. (5/98)
- F. Accessory residential or noncommercial structures less than 120 square feet in area. (3/00)

2.122.05 Uses - Permitted

If otherwise allowed in the zone, dwellings, a manufactured home on a lot, a manufactured home in a manufactured home park, commercial and industrial structures, and other structures that involve a building permit, including the placement of fill to elevate a structure, may be allowed subject to a written determination (flood plain development permit) that the following requirements are met: (5/98)

- A. The structure is not located within a floodway. (5/98)

- B. The required elevation to which the lowest floor of the structure must be elevated can be determined from the Flood Insurance Study. If in zone A, the requirements of Sections 2.122.03B and 2.122.03C must be met. (3/00)
- C. The structures will be located on natural grade or compacted fill. (5/98)
- D. The lowest floor will be elevated to 1 foot above the level of the base flood elevation and the anchoring requirements in Section 2.122.07 D. (5/98)
- E. The Building Official has determined that any construction and substantial improvements below base flood level meet the requirements of Sections 2.122.07. (5/98)
- F. The building permit specifies the required elevation of the lowest floor, any anchoring requirements and requires provision of certification under Section 2.122.07 F, prior to occupancy. (3/00)
- G. A certificate signed by a licensed surveyor or civil engineer certifying that the lowest floor including basement, is at or above the specific minimum is submitted to the Zoning Administrator prior to use of the structure. (5/98)
- H. No alteration of topography beyond the perimeter of the structure is proposed. (5/98)
- I. A recreational vehicle may be located in a floodplain provided it is fully licensed and ready for highway use, or meets the requirements for manufactured homes. A recreation vehicle is ready for highway use if it is 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. (5/98)

2.122.06 Conditional Use Procedures and Requirements

- A. Conditional Use Required. Except as provided in Section 2.122.04 and 2.122.05, a conditional use permit shall be obtained before construction or development begins within the Flood Plain Overlay Zone. The conditional use permit shall include conditions ensuring that the Flood Protection standards in Section 2.122.07 are met. (5/98)
- B. Base Flood Elevation Data. When base flood elevation data and floodway data have not been provided in accordance with Section 2.122.03, the applicant, with the assistance of the City shall obtain any base flood elevation data or evidence available from a Federal, State or other source in order to determine compliance with the flood protection standards. If data is insufficient, the Zoning Administrator, or designee, may require that the applicant provide data derived by standard engineering methods. (5/98)
- C. Certification. Prior to occupancy the applicant shall provide a certificate signed by a licensed surveyor or civil engineer certifying that the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or

substantially improved manufactured homes and structures meets the requirements of Sections 2.122.07 A., B., and, C. (5/98)

D. Application Information. In addition to other information required in a conditional use application, the application shall include:

1. Land elevation in mean sea level data at development site and topographic characteristics of the site. (5/98)
2. Base flood level expressed in mean sea level data on the site. (5/98)
3. Plot plan showing property location, floodplain, and floodway boundaries where applicable, boundaries and the location and floor elevations of existing and proposed development, and the location of grading or filling where ground surface modifications are to be undertaken. (3/00)
4. Any additional statements and maps providing information demonstrating existing or historical flooding conditions or characteristics which may aid in determining compliance with the flood protection standards of this overlay zone. (5/98)

E. Factors of Consideration. In reviewing a conditional use application for a development permit, the following factors shall be considered in making a decision on approval or denial of the permit:

1. The danger to life and property due to increased flood heights or velocities caused by encroachments. (5/98)
2. The danger that materials may be swept on to other lands or downstream to the injury of others. (5/98)
3. The proposed water supply and sanitation systems and the ability of those systems to prevent disease, contamination and unsanitary conditions. (5/98)
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner. (5/98)
5. The importance to the community of the service provided by the proposed facility. (5/98)
6. The requirements of the facility for a waterfront location. (5/98)
7. The availability of alternative locations not subject to flooding for the proposed use. (5/98)
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future. (5/98)

9. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area. (5/98)
 10. The safety of access to property in times of flood for ordinary and emergency vehicles. (5/98)
 11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site. (5/98)
 12. Such other factors which are relevant to the purpose of this Section. (5/98)
- F. Imposition of Conditions. The City may attach such conditions deemed necessary to further the purpose of this Section. Such conditions may include, but are not limited to: (5/98)
1. Limitations on periods of use and operation. (5/98)
 2. Imposition of operation controls, sureties, and deed restrictions. (5/98)
 3. Flood-proofing measures. (5/98)

2.122.07 Flood Protection Standards

In all areas of identified flood plain, the following requirements apply:

- A. Dwellings and Manufactured Homes. New residential construction, substantial improvement of any residential structures or Manufactured Homes, location of a manufactured home on a lot or in a manufactured home park or park expansion approved after adoption of this ordinance shall: (3/00)
1. Have the lowest floor, including basement, elevated on a permanent foundation to 1 foot above base flood elevation; and (5/98)
 2. Manufactured homes shall be anchored in accordance with subsection F; and (3/00)
 3. No manufactured home shall be placed in a floodway, except in an existing manufactured home park. The Manufactured Homes shall use the existing footprint of the previous Manufactured Home. If a larger footprint is proposed, Section 2.122.07L applies. (3/00)
 4. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: (5/98)

- a. A minimum of 2 openings, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters, and having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding shall be provided. (5/98)
 - b. The bottom of all openings shall be no higher than one foot above grade. (5/98)
 - c. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. (5/98)
- B. Manufactured Homes in Existing Manufactured Home Parks. Manufactured homes placed on sites within existing manufactured home parks must be anchored to a permanent foundation and either: (5/98)
- 1. Have the lowest floor at, or above, the base flood elevation; or, (5/98)
 - 2. Have the chassis supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement. (3/00)
 - 3. Manufactured homes to be located on lots or pads on which a home has incurred substantial damage, must be elevated a minimum of one foot above base flood elevation. This includes existing manufactured home parks or subdivisions. (5/98)
- C. Non-residential development. New construction and substantial improvement of any commercial, industrial or other non-residential structures shall either have the lowest floor, including basement, elevated to 1 foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, shall: (5/98)
- 1. Be flood-proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water. (5/98)
 - 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. (5/98)
 - 3. Be certified by a registered professional engineer or architect that the standards in this subsection are satisfied. This certificate shall include the specific elevation, in relation to mean sea level, to which such structures are flood-proofed and provided to the City as set forth in Section 2.122.03C.3. (3/00)

4. Non-residential structures that are elevated, not flood-proofed, must meet the same standards for space below the lowest floor as described in 2.122.07 A.4. (5/98)
 5. Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood-proofed level (e.g. a building constructed to the base flood level will be rated as 1 foot below that level). (5/98)
- D. Accessory Structures. Minor structures less than 120 square feet in area and not used for human habitation, such as sheds or detached garages may be exempt from elevation and flood-proofing standards providing the following development standards are met: (3/00)
1. Shall be designed to have low potential for flood damage;
 2. Shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwater; and,
 3. Shall be firmly anchored to prevent flotation, which may result in damage to other structures. (3/00)
- E. Fill
1. Any fill or materials proposed must be shown to have a beneficial purpose and the amount thereof not greater than is necessary to achieve that purpose as demonstrated by a plan submitted by the owner showing the uses to which the filled land will be put and the final dimensions for the proposed fill or other materials. (5/98)
 2. Such fill or other materials shall be protected against erosion by rip-rap, vegetation cover, or bulk heading. (5/98)
 3. Fill is prohibited within the floodway and areas within a floodplain where a floodway has not been technically determined unless the provisions in Section 2.122.07L are met. (3/00)
- F. Anchoring
1. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure. (5/98)
 2. All manufactured homes shall be anchored to resist floatation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. All manufactured homes shall meet Oregon Building Code specifications for anchoring. (5/98)
- G. Construction Materials and Methods

1. All new construction and substantial improvements below base flood level shall be constructed with materials and utility equipment resistant to flood damage, and the design and methods of construction are in accord with accepted standards of practice based on an engineer's or architect's review of the plans and specifications. (5/98)
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damages. (5/98)

H. Utilities

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system as approved by the State Health Division. (5/98)
2. New and replacement sanitary sewage systems shall be designed and located to minimize or elimination infiltration of flood water contamination consistent with the requirements of the Oregon State Department of Environmental Quality. (3/00)
3. Electrical, heating, ventilation, plumbing, and air-conditioning or other service facilities equipment shall be designed and/or **elevated or located** so as to prevent water from entering or accumulating within the components during conditions of flooding. (3/00)

I. General Development Requirements. Residential developments involving more than one single-family dwelling, including subdivisions, manufactured home parks, multiple-family dwellings and planned developments including development regulated under A., and C., shall meet the following requirements: (5/98)

1. Be designed to minimize flood damage. (5/98)
2. Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage. (3/00)
3. Have adequate drainage provided to reduce exposure to flood damage. (5/98)
4. Base flood elevation data shall be provided by the developer. In cases where no base flood elevation is available, analysis by standard engineering methods will be required. (5/98)

J. Storage of Materials and Equipment. Materials that are buoyant, flammable, obnoxious, toxic or otherwise injurious to persons or property, if transported by floodwaters, are prohibited. Storage of materials and equipment not having these characteristics is permissible only if the materials and equipment have low-damage potential and are anchored or are readily removable from the area within the time available after forecasting and warning. (5/98)

- K. Alteration of Watercourses (Floodways). When considering a conditional use permit to allow alteration or modification of a watercourse (floodway) the following shall apply:
1. Adjacent communities, the Oregon Division of State Lands and the Department of Land Conservation and Development shall be notified prior to any alteration or relocation of a watercourse. Evidence of such notification shall be submitted to the Federal Insurance Administration. (5/98)
 2. Maintenance shall be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished. (5/98)
- L. Floodways. Located within areas of flood plain established in Section 2.122.03 are areas designated as floodways. The floodway is an extremely hazardous area due to the velocity of floodwaters, which carry debris, potential projectiles, and erosion potential. The following provisions shall apply to land within the floodway and to areas within a flood plain where a floodway has not been technically determined: (5/98)
1. Prohibit encroachments, including fill, new construction, substantial improvements and other development unless a technical evaluation is provided by a registered professional engineer or architect demonstrating, through hydrologic and hydraulic analyses performed in accordance with standard engineering practices, that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. This evaluation may be submitted to the Federal Emergency Management Agency for technical review. (3/00)
 2. If Section 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.122.07. (5/98)
 3. Prohibit the placement of any manufactured homes except in an existing manufactured home park. (5/98)
 4. The area below the lowest floor shall remain open and unenclosed to allow the unrestricted flow of floodwaters beneath the structure. (5/98)
- M. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's 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. (3/00)

2.122.08 Generalized Flood Plain Areas

Where elevation data is generalized, such as the unnumbered A zones on the FIRM, conditional use permits shall include a review and determination that proposed construction will be reasonably safe from flooding and meet the flood protection standards. In determining whether the proposed flood plain development is reasonably safe, applicable criteria shall include, among other things, the use of historical data, high water marks, photographs of past flooding, or data (e.g. an engineering study or soil and landscape analysis) may be submitted by qualified professionals that demonstrate the site is reasonable safe from flooding. In such cases, a letter of map amendment may be required by the City. (3/00)

2.122.09 Variances

- A. Requirements. A variance 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 criteria in Section 2.122.10. (5/98)
- B. Notification of Applicant. A community shall notify the applicant in writing over the signature of a community official that: (1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and, (2) such construction below the base flood level increases risk to life and property. Such notification shall be maintained with a record of all variance actions as required in subsection C. (5/98)
- C. Community Responsibility. A community shall: (1) maintain a record of all variance actions, including justification for their issuance; and, (2) report such variances issued in its annual report submitted to the Administrator. (5/98)

2.122.10 Variance Criteria

The following criteria shall be used to review variance applications. (5/98)

- A. Variances shall only be issued upon a showing that:
 - 1. There is a good and sufficient cause; (5/98)
 - 2. That failure to grant the variance would result in exceptional hardship to the applicant; (5/98)
 - 3. 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 local laws; (5/98)
 - 4. The variance is the minimum necessary, considering the flood hazard, to afford relief; (5/98)

5. The variance will be consistent with the intent and purpose of the provision being varied; (5/98)
6. There has not been a previous land use action approved on the basis that variances would not be allowed; and (5/98)
7. The new construction or substantial improvement is not within any designated regulatory floodway, or if located in a floodway, no increase in base flood discharge will result. (5/98)

2.122.11 Warning and Disclaimer of Liability

The degree of flood protection required by this overlay zone is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on occasion. Flood heights may be increased by man-made or natural causes. This zone 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. This zone will not create liability on the part of the City of Keizer, any officer or employee thereof or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any decision lawfully made there under. Failure to comply with these provisions is considered a violation and subject to violation procedures in Section 1.102.06. (5/98)

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 historical sites, structures, and facilities 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. (5/98)

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: (02/03)

- 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. Site Master Plan. Developments in an activity center shall be required to submit a master plan for approval as part of the application process. The elements of such master plan shall include, but are not limited to, the following: (5/98)

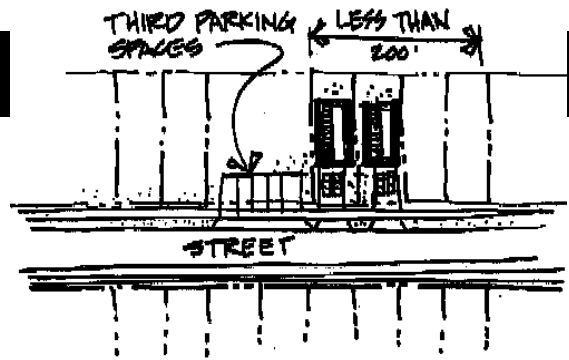


Figure Requirements PAGEREF _Toc - 3rd Parking Space in Parking Bay

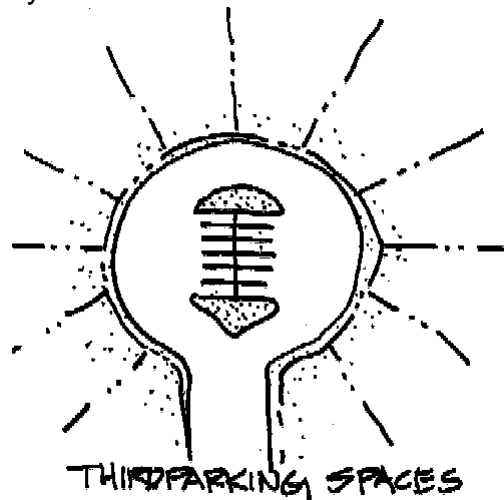


Figure 3.210.02 Applicability and - 3rd Parking Space in Cul-De-Sac

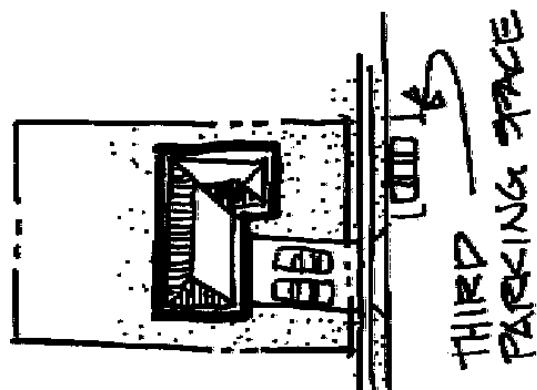


FIGURE GERE F _Toc168109 \h 459 - 3rd Park Space Provided On-Street

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. (5/98)
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. (02/03)

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 the following total floor area limitations: (02/03)

1. 15,000 square feet in Area A - Sports Center; and (02/03)
2. 70,000 square feet in Area D – Commerce Center. (02/03)

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: (02/03)

1. Within Area A “Sports” of the Keizer Station Plan boundary: (02/03)
 - 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). (02/03)
2. Within Area D of the Keizer Station Plan boundary: (02/03)
 - a. General Merchandise Stores (5399). (02/03)
 - b. Gasoline Service Stations (554) in accordance with Section 2.419. (02/03)

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: (02/03)

A. Manufacturing of grain mill products (204) (02/03)

- B. Manufacturing of biological products, except diagnostic substances (2836)
(02/03)
- C. Soaps, detergents, and cleaning preparations, perfumes, cosmetics, and other toilet preparations (284) (02/03)
- D. Miscellaneous plastic products (308) (02/03)
- E. Motor freight transportation and warehousing (42) (02/03)

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 HISTORICAL LANDMARK OVERLAY ZONE (HLO)

2.127.01 Purpose

The purpose of this Overlay Zone 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, districts, and objects of historic interest within the city; (5/98)
- 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)

2.127.02 Conformance Required

No land shall be used, and no building, site, object, district, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within a district or on a landmark site except in conformity with this ordinance. (5/98)

2.127.03 Definitions

The following definitions shall apply to this Section: otherwise:

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

Cultural Resource Inventory: Historical buildings or sites placed on the historical resource inventory. (5/98)

Demolish: To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic district. (5/98)

Historic District: A geographically definable area, the boundaries of which have been adopted by the Council under Section 2.125.04. (5/98)

Landmark:: Any site, object, buildings, or structure designated by the Council under Section 2.125.04. (5/98)

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 within a district or on a landmark site, except for the repair or maintenance of existing public improvements. (5/98)

2.127.04 Landmark and District Designation

- A. Process. The process for designating a landmark or historic district may be initiated by the Council, the Commission, or by any interested person who submits an application for designation to the Zoning Administrator. At the time of application the Zoning Administrator shall provide the property owner and applicant with information regarding the benefits and restriction of designation. (5/98)
- B. Information. The following information shall be required in an application:
1. The applicant's name and address; (5/98)
 2. The owner's name and address, if different from the applicant; (5/98)
 3. A written description of the boundaries of the proposed district or the location of the proposed landmark; (5/98)
 4. A map illustrating the boundaries of the proposed district or the location of the proposed landmark; (5/98)
 5. A statement explaining the following: (5/98)
 - a. The reason(s) why the proposed district or landmark should be designated; (5/98)
 - b. The reason(s) why the boundaries of the proposed district are appropriate for designation; (5/98)
 - c. The potential impact, if any, which designation of the proposed district or landmark would have on the residents or other property owners in the area. (5/98)
 6. Any other information deemed necessary by the Zoning Administrator. (5/98)
- C. Council Action. Within seven days of receipt of a complete application, the Zoning Administrator shall forward the request to the Council. The Council shall hold a public hearing within 45 days of receipt of the application pursuant to Section 8 of this ordinance. The Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request. (5/98)
- D. Decision Criteria. The Council shall consider the following criteria in determining whether to approve a proposed landmark or district: (5/98)
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 landmark; (5/98)
 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 criteria listed above; (5/98)
 13. The resource is listed on the National Register of Historic Places. (5/98)
- E. Removal of Designation. The process for removing a landmark or historic district designation may be initiated by the Council, the Commission, or by any interested person who submits to the Zoning Administrator an application for removal of the designation. The Council may amend or rescind its designation by following procedures required by this ordinance for designating a landmark, including the adoption of appropriate findings. (5/98)

2.127.05 Demolition and Moving

- A. Zoning Administrator Approval. No person shall move, demolish, or cause to be demolished a landmark or a significant resource in an historic district, unless a permit to do so has first been obtained from the Zoning Administrator. Application for a permit shall be on a form provided by the Zoning Administrator and contain information deemed necessary by the Zoning Administrator. (5/98)

- B. **Review Process.** Upon receipt of a completed application, the Zoning Administrator may issue a permit for moving or demolition if the resource is located within a designated historic district and is classified as a resource that does not contribute to the character of the district. All other requests shall be included on the agenda for consideration at the next available Commission meeting. The Commission shall hold a public hearing pursuant to Section 8 of this ordinance within 45 days after the department has received a completed application. (5/98)
- C. **Decision Criteria.** In determining whether the requested demolition or moving is appropriate, the Commission shall consider the following: (5/98)
1. Plans, drawings, and photographs submitted by the applicant; (5/98)
 2. Information presented at the public hearing concerning the proposal; (5/98)
 3. Provisions of the applicable Comprehensive Plan; (5/98)
 4. The purpose of this ordinance as set forth in Section 1; (5/98)
 5. The criteria used in the original designation of the resource; (5/98)
 6. If within an historic district, the resource's contribution to the district and the subsequent integrity of the district if the resource is demolished or moved; (5/98)
 7. Whether denial of the request will involve substantial hardship to the applicant; (5/98)
 8. 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 ordinance; (5/98)
 9. The economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it; and (5/98)
 10. The physical condition of the resource. (5/98)
- D. **Planning Commission Approval.** The Commission may approve the demolition or moving request after considering the criteria in this section. If no appeal is filed, the Zoning Administrator shall issue the permit in compliance with all other codes and ordinances of the county. (5/98)
- E. **Planning Commission Denial.** The Commission may disapprove the demolition or removal request if after considering the criteria in this section it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved. (5/98)

- F. **Planning Commission Postponement.** 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 as follows: (5/98)
1. For landmarks, no more that 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 hearing, if the Commission makes the findings specified in subsection (c) of this section. (5/98)
 2. For a resource located in an historic district, no more that 120 days following the date of public hearing. Further postponement may be made for a period not to exceed 90 days, with the total postponement not to exceed 210 days from the date of hearing, if the Commission makes the findings specified in subsection (c) of this section. (5/98)
 3. Further postponements as stated above may only be made if the Commission finds: (5/98)
 - a. There is a program of project underway that could result in public or private acquisition of the landmark or resource; and (5/98)
 - b. There is a reasonable ground for believing the program or project may be successful. (5/98)
 4. 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; and(5/98)
 - c. The application otherwise complies with county ordinances and state law. (5/98)
- 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. **Final Decision.** If the Commission within the periods specified above makes no decision on the application, the Zoning Administrator shall issue the permit. (5/98)
- I. **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)

- J. 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. The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period. (5/98)
 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 1., above. (5/98)
 3. Prepare and made available any information related to the history and sale of the property to all individuals, organizations, and agencies that inquire. (5/98)
 4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource. (5/98)
- K. 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)
- L. 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 county or other party determined appropriate by the Commission. (5/98)
 2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials.. The applicant shall be provided with a list of persons capable of salvaging the resource. (5/98)
- M. Dangerous Building. This ordinance shall not be construed to make it unlawful for any person, without prior approval of the Commission, to comply with an

order by the Board to remove or demolish any landmark determined by the Board to be dangerous to life, health, or property. (5/98)

2.127.06 Exterior Alteration and New Construction

- A. Scope. No person shall alter a landmark or any significant resource in an historic district nor shall any new building or structure be constructed in an historic district or on a landmark site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a landmark site or in an historic district unless approved by the Commission. (5/98)
- B. Application Process. Application for alteration of a landmark or new construction in an historic district or on a landmark 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. (5/98)
- C. Approval Requirements. The Zoning Administrator shall approve the alteration request if:
 - 1. There is no change in the appearance or material of the resource as it exists; or (5/98)
 - 2. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials. (5/98)
- D. Planning Commission Action. If a request for alteration does not meet the provisions of subsection (3) of this section, the Zoning Administrator shall forward the application to the Commission. The Commission, after notice and public hearing held in accordance with this Ordinance, 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. (5/98)
- E. Decision Criteria. The Commission shall consider the following criteria in determining whether to approve an alteration request: (5/98)
 - 1. The purpose of this ordinance; (5/98)
 - 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)
- F. Repair and Maintenance Provisions. Nothing in this ordinance 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. (5/98)

2.127.07 Notice and Public Hearing

- A. Notice. Within 45 days of receipt of a complete application for designation, alteration, demolition or moving of a landmark, or for undertaking such activities or new construction in a historic district, the Commission shall conduct a public hearing to consider the application. (5/98)
- B. Application Process. The hearing shall be conducted as a Type II hearing and subject to the notice, procedural and appeal provisions in Section 3.207. (5/98)

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)

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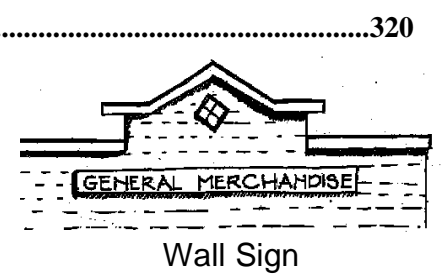
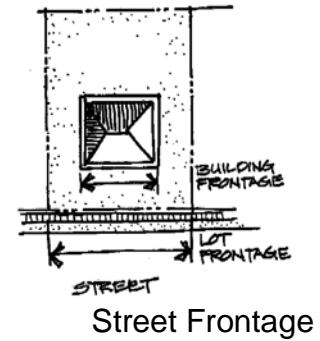
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2.201 GENERAL STANDARDS

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.** Public, commercial or industrial structures shall receive a Certificate of Occupancy within two years of beginning construction. A structure not completed within the required time period of beginning construction shall constitute a violation of this Ordinance and is subject to the violation provisions in Section 1.102.05. (5/98)

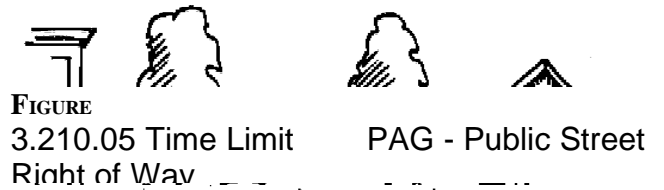
2.201.03 Lots of Record

- 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 14 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. (5/98)



EASEMENT 20' FOR TWO OR MORE HOUSES
 PAVEMENT 16' FOR TWO OR MORE HOUSES
 SETBACK 5' FOR BUILDINGS FROM EASEMENT

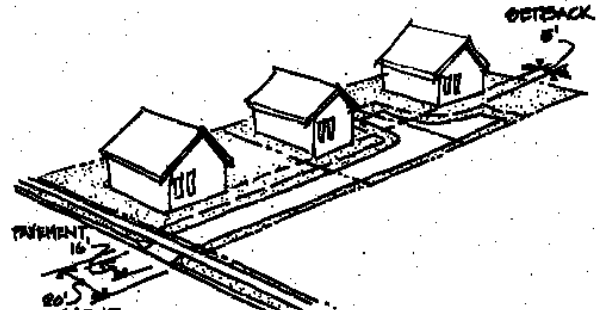


Figure PAGeref_Toc168112 \h 459 - Access Easement

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. Placement on Two or more Lots. Where a structure is placed on two or more separate lots under single ownership so that the structure overlaps a common boundary or encroaches on required yards along the common boundary, the separate lots shall be considered a single lot for the purpose of this

Ordinance. Nothing in this provision permits the placement of buildings on a easement. (5/98)

- D. **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. 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. (5/98)
- E. Signs. Signs as permitted in Section 2.300. (5/98)

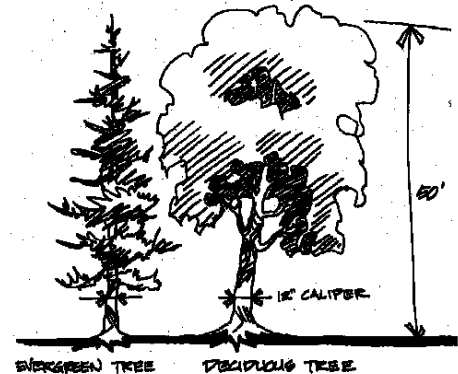


FIGURE 68105 \H 459
3.209.04 Cr – Significant Trees

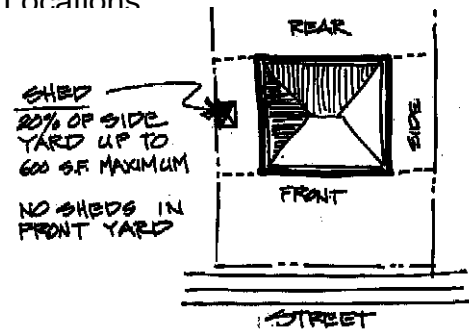
2.203.02 Permitted Residential Accessory Structures and Uses

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)
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)

SHED
Figure Reference Recommendations
- Accessory Structure
Locations



- 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 or the sale of livestock, poultry and produce on site are prohibited. (5/98)

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)
 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)

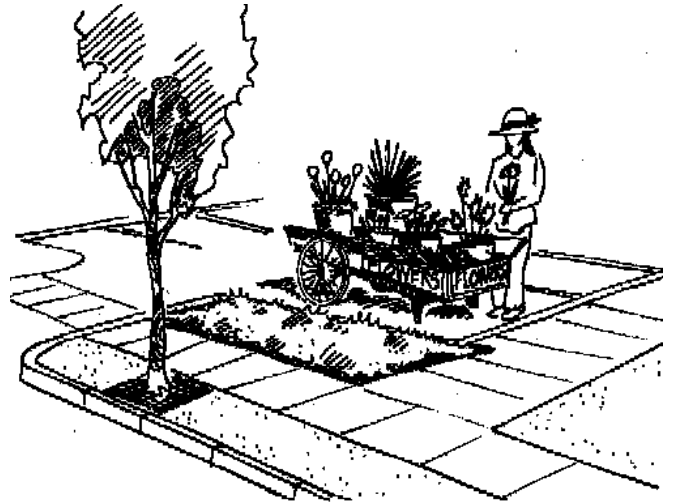


Figure 3.210.04 Pre-Application Co -
Temporary Business

- 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 and set forth reasonable types of uses, appropriate zones for such uses, and any time restrictions the Council finds necessary to protect the health, safety and welfare of the public. (5/98)

2.204 NONCONFORMING USES

2.204.01 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)

2.204.02 Termination of Nonconformity

- A. Nonconforming Use. The nonconforming use of a building, structure, or land shall be considered terminated if the Director determines that the use of the building, structure, or land ceased, for any reason, for a continuous period of one year. (5/98)
- B. Nonconforming Building, Structure, Land. A nonconforming building, structure, or land shall be considered terminated if the Director determines that the building, structure, or land ceased to be occupied, for any reason, for a continuous period of one year. (5/98)
- C. Dangerous Building. Any nonconforming use dependent upon a building or structure which is substantially damaged or becomes deteriorated to the extent that it has been declared a "dangerous building" and ordered demolished pursuant to the Uniform Building Code or other federal, state or local regulations, shall be considered terminated upon such destruction or declaration and order. (5/98)
- D. Damaged Structure. A nonconforming building or structure which is substantially damaged or deteriorated to the extent that the cost of repairing the building or structure exceeds 60 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 deterioration. Replacement or repair of the building or structure shall require a conditional use permit. (5/98)
- E. Re-establishment Prohibited. No terminated nonconforming use or development shall be re-established. (5/98)
- F. Residential Exception. Non-conforming single family residences may be replaced within one year of the date of destruction without the need for a conditional use. (5/98)

2.204.03 Continuation and Expansion of a Nonconforming Use

Except as provided in Section 2.204.04 and 2.204.05, any lawfully established nonconforming use, structure or development may be continued unless and until it is terminated. Nonconforming uses, structures or development are subject to the following restrictions as to expansion, alteration, change, and replacement of the use, structures, or development: (5/98)

- A. Expansion Within a Building. A legal nonconforming use of a portion of a conforming or nonconforming building may be expanded into other portions of that building existing prior to this ordinance. (5/98)
- B. Alteration. A conforming or nonconforming building, structure, or development occupied by a legal nonconforming use may be altered, enlarged or replaced for the benefit of such use, provided that the alteration, enlargement or replacement is otherwise lawful under the development standards of this Ordinance. (5/98)

In the case of a rear setback for a single family residential or duplex structure, the rear wall of the structure, if it was erected in accordance with the applicable setback standards at the time of construction and now is not in compliance with applicable setback standards, shall proscribe the required rear setback for all future additions providing the additions do not exceed the height of the original wall. (5/98)

- C. 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. Nonconforming uses may be expanded or changed to a use of the same or more restricted nature where such use is granted a conditional use permit. (5/98)
- D. Application Procedures. The procedures and criteria set forth in Section 3.103 shall apply for a nonconforming conditional use application. In addition, findings must indicate the alteration of the use or structure is necessary to comply with a lawful requirement, or, will not result in a greater adverse impact on the neighborhood. Granting of a conditional use allowing the alteration does not remove the nonconforming status of the use or structure. (5/98)

2.204.04 Nonconforming Residential uses in Commercial or Industrial Zones

- A. Continuation Permitted. Any legally established nonconforming residential use in any commercial or industrial zone may be continued unless and until terminated. Such uses may be expanded and their buildings structurally altered provided the expansion or alteration complies with the setback and height provisions of the RM zone and all applicable development standards in this Ordinance. (5/98)

- B. Change in Residential Use. Changes of use from a nonconforming residential use to another nonconforming residential use may be made without review provided that the change of use complies with the setback and height provisions of the RM zone and all applicable development standards in this Ordinance. (5/98)
- C. Replacement Permitted. Replacement of a legally established nonconforming residential use in any commercial or industrial zone shall be permitted. (5/98)

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)

2.204.06 Nonconforming Permitted and Conditional Uses

Any legally established use existing prior to this ordinance which is listed in this Ordinance as a permitted or conditional use in the applicable zone, shall be a conforming use even though it may not conform to the requirements for such uses in this ordinance, provided:

- A. Expansion. A conditional use permit shall be required for the expansion of any use or if primary structures or buildings occupied by the use are expanded. This provision does not apply to single family dwellings. (5/98)
- B. Conformance to Conditions. Pre-existing uses, structures and buildings conform to any condition imposed at the time of approval unless modified as part of a conditional use permit approved pursuant to the requirements of this Ordinance. (5/98)

2.204.07 Repairs and Maintenance

Except as otherwise provided in this chapter, nonconforming structures and developments, and premises occupied by nonconforming uses may be repaired and maintained without restriction. (5/98)

2.204.08 Effect of Zone Changes

Wherever the zoning on any lot or portion thereof is changed, the provisions in this chapter shall apply to any use, structure or development made nonconforming by the zone change. (5/98)

2.205 JUNK AND JUNKYARDS

2.205.01 Purpose

The City Council of Keizer, Oregon finds and declares that the accumulation and storage of junk tends to create a condition reducing private property values, promotes blight and deterioration, creates fire hazards, creates a hazard to the health, safety and general welfare of the public, creates harborage for rodents and insects, and reduces the aesthetic value of the City as a whole. Therefore, the presence of junk on private or public property, except as expressly permitted by the provisions herein, is hereby declared a public nuisance and may be abated under the Keizer Nuisance Abatement Procedures Ordinance (City of Keizer Ordinance No. 94-282), or restrained or enjoined by a court of competent jurisdiction. In addition, violations of this code are considered infractions and subject to the civil infraction provisions of the City of Keizer. (5/98)

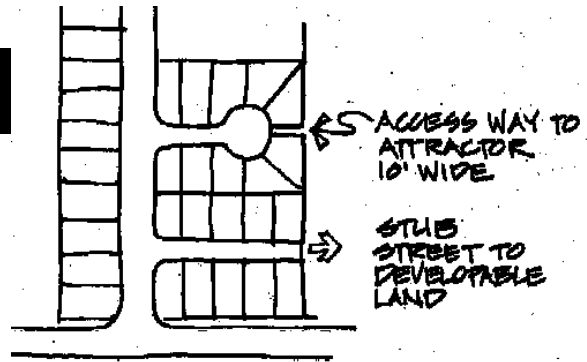


FIGURE 459
3.209.03 Criteria for – Connectivity
Standard Examples

2.205.02 Definitions

- A. **Junk.** The term "junk" regardless of value, includes but is not 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: (5/98)
1. "Derelict vehicle" means any used motor vehicle without a valid vehicle license or with an expired license. (5/98)
 2. "Neglected Vehicle" means a motor vehicle that is missing its engine or transmission, but has all of its body parts intact, including fenders, hood, trunk, glass, and tires. (5/98)
 3. "Fixture" means any item that is designed to be used indoors or otherwise protected from the elements. This includes, but is not limited to upholstered furniture, and heating, plumbing, and electrical fixtures. (5/98)
 4. "Waste tire" means a tire that is no 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)
- B. **Junkyard.** The term "junkyard" is defined as the use of more than 200 square feet of the area of any lot for the outside storage of 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. (5/98)

2.205.03 Keeping of Junk or Junkyards; Nuisance

- A. It is hereby determined and declared that the keeping of any junk, or the operation of a junkyard, except as expressly permitted in this ordinance, out of doors on any street, lot, or premises within the City of Keizer, or in a building that is not wholly or entirely enclosed except for doors for ingress and egress, is a nuisance and is unlawful. (5/98)
- B. The abatement of junk nuisances and junkyards from public or private property, except for those items specified within the City of Keizer Solid Waste Ordinance (City of Keizer Ordinance No. 94-281) shall be in accordance with the provisions contained in the Keizer Uniform Nuisance Abatement Ordinance (City of Keizer Ordinance No. 94-282). (5/98)

2.205.04 Keeping of Junk, or operation of Junkyard

It shall be unlawful for any person, or the agent or employee of any person to keep junk, or knowingly create a junkyard out of doors on any street, private, or public property, or for more than 10 days on any lot or premises within the City, or in a building that is not wholly or entirely enclosed except for doors used for ingress and egress. (5/98)

2.205.05 Exceptions

These provisions shall not apply to:

- 1. Any wrecked, neglected, or derelict vehicle or parts thereof kept in a motor vehicle wrecking or storage yard on a property zoned for that use, and licensed by the State and City. (5/98)
- 2. Any wrecked motor vehicle stored outside an enclosure at a business offering motor vehicle repair on a parcel zoned for that use, and as defined in the Standard Industrial Classification as Industry Group No. 753, provided that no more than eight vehicles are outside of an approved enclosure in the industrial zones, and no more than four vehicles are outside an approved enclosure in the commercial zones. The enclosed area shall comply with the sight obscuring requirements contained in this ordinance. (5/98)
- 3. Open storage of material directly associated with the primary activity of a business provided the business is permitted, special, or conditional use within any of the zones, and the materials are enclosed by a sight obscuring fence, and the materials are safely stacked, bundled, or otherwise source separated, and remain within the stream of commerce with an established future use. (5/98)
- 4. Recyclable solid waste that has been source separated and collected and kept at a scrap and waste metal or recycling establishment as defined by the Standard Industrial Classification Manual and Industrial Group 5093, and is operating in compliance with all applicable provisions of this ordinance and state laws, and where the materials or solid waste is enclosed by a sight obscuring fence in compliance with the provisions of this ordinance or in approved containers approved by the City. (5/98)

5. Any waste tire(s) kept for storage, collection, transportation, or disposal by a person licensed for that purpose by the State of Oregon. (5/98)

2.205.06 Violations

Violations of the provisions of this chapter are an infraction and a public nuisance and are subject to the civil infraction provisions and the Keizer Uniform Nuisance Abatement Procedures Ordinance (City of Keizer Ordinance No. 94-282). (5/98)

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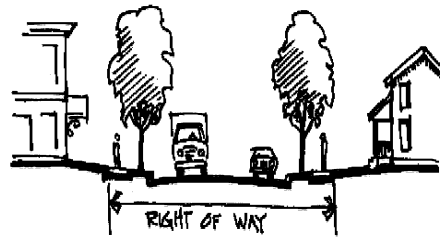


Figure s PAGEREF
_Toc168104 \h - Street Tree
Plantings

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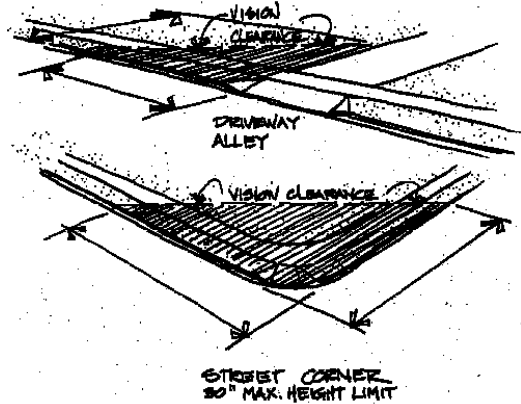


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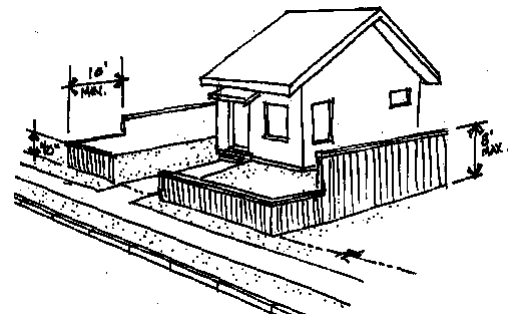


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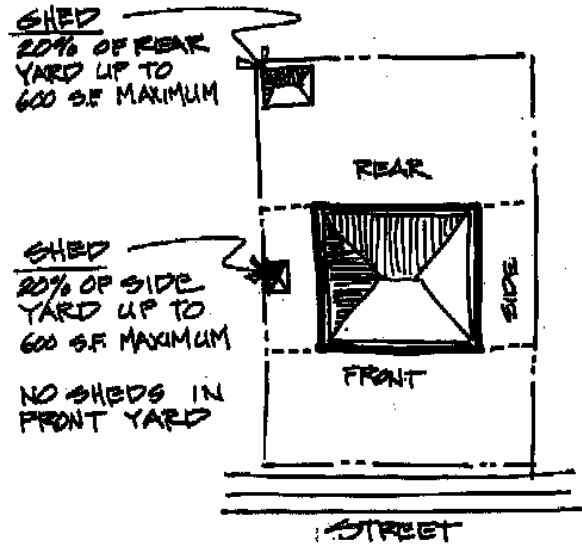


Figure pliance with Conditions P – Accessory Structure Standards

2.301 GENERAL PROVISIONS

2.301.01 Purpose

The purpose of this Section is to: (5/98)

- A. Comprehensive Plan. Carry out the Comprehensive Plan with respect to development standards and policies. (5/98)
- B. Natural Areas. 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. (5/98)
- C. Energy Conservation. Promote energy conservation and efficiency in development through site planning and landscaping. (5/98)
- D. Healthy Environment. Promote and maintain healthy environments and minimize development impacts upon surrounding properties and neighborhoods. (5/98)
- 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 set forth in Section 2.3 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. These regulations shall apply in all zones. (5/98)
- B. Modification to Standards. The application of these standards to a particular development shall be modified as follows: (5/98)
 - 1. Development standards that are unique to a particular use, or special use, shall be set forth within the district or in Section 2.4. (5/98)
 - 2. Those development standards that are unique to a particular district shall be set forth in the Section governing that district. (5/98)

2.301.03 Application of Public Facility Standards

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 of reference. 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.C or 2.310.06.O as applicable. (5/98)

Public Facilities Improvement Requirements Table

LAND USE	FIRE HYDRANT	STREET IMPROVEMENT	WATER HOOK-UP (C-1)	SEWER HOOK-UP	STORM DRAIN	STREET LIGHTS
SFD/Duplex	No (If not required by U.F.C.)	2 C-2	Yes	Yes	Yes	No
MFD	Yes	Yes	Yes	Yes	Yes	Yes
New Public, Commercial or Industrial	Yes	Yes	Yes	Yes	Yes	Yes
Public, Commercial or Industrial Expansion	C-2	C-3	Yes	Yes	Yes	Yes
Partition, Subdivision, PUD, MHP	Yes	Yes	Yes	Yes	Yes	Yes

Legend: No = Not required Yes = Required

C = Conditional, as noted: (5/98)

- C-1 When required, an approved water supply capable of supplying the required fire flow for fire protection shall be provided prior to the start of combustible construction. (5/98)
- C-2. Fire Hydrants including but not limited to Commercial or Industrial Expansions shall meet the requirements as set forth in Appendix III-B of the Uniform Fire Code, 1994 edition. (5/98)
- C-3. Street Improvements for Single Family Dwellings: New single family dwellings that require a street extension must provide street improvements, and right of way dedication where deemed necessary by the Department of Public Works, to City street standards. 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. (5/98)
- C-4. Lots Abutting a Partial Street. Development of property abutting an existing public street which does not meet the minimum right-of-way standards in Section 2.202 shall provide sufficient yard

setback equal to the minimum yard requirements of the zoning district, plus, the additional land required to meet the minimum right-of-way width. (5/98)

- C-5. Street Improvements for Commercial or Industrial Expansions: Street access permits must obtain access permits from the Marion County Public Works Department. The City will require improvement to full City standards when the use meets any of the following criteria: (5/98)
- a. The use generates an average of 100+ trips per day per 1000 gross square feet of building as documented in the Trip Generation Manual of the Institute of Transportation Engineers or other qualified source; or
 - b. The use includes daily shipping and delivery trips by vehicles over 20,000 pounds gross vehicle weight. (5/98)

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

MHP = Manufactured home park

PUD = Planned unit development

SFD = Single family dwelling

2.302 STREET STANDARDS

2.302.01 Purpose

- A. Safety. To provide for safe, efficient, and convenient vehicular movement in the City of Keizer. (5/98)
- 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 or infill street is proposed through the parcel. (01/02)
- 3. Partial-width streets where adjoining development would provide a full-width public street or infill street; does not eliminate the need for variances to lot depth or width requirements. (01/02)
- 4. Natural physical obstructions or barriers, such as parkland, floodplain, slopes, or significant trees, make access and connectivity unreasonable or impracticable. (01/02)

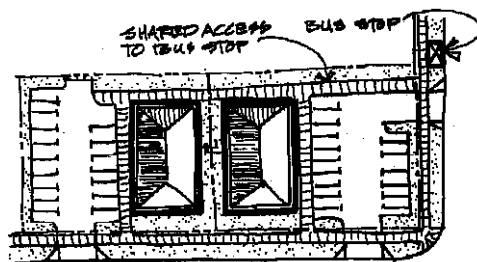


Figure 35 – Pedestrian Access Standards

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)

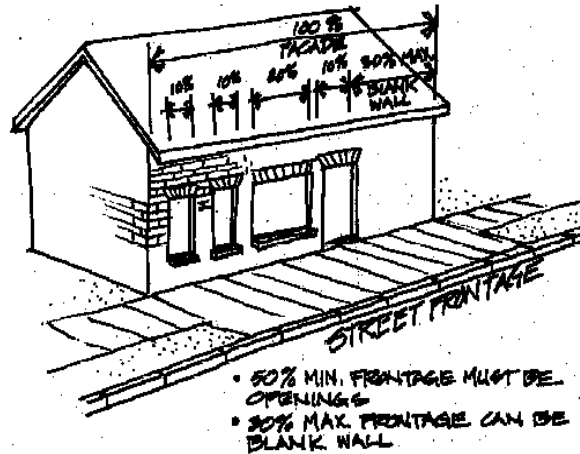


Figure 36 – Façade Standards

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 Section 902.2.2.4 "Dead Ends" of the Uniform Fire Code, 1994 edition. (5/98)
- 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. Infill Streets. For streets serving infill development as defined under Section 2.316.03, the Infill Street and Access Easement Standards of Section 2.316.06 may be applied. (01/02)

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 2.202.05. (5/98)

STREET STANDARDS

SERVICE AREA (street must be under all three thresholds to be in a classification) (a),(b),(c),(d)	IMPROVEMENT WIDTH CURB/CURB	FULL HEIGHT CURB (f),(g)	SIDEWALK (e)	TOTAL RIGHT-OF-WAY WIDTH	UTILITY EASEMENT (h) (Adjacent to R-O-W)
LOCAL STREET I Up to 19 d/u or serving 190 ADT or 79,999 sq. ft.	Parking two sides: (5/98) 30 feet	6" each side (1 foot total)	5 foot curbline Two sides	44 feet	5 ft. minimum 10 ft. maximum
LOCAL STREET II 20 to 79 d/u or 200 to 790 ADT or 79,999 to 319,999 sq. ft.	Parking two sides: (5/98) 32 feet	6" each side (1 foot total)	5 foot curbline Two sides	56 feet	5 ft. minimum 10 ft. maximum
LOCAL STREET III 80 or more d/u or 800 or more ADT or more than 320,000 sq. ft.	Parking two sides: (5/98) 34 feet	6" each side (1 foot total)	5 foot curbline Two sides	58 feet	5 ft. minimum 10 ft. maximum
CUL-DE-SAC Max. length = 800 feet or less than 450 ADT or less than 183,999 sq. ft.	Width as above; (5/98) Min. Curb Radius 38 feet	6" each side (1 foot total)	5 foot curbline for entire cul-de-sac	Width as above; (5/98) Min. ROW Radius: (5/98) 45 feet	5 ft. minimum 10 ft. maximum
COLLECTOR	64 to 68 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
MINOR ARTERIAL	68 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
MAJOR ARTERIAL	68 to 84 feet	(i)	(i)	(i)	5 ft. minimum 10 ft. maximum
(a) ADT = Average Daily Trips (ITE, Trip Generation Manual) (b) Trip Generation Rate for SFD = 10 ADT (c) Minimum Lot Size = 4,000 sq. ft.; Duplex = 7,000 sq. ft. (5/98) (d) Calculated per street entrance; use largest number. (5/98) (e) Required width around signs, mailboxes, utility poles, etc.			(f) Full curb height between driveways. (5/98) (g) Max. 2 weep holes through curb face per lot. (5/98) (h) Additional easements may be necessary. Widths may be reduced or increased on a case by case basis as determined by the Department of Public Works. (5/98) (i) Collector and arterial streets will be evaluated on an individual basis.		

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)

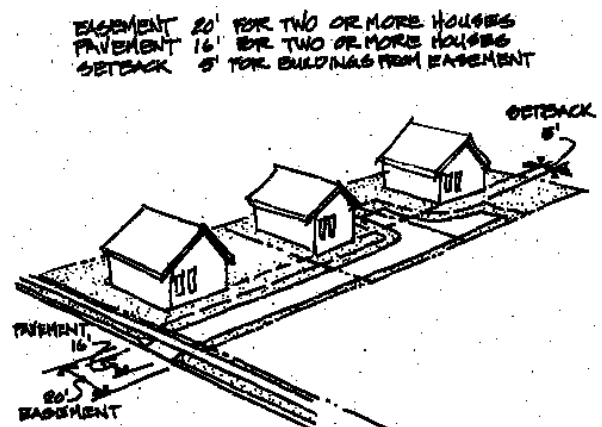


FIGURE GEREFF_Toc168111 \H 459
- Easement Standards

- A. Width. Private access easements shall only be allowed where the applicable criteria of Section 2.310.03.D., are satisfied. The easement shall comply with the following standards: (5/98)
1. Minimum width: 14 feet for 1 dwelling unit; 20 feet for two or more dwelling units with no on-street parking within the minimum required width.. (5/98)
 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
 4. No more than 4 dwelling units shall have their sole access to the easement
- B. Maintenance. Provision for the maintenance of the street shall be provided in the form of a maintenance agreement, home owners association, or other instrument acceptable to the City. (5/98)

C. Turn-around. A turn-around shall be required for any access easement which is the sole access and which is in excess of 150 feet long or which serves two or more residences. 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. (5/98)

D. Parking

1. Fire Lanes. All private access easements serving as the sole access for two or more residences shall be designated as

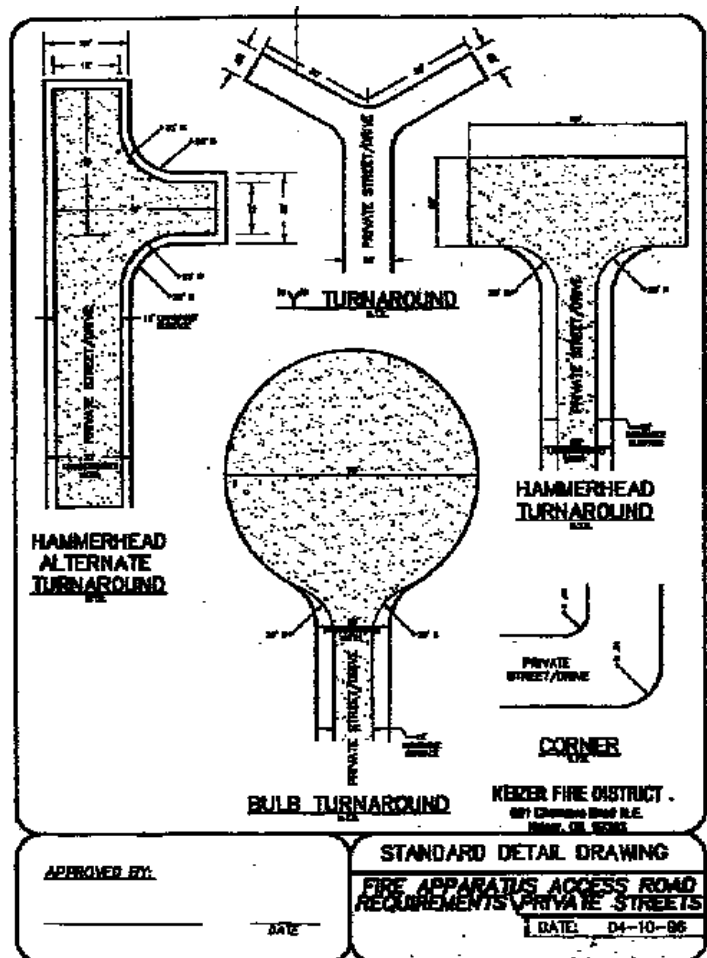
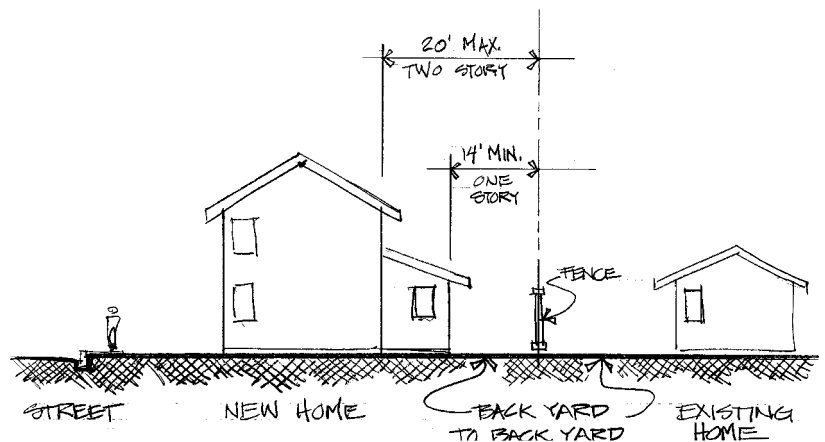


Figure participants and Notice Turn Around Designs

PA – Approved

fire lanes and shall display No Parking signs approved by the Fire District unless additional paved width is provided. (5/98)

2. For all private access easements serving more than 2 dwelling units, one parking space per dwelling unit, in addition to those required by 2.303 shall be provided adjacent to the easement or on each individual property. If the parking is parallel to and adjacent to the easement, its area shall be included within the maintenance agreement for the easement. (5/98)



2.303 OFF-STREET PARKING AND LOADING

2.303.01 Purpose

The purpose of this Section is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the City of Keizer. (5/98)

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 put, 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. (5/98)
- C. Interpretation by Administrator. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Administrator based upon the requirements of comparable uses listed and expectations of parking and loading need. (5/98)
- 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)

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; (5/98)
- B. Non-residential Zone. In any non-residential zone, the parking area may be located off the site of the main building, structure or use if it is within 500 feet of such site. (5/98)
- 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 provided all of the vehicles are owned by the owner or lessee of the lot. (5/98)
- 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 space within the front yard meeting the requirements for required parking in this Section. In the RS zone not more than three vehicles shall be parked within the required yard adjacent to a street, and no more than four total vehicles shall be parked outdoors on a property. (5/98)
 - 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 that in the RS, RL, RM, RH, RC and MU zones the vehicle shall be parked in an enclosed structure if it is rated at more than 1 ton capacity. (5/98)

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 Administrator 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. (5/98)

2.303.06 Off-Street Automobile Parking Requirements

Off-street parking shall be provided in the amount not less than listed below. (5/98)

A. Parking Requirements

LAND USE ACTIVITY	SPACES	HOW MEASURED*
Single Family and Duplex	2 + 1	2 per dwelling unit on-site and 1 per dwelling unit provided either on-site or on-street within 200 feet of the property or in a parking lot or bay within 200 feet of the property. (See Illustrations below)
All other dwelling types	2	Per dwelling unit
Hotel, motel	1	Per guest room
Club, lodge		Combination of heaviest uses being conducted: hotel, restaurant, etc.
Hospital, nursing home, convalescent home	1	Per 2 beds
House of worship, auditorium, stadium, theater	1	Per 4 seats or every 8 feet of bench length
Elementary, middle school	2	Per classroom
High school	1 + 1	Per classroom + per 10 students
Bowling alley, skating rink, community center	1	Per 200 square feet
Retail store	1	Per 300 square feet
Service repair center; retail store handling bulky merchandise (e.g. furniture)	1	Per 900 square feet
Bank, offices, medical clinic	1	Per 300 square feet
Eating and drinking establishment	1	Per 250 square feet
Wholesale establishment	1 + 1	Per 1,000 square feet + Per 700 square feet of retail
Government offices	1	Per 600 square feet
Industrial, manufacturing, processing (0 - 24,999 sf)	1	Per 700 square feet
Industrial, manufacturing, processing (25,000 - 49,999 sf)	1	Per 800 square feet
Industrial, manufacturing, processing (50,000 - 79,999 sf)	1	Per 1,000 square feet

Industrial, manufacturing, processing (80,000 - 199,999 sf)	1	Per 2,000 square feet
Industrial, manufacturing, processing (200,000 sf and over)	1	Per 3,000 square feet
Warehousing and storage terminals 0 - 49,999 sf	1	Per 2,000 square feet
Warehousing and storage terminals 50,000 sf and over	1	Per 5,000 square feet

*Square footage = Gross floor area. (5/98)

B. Parking Reduction

The number of minimum required parking spaces may be reduced by up to 10% to redevelop the existing parking area for transit related uses including transit stops, pull-outs, shelters, park and ride lots, transit oriented developments and similar facilities where appropriate. The redevelopment area shall be abutting a street with transit service. (5/98)

C. Parking Increase

The number of minimum required parking spaces shall not be increased by more than 50%. (5/98)

2.303.07 Standards for Disabled Person Parking Spaces

Disabled Person Parking Spaces shall comply with the requirements of the Uniform 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 and industrial development as well as park-and-ride lots. Bicycle parking shall be provided in the following amounts: (5/98)

LAND USE ACTIVITY	BICYCLE SPACES	HOW MEASURED
Hotel, motel	1	Per 40 guest rooms
Hospital, nursing home, convalescent home	1	Per 40 beds
House of worship, auditorium, stadium, theater	1	Per 20 required vehicle parking spaces
Elementary school	1	Per classroom with a maximum of 10 required
Middle school	1	Per classroom with a maximum of 10 required

High school	1	Per classroom with a maximum of 10 required
Bowling center, skating rink, community center	1	Per 40 required vehicle parking spaces with a maximum of 6 required
Retail store	1	Per 10 required vehicle parking spaces with a maximum of 6 required
Service repair center; retail store handling bulky merchandise (e.g. furniture)	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Bank, offices, medical clinic, government offices	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Eating and drinking establishment	1	Per 20 required vehicle parking spaces with a maximum of 6 required
Wholesale establishment	1	Per 30 required vehicle parking spaces with a maximum of 6 required
Industrial, manufacturing, processing	1	Per 30 required vehicle parking spaces
Warehousing and storage terminals	1	Per 30 required vehicle parking spaces

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 100 feet of a building entrance and located within a well-lit area. (5/98)

3. Rack Design. Bicycle racks must be designed to secure the bicycle frame and at least one wheel, and, accommodate a locking device. Racks, lockers or other related facilities shall be securely anchored to the ground or to a structure. As an alternative, the bicycle spaces can be provided within a secured compound. (5/98)

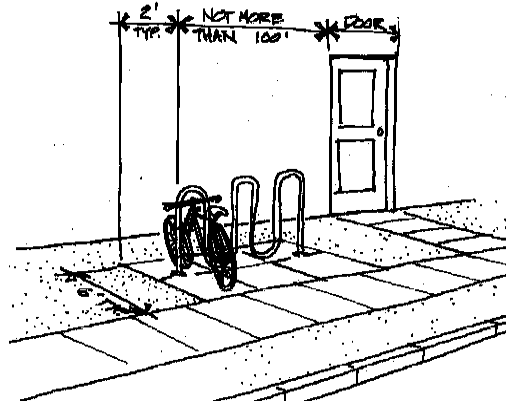


FIGURE 459

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. Drive-in theaters
3. Self-storage facilities
4. Automobile oriented businesses such as automobile service stations, automobile repair shops, restaurants without seating facilities (either indoors or outdoors), or oil and lubrication services, but excluding automobile retail businesses such as dealers or auto parts stores. (5/98)

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 built to Department of Public Works standards. (5/98)
- B. Parking Spaces
 - 1. Dimensions. Parking spaces shall be a minimum 9 feet wide and 18 feet in length.
 - 2. Compact Spaces. Compact parking spaces, at a reduced width of 8.5 feet, 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."

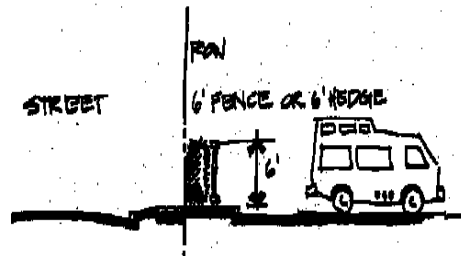
C. Aisle

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

1. Without adjacent parking:
 - a. Single family residence: 12 feet
 - b. One-way: 12 feet
 - c. Two-way: 22 feet
2. With adjacent parking: (5/98)

PARKING ANGLE	DRIVEWAY WIDTH
0 to 40	12 feet
41 to 45	13 feet
46 to 55	15 feet
56 to 70	18 feet
71 to 90	24 feet

- D. Screening. When any public parking or loading area is within or abuts a residential zone along a side or rear lot line, the parking or loading area shall be separated from the lot line by a 20 foot landscaped yard, or shall be screened from the residential property with an ornamental fencing or wall of at least 4 feet in height. (5/98)



- 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. (5/98)

Figure E PAGEREF
_Toc168108 \h - Parking Lot
Screening

F. Landscaping. A tree shall be planted for every eight lineal parking spaces not located adjacent to a building. The planting space shall measure no less than 4 feet square and be surrounded by concrete curbing. The plant shall be of a species that the root system will not interfere with underground utilities or the parking surface, and, is capable of achieving a 15 foot radius. The specific planting enclosure and appropriate tree selection will be provided by the City. (5/98)

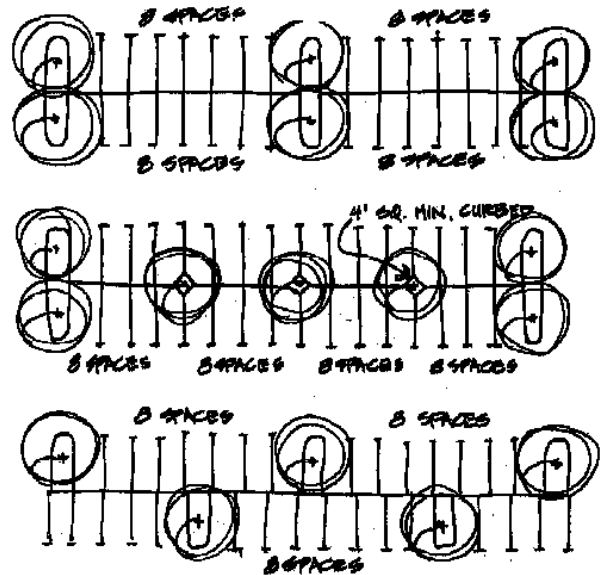


Figure 0 PRE-APPLICATION CONFERENCE – Parking Lot Tree Siting Alternatives

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)

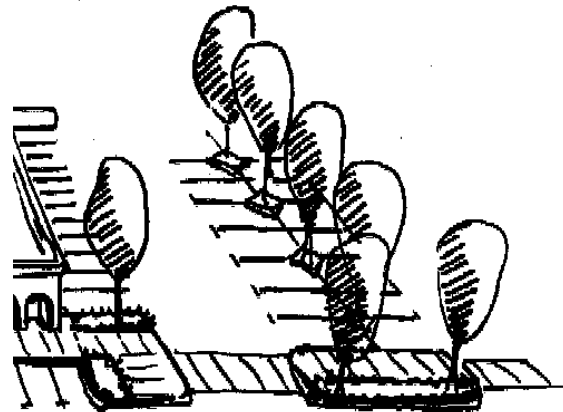


FIGURE F_Toc168107 \H 459
3.21 – Parking Lot Landscaping

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 ¹	TRANSIT FACILITIES WHICH MAY BE REQUIRED
RESIDENTIAL	
Developments that generate 100 or more peak hour trips	concrete boarding pad ² , transit turnout
OFFICE DEVELOPMENTS	
200 or more trips	concrete boarding pad, transit turnout

¹ Based on ITE Traffic Generation Manual for vehicle trips.

² 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 curblin sidewalk may meet this standard.

RETAIL/INDUSTRIAL/INSTITUTIONAL	
200 or more trips	concrete boarding pad, transit turnout

2.306 STORM DRAINAGE

2.306.01 Purpose

To provide for the drainage of surface water from all residential, commercial and industrial development; to minimize erosion; to reduce degradation of water quality due to sediments and pollutants in storm water runoff, and to reduce downstream flooding. (5/98)

2.306.02 Scope

The provisions of this Section shall apply to all new residential land partitions and subdivisions, planned unit developments, multi-family developments (3 or more units), commercial developments, and industrial development; and to the reconstruction or expansion of such developments. (5/98)

2.306.3 Preliminary Plan Required

Preliminary site drainage and grading plans for subject area and adjoining area within 100' of the perimeter of the subject property are required to be submitted for all developments listed in Section 2.306.02 above. Preliminary site drainage and grading plans shall consist of the following information. (2/00)

- A. Flow lines of surface water onto and off the site. (2/00)
- B. Estimates of existing runoff patterns from subject property onto adjacent properties, and estimates of existing runoff from adjacent properties onto subject property. (2/00)
- C. Existing contours at 1-foot intervals. (2/00)
- D. Existing and proposed drainage channels, including drainage swales, ditches, berms and proposed storm drains. Connections to existing system should be identified. (2/00)
- E. Location of storm drain detention facilities. (2/00)
- F. The City Engineer shall have the flexibility to make changes to the preliminary plan at the time of final detailed plan approval. (2/00)

2.306.04 Plan for Storm Drainage and Erosion Control

No construction of any facilities in a development included in Subsection 2.306.02 shall be permitted until a storm drainage and erosion control plan for the project is prepared by a professional engineer, and, approved by the City. These provisions shall also apply to any cut or fill on a property, which may impact the velocity, volume, or quality of surface water on adjacent property, or may impact any permanent natural body of water. This detailed plan shall contain the following information: (2/00)

- A. Elevations. Proposed finished lot corner and finished street elevations. (2/00)
- B. Proposed contours of finished grade in 1-foot intervals or less if required by the City Engineer. (2/00)
- C. Run-off. The methods to be used to minimize the amount of runoff other than into an approved point of discharge, siltation, and pollution created from the development both during and after construction. (2/00)
- D. Facilities. Plans for the construction of storm sewers, open drainage channels and other facilities which depict line sizes, profiles, construction specifications and other such information as is necessary for the City to review the adequacy of the storm drainage plans. (2/00)
- E. Engineering Calculations. Calculations used by the engineer in sizing storm drainage facilities. (2/00)

2.306.05 General Standards

- A. Requirements. All development shall be planned, designed, constructed and maintained to: (2/00)
 - 1. Protect and preserve existing natural drainage channels to the maximum practicable extent; (5/98)
 - 2. Protect development from flood hazards; (5/98)
 - 3. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin; (5/98)
 - 4. Assure that waters drained from the development are substantially free of pollutants, through such construction and drainage techniques as sedimentation ponds, reseeded, phasing of grading; (5/98)

5. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development; (5/98)
 6. Provide dry wells, french drains, or similar methods, as necessary to supplement storm drainage systems; (5/98)
 7. Avoid placement of surface detention or retention facilities in road rights-of-way. (5/98)
- B. Culverts. Where culverts cannot provide sufficient capacity without significant environmental degradation, the City may require the watercourse to be bridged or spanned. (5/98)
 - C. Easements. In the event any part of a development is traversed by any watercourse, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City. This shall not imply maintenance by the City. (5/98)
 - D. Channel Obstructions. Channel obstructions are not allowed except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance. Fences with swing gates may be utilized. (5/98)
 - E. Prior to release of the improvement agreement, the developer shall certify that the site is built according to the submitted site drainage and grading plan. The developer shall provide certified elevations to the City.(2/00)
 - F. For partitions and other developments not requiring an improvement agreement, any site grading and drainage requirements shall be completed and approved prior to issuance of any building permits.(2/00)
 - G. Inspection Required. Prior to acceptance of a storm sewer system by the City, the storm sewers shall be inspected by the City. All costs shall be borne by the developer.(2/00)
 - H. Building Permit Approval/Conformance with Approved Drainage and Grading Plan.(2/00)
 1. For all development with an existing approved drainage and grading plan each building permit application submitted to the City for approval shall contain existing and proposed elevations for all property corners, and the existing curb or edge of pavement elevations adjacent to the subject property. The existing curb and edge of pavement information will be made available at the City. In addition, the building permit shall also indicate proposed top of stem wall elevation, and

flow of drainage for entire lot. If alternative drainage methods are needed, they must be noted and have prior approval by the City. The City shall verify each building permit application for conformance with the approved site drainage and grading plan.(2/00)

2. Prior to granting footing inspection approval, the City shall confirm that the top of stem wall elevations conforms to the approved building permit.(2/00)

3. Prior to granting final inspection approval, the City of Keizer shall confirm that the lot is built in accordance with the approved building permit.(2/00)

2.306.06 Drainage Requirements

All storm water runoff shall be conveyed to a public storm sewer or natural drainage channel. Receiving waters, including underground storm drainage systems, shall have adequate capacity to carry necessary flow without overflowing or causing damage to public property or welfare. The cost for the approved system shall be wholly borne by the developer, including any off site system that is required.

2.306.07 Design Criteria

Design calculations performed and stamped by a Civil Engineer registered in the State of Oregon shall be included with all plan submittals. Peak design flows may be calculated using the Rational Formula, $Q = CiA$ for basins under 10 acres. The King County Method, TR-20, or other approved methods may be used for basins larger than 10 acres.

B. Design Rainfall Event

The following guidelines shall apply for selecting a design rainfall event. Design rainfall events shall be the 5, 10, 25, 50, and 100 year events. Analyses shall be provided showing no increase in runoff for all storm events up to, and including, the design frequency event.

Development Type	Frequency
Residential and commercial development	10 year
Critical facilities, sag inlets, and minor drainage ways	25 year
Critical drainage basins (As determined by the City Engineer)	100 year
Major drainage ways or waterways having a delineated floodplain boundary as shown	100 Year

on the FIRM.

Drainage ways or waterways not having a delineated Floodplain boundary on the FIRM. (These shall be delineated by the Developer's Engineer and included in the final PLAT)

100 Year

C. Rainfall Intensity Duration Frequency Curve

For developments less than 20 acres using the Rational Method, rainfall intensities shall be taken from the ODOT Zone 7 Intensity-Duration-Frequency (IDF) Curves.

Runoff Coefficients

LAND USE	SLOPE		
	<u>2% or Less</u>	<u>2% to 7%</u>	<u>7% or More</u>
Unimproved Areas	.10	.20	.30
Meadows & Pasture Land	.25	.30	.35
Woodland & Forests	.10	.15	.20
Impervious Surfaces (Pavement, Roofs, Driveways, Gravel, etc)	.92	.92	.92
Agricultural	.15	.20	.25
Parks & Cemeteries	.15	.20	.25
Lawns	.17	.22	.35
Playgrounds	.20	.25	.30
Low Density Residential (1 to 3 units per acre)	.45	.50	.55
Medium Density Residential (3 to 6 units per acre)	.55	.60	.65
High Density Residential (6 to 15 units per acre)	.75	.80	.85
Commercial & City Business Areas	.85	.85	.85
Light Industrial	.65	.70	.80
Heavy Industrial	.75	.80	.90
Parks and Open Spaces	.10	.15	.20
Mobile Home Parks	.60	.65	.70

D. Time of Concentration

1. Time of Concentration shall be calculated using the Soil Conservation Service Method or other approved method.
2. After a maximum of 300-feet, sheet flow typically becomes shallow

concentrated flow. Open channel flow is assumed to begin where surveyed cross-section information has been obtained where channels are visible on aerial photographs, or where blue lines (indicating streams) appear on United States Geological Survey (USGS) quadrangle sheets.

E. Runoff Control

1. Development of areas within the City of Keizer must provide runoff controls to limit the developed condition's peak rates of runoff to the pre-development runoff rate. Detention is the collection and temporary storage of surface water with the outflow rate restricted usually to the pre-developed flow rate. Required detention storage is equal to the difference in volume of excess runoff from the design storm event with post-development conditions and the 5 year storm with pre-development conditions.
2. Detention is required for all developments, except where determined unnecessary by the City Engineer.
3. Control orifices and structures shall be sized using approved engineering methods. To prevent plugging, the minimum diameter of the orifice shall be 2-inches. The detention facility shall have an overflow system with the capacity to past the 50-year storm event to an accessible drainage feature.
4. Detention shall be supplied either by subsurface storage in conduits and structures, or a pond. Temporary parking lot ponding may be utilized as storage volume with approval of the City Engineer.

F. Hydraulic Considerations

1. The minimum design velocity for storm drainage conduits shall be 3.0 fps. Pipe slopes of 15% or greater will require anchor walls at approved intervals. Manning's "n" value of 0.013 shall be used for flow and velocity calculations. Manning's equation shall be used for design of piped systems where practicable.
2. When pipe depths exceed 10-feet, calculations for pipe loading and strength shall be submitted.
3. Subsurface utilities crossing private property shall have a minimum easement width of 10 feet.

G. Storm Water Quality

Point source water quality facilities shall be provided where required by the Department of Public Works. Catch basins shall be outfitted with approved "turndowns" and sumps for oil/water separation and sedimentation control. Storm water quality manholes shall be installed in all proposed storm drains out letting into existing drainage facilities.

H. Manholes

Manholes are required at:

1. All changes in horizontal or vertical alignment greater than 15 degrees.
2. All connections and changes in pipe size.
3. At a maximum spacing of 500-feet.

I. Inlets and Catch Basins

1. Inlets must be placed at all low points in streets, at intersections, at points where changes in the street configuration will direct flow across the street and at intervals on continuous grades that will limit the width of flow in the gutter to 5-feet.
2. Minimum lateral diameter for connection to an inlet or catch basin shall be 10-inches. Minimum inlet lead slopes shall be 2%.
3. Water from all low areas must be collected and conveyed to the storm drainage system. Quantity of gutter flow is determined using the Rational Method. Inlet design flows shall exceed gutter design flows.
4. Water quality provisions shall be installed in all catch basins or manholes as directed by the Department of Public Works.

J. Culverts

Culvert design shall be performed using the Federal Highway Administration (FHWA) publication Hydraulic Design of Highway Culverts (Reference No. 10). Other methods may be used with approval of the City Engineer.

K. Perimeter Drainage

1. Construction drawings shall include an approved "Grading and Drainage Plan" showing the location of perimeter drainage facilities and private drainage easements that will control runoff to and from project sites.
2. Grading and Drainage Plans shall identify control for Finished Floor Elevations, and shall be enforced in conjunction with Building Permits issued by the City of Keizer.

L. Erosion and Pollution Control:

Adequate erosion and pollution control facilities shall be installed in conjunction with construction projects. Developments shall be required to obtain an NPDES 1200-C erosion control permit from the Department of Environmental Quality in accordance to their standards.

An erosion control plan will be required to be submitted to the City Department of Public Works for developments greater than one acre.

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

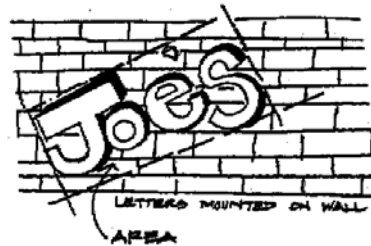
The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, and, increase the aesthetic value and economic viability of the city, all by classifying and regulating the location, size, type and number of signs and related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

2.308.02 Definitions

For the purposes of this Chapter, the following definitions shall apply: (5/98)

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

Area: The area of a sign shall be the entire area within any type of perimeter or border which encloses the outer limits of any writing, representation, emblem, figure, or character. If the sign is enclosed in a frame or cabinet the area is based on the inner dimensions of the frame or cabinet surrounding the sign face. When a sign is on a base material and attached without a frame, such as a wood board or Plexiglas panel, the dimensions of the base material are to be used. The area of a sign having no such perimeter, border, or base material shall be computed by enclosing the entire area within a 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



Multi-Faced Sign

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: 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 chapter. 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. (5/98)



Building Frontage and Face

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)

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

Election Signs: Those signs which relate to an election, initiative or political viewpoint. Such signs will otherwise meet the specifications of Temporary Signs. (5/04 – Ord 2004-498)

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, whichever is the lowest. (5/98)



Canopy Sign

Flashing 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)

Free-Standing 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

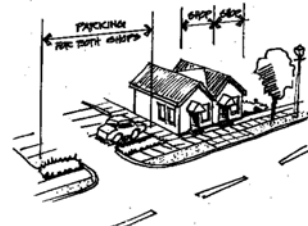
Incidental Signs: A sign that is normally incidental to the allowed use of the property, but can contain any message or content. Such signs can be used for, but are not limited to, nameplate

signs, warning or prohibition signs, and directional signs not otherwise allowed. (5/98)

Indirect Illumination: 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)



Small Integrated Business Center

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

Joint Use 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)



Large Integrated Business Center

Message 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)

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



Internal Illumination

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

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)

Nonconforming 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)



Joint-Use Sign

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: 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

Projecting Signs: A sign the face of which is not parallel to the wall on which it is mounted. The sign area of a projecting sign shall be calculated as a free-standing sign. (5/98)



Projecting Sign

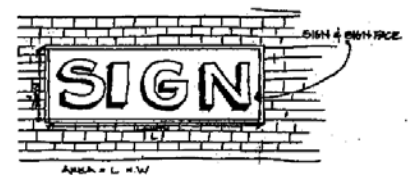
Real Estate Sign: A sign for the purpose of rent, lease, sale, etc. of real property, building opportunities, or building space. (5/98)

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

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

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

Sign: Any writing, including letter, word, or numeral; pictorial presentation, including mural, illustration or decoration; emblem, including device, symbol 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 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 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 not permanently affixed to a structure on a property. These signs primarily include, but are not limited to, canvas, cloth, rigid plastic or paper, vinyl banners or posters hung on a building wall or on a permanent pole such as on a free-standing sign support. Paper signs may only be used for single day events. (5/04 Ord. 2004-498)

Wall 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. 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. (5/98)

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. Current Signs. Owners of conforming or nonconforming signs existing as of December 4, 1989 are not required to obtain a permit until the end of the abatement period described in Section 2.308.04.C. (5/98)
- C. Permit Fees. Permit fees shall be established from time to time by City Council resolution. (5/98)
- D. 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)

E. 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 Uniform 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. (5/98)
2. Materials. Except for banners, flags, 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. (5/98)
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)

2.308.04 Nonconforming Signs

A. Alteration of Nonconforming Sign Faces. Nonconforming signs are subject to the following provisions regarding alteration: (5/98)

1. Change Permitted. Within the abatement period described in Section 2.308.04.C., a change in sign face alone is allowed without requiring compliance with these regulations. (5/98)
2. Termination of Nonconforming Sign. Within the abatement period described in Section 2.308.04.C., when a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of God, such sign face may be restored to its original condition provided such work is completed within sixty (60) days of such calamity. However, a sign structure or support mechanisms so damaged shall not

be replaced except in conformance with the provisions of these regulations. (5/98)

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. No free-standing sign permits will be issued for the integrated business center, unless all free-standing signs comply. (5/98)
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, except as set forth in Section 2.308.04.B.4. (5/98)
3. Nonconforming Sign Area. Except as set forth above and in Section 2.308.08.B.4., all conforming and/or nonconforming signs in existence as of the date of the permit application shall be included in the total allowed area, number or size when reviewing applications for new or altered signs to be allowed on the property. (5/98)
4. Exception for Non-Owned Signs. Signs which are not owned or controlled by the property owner or lessee prior to May 7, 1990, and which were constructed or installed prior to May 7, 1990, shall not be included in the total allowed area for sign permits granted prior to May 7, 1997. (5/98)

C. Abatement of Nonconforming Signs. Permanent signs in existence on May 7, 1990 that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming signs and must be removed, altered, or replaced so as to conform on or before May 7, 1997. The period from the date of the enactment of these regulations to May 7, 1997, shall be described as the "abatement period." Temporary and portable signs that are not in conformance with the provisions of this Ordinance shall be regarded as nonconforming and shall be removed on or before September 7, 1990. (5/98)

The Zoning Administrator shall notify non-conforming permanent sign owners by certified mail of the conformance deadline at least two years prior to such deadline as a public service. Failure to be notified of the deadline shall not relieve the owner of responsibility to conform with this Ordinance within the time period herein. Properties annexed to the City after the effective date of this Ordinance shall have 7 years following annexation in which to conform to these regulations, with the exception of temporary signs that shall conform to the regulations within 90 days following annexation. (5/98)

- D. Abandoned Signs. All signs for a business shall be removed within 30 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. (5/98)
- E. Minor Nonconforming Signs. Individual signs that otherwise comply and are existing as of May 7, 1990, that are within 5% of both the allowed area (total and per sign) and the allowed height as set forth in these regulations are allowed to remain as nonconforming signs and do not have to be brought into compliance. However, once a nonconforming sign is removed, any replacement sign must comply in all respects with these regulations. (5/98)

2.308.05 Signs Generally Permitted

Subject to the limitations in Sections 2.308.04.C., 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: (5/98)

- A. Sign Copy. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, the sign shall conform in all respects with these regulations. (5/98)
- B. Temporary Signs. Temporary signs that do not exceed 16 square feet in area. No lot may display temporary signs for more than 90 days in any 365 day period. Only one temporary sign per lot may be displayed at a time except during the period 45 days preceding and seven days following elections, signs which relate to such elections may be unlimited in number. (5/04 Ord. 2004-498)
- C. Real Estate Signs. Real estate signs not exceeding 32 square feet that advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit. (5/98)
- D. Government Signs. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety. (5/98)
- E. Development Signs. One sign not over 32 square feet for a residential development or subdivision, and located at each street entrance to the development. (5/98)
- 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. (5/98)
- J. **Non-profit Signs.** A non-profit organization may display a portable sign subject to the following: (5/98)
 - 1. Three signs per organization at one time. (5/98)
 - 2. Maximum sign area: 16 square feet. (5/98)
 - 3. The sign shall be displayed no more than six times in any 365 day period, and shall not be displayed longer than five days each time. (5/98)
 - 4. The sign shall not be placed on public property or in any right-of-way. (5/98)
 - 5. The non-profit organization shall request and receive consent from the property owner of the property on which the sign is placed. (5/98)
 - 6. If requested, the non-profit organization shall provide appropriate proof that such organization is organized not to make a profit, but for charitable, educational, religious, or philanthropic purposes. (5/98)
- K. **Residential Signs.** Residential signs, pursuant to requirements in Section 2.308.07. (5/98)
- L. **Election Signs.** During the period of forty-five (45) days prior and seven (7) days after any governmental election, signs which meet the definition of temporary signs, and which pertain to such election, may be unlimited in number. (5/04 Ord. 2004-498)

2.308.06 Prohibited Signs

The following signs are prohibited: (5/98)

- A. **Tethered Signs.** Balloons or similar types of tethered objects, including strings of pennants. (5/98)

- B. Portable Signs. Portable signs (except as noted in Section 2.308.05.J. (5/98)
- C. Roof Signs. Roof signs or signs which extend higher than the roof line. (5/98)
- D. 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)
- E. Wire Supports. Signs that use or employ side guy lines of any type. (5/98)
- F. Obstructing Signs. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress. (5/98)
- G. Utility Lines. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire. (5/98)
- H. Vehicle, Trailer Signs. No vehicle or trailer 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. (5/98)
- I. Rotating/revolving Signs. Rotating/revolving signs, except by conditional use permit, and except as allowed in Section 2.308.07.A.3. (5/98)
- J. Flashing Signs. Flashing signs, except by conditional use permit, and except as allowed in Section 2.308.07.A.3. (5/98)
- K. Projection 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 not less than 8 feet above the sidewalk. (5/98)
- L. 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)

- M. 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)
- N. Use of Utility Poles. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way. (5/98)
- O. Message Signs. Message Signs, except by conditional use permit. (5/98)
- P. Vacant Land. Any sign on unimproved property, unless allowed as a temporary sign. (5/98)

2.308.07 Non-Commercial Signs

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 combination 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. (5/98)
- 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. 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. (5/98)

2.308.08 Commercial and Industrial Signs

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. (5/98)
 2. 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 then front. (5/98)
 3. 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)
 4. Location: (5/98)
 - a. Wall or projecting signs may project up to 2 feet from the building. (5/98)

- 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. Total 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. 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. (5/98)
- 2. Free-standing Sign. For each integrated business center, 1 free-standing sign per street frontage not to exceed 100 square feet 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 then front. (5/98)
- 3. 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)
- 4. Location: (5/98)
 - a. Wall or projecting signs may project up to 2 feet from the building. (5/98)
 - 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)

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.2. (5/98)
- 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. Directional Signs. Directional signs, such as "Exit" or "Entrance", 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 directional signs shall be limited to a height of 6 feet. (5/98)
 3. Menu Boards. Order signs describing products and/or order instructions to a customer, such as menu boards on the exterior of a drive-through restaurant are allowed as follows: one per business limited to 40 square feet in area and a maximum height of eight 8 feet. Any order 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. (5/98)
- E. Signs for Temporary Businesses. Temporary businesses 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 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. (5/98)
- F. Special Commercial Signs
1. Home Occupation. Maximum area shall be 6 square feet and subject to the location provisions in Section 2.306.07. (5/98)
 2. Residential Sales Office. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)
 3. Bed and Breakfast. Maximum area shall be 16 square feet and subject to the location provisions in Section 2.306.07. (5/98)

2.308.09 Conditional Uses

- A. Procedures. Applications for conditional use permits for residential free standing signs, flashing signs, rotating/revolving signs, or message signs shall be processed according to the procedure set forth in Section 3.104 of this Ordinance. The criteria to be reviewed and applied in conditional use permit proceedings are set forth in this Section, and the criteria of Section 3.103 shall not be applied. (5/98)
- B. Decision Criteria. The following criteria shall be used to review and decide conditional use permit applications for flashing, rotating/revolving, and message signs: (5/98)
1. The proposed sign is located in a CO, MU, CM or a CG zone. (5/98)
 2. The proposed sign, when conditioned, will not significantly increase or lead to street level sign clutter, or to signs adversely dominating the visual image of the area. (5/98)
 3. The proposed sign, as conditioned, will not adversely impact the surrounding area to a significant degree. (5/98)
 4. The proposed sign will not present a traffic or safety hazard. (5/98)
 5. If the application is for a flashing and/or 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. Only flashing effects by way of internal illumination are allowed. (5/98)
 6. If the application is for a rotating/revolving sign, such sign cannot flash or be illuminated by intermittent light. Rotating/revolving signs shall revolve at a speed no greater than 5 revolutions per minute. (5/98)
 7. The total allowed sign area for a business shall be reduced by 25% if the business has a flashing, rotating/revolving, or message sign. (5/98)
 8. 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. Minor variances under Section 3.105.04 of this Ordinance shall not be allowed.

Variances to this Section will be processed according to the procedures in Chapter 3.203. The criteria in Section 3.105 shall not be used, but instead the following criteria shall be used to review and decide variance applications: (5/98)

1. There are unique circumstances of conditions of the lot, building or traffic pattern such that: (5/98)
 - a. The existing sign regulations create an undue hardship; (5/98)
 - b. The requested variance is consistent with the purpose of this chapter as stated in Section 2.308.01; and
 - c. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter. (5/98)

2. The granting of the variance shall not: (5/98)
 - a. Decrease traffic safety nor detrimentally affect any other identified items of public welfare. (5/98)
 - b. Result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance. (5/98)
 - c. Be the result of a self-imposed condition or hardship. (5/98)

2.309 SITE AND LANDSCAPING DESIGN

2.309.01 Purpose

- A. Landscaping Guidelines. To guide the planting and maintenance of landscaping materials. (5/98)
- B. Appearance. To enhance the appearance of the City, provide areas for outdoor recreation and to: (5/98)
 - 1. Provide shade and windbreaks where appropriate to conserve energy in building and site design; (5/98)
 - 2. Buffer and screen conflicting land uses; (5/98)
 - 3. Provide for the landscaping of parking areas to facilitate vehicular movement and break up large areas of impervious surface. (5/98)
 - 4. Promote public safety through appropriate design principles. (5/98)
- C. Erosion control. To prevent or reduce erosion potential on steep terrain by providing appropriate landscape materials. (5/98)

2.309.02 Scope

- A. Landscaping Required. All construction, expansion, or redevelopment of structures or parking lots for commercial, multi-family, or industrial uses shall be subject to the landscaping requirements of this Section. No building permit shall be issued for new construction or for additions to existing buildings without compliance with this Section. (5/98)
- B. Site Development Review. Landscaping plans required by the Site Development Review shall be subject to procedures of this Section and subject to Type 1-A review procedures set forth in section 3.2. (5/98)
- 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; in open spaces and outdoor recreation areas; in islands and perimeter planting areas in parking and loading areas; and in areas devoted to buffering and screening as required in this Section and elsewhere in this Ordinance. The following area requirements shall be the minimum areas devoted to landscaping: (5/98)

- A. Multi-Family Developments. A minimum of 25% of the gross land area shall be devoted to landscaping in multi-family developments. Interior courtyards, atriums, solar greenhouses and roof gardens may be included with general landscaped areas in the calculation of this percentage. (5/98)
- B. Mixed Used Developments. A minimum of 15% of the gross land area shall be devoted to landscaping in mixed use combining commercial and residential development. Otherwise, single uses in the MU and CM zones are subject to the landscaping requirements for that type of use. (5/98)
- C. Commercial developments. A minimum of 10% of the gross land area shall be devoted to landscaping in commercial developments. (5/98)
- D. Industrial Developments. A minimum of 10% of the gross land area shall be devoted to landscaping in industrial developments. (5/98)
- E. Expansions. For expansions of existing developments and parking lots, the minimum new landscaped area shall be determined by: first calculating the percentage of the increase of total floor area or parking area; multiplying the gross site area by this percentage of increase; multiplying the resulting area by the minimum percentage for the type of development, as noted above. (5/98)

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 lawn, ground cover plants, shrubs, annuals, perennials or trees, or desirable native vegetation, or be used for other landscape elements as defined in this Ordinance. (5/98)
- 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. (5/98)
6. Method of irrigation. (5/98)
7. Significant Trees. (5/98)
 - a. 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 one-year period prior to the date the application was first submitted. (5/98)
 - b. Which significant trees are proposed to be removed, or have been removed within the past year. (5/98)
 - c. Which significant trees are to be left standing and what steps will be taken to protect and preserve those trees. (5/98)
 - d. Location, size and type of replacement trees proposed to be added, if any. (5/98)
 - e. 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 at ground level. (5/98)
 - f. The City recognizes that factors such as disease, safety concerns, and site development requirements may require removal of mature trees. Depending on these factors, the City of Keizer may require removal of mature trees. Development of the property in conformance with an approved landscaping site plan shall be a condition of land use approval or building permit. The City may require that significant trees that are removed (including trees removed within the year prior to the application) be replaced at the rate of up to two new trees for each significant tree removed. Replacement trees shall have a trunk, when measured at six (6) inches above ground level, of at least one and one-quarter (1¼) inches when planted, and shall be a type that will be at least twelve (12) inches in diameter at ground level when fully mature. (5/98)
 - g. The above provisions include and apply to all significant trees located on the subject property or on any adjacent public right-of-way

- C. Existing Vegetation. The landscape design shall incorporate existing significant trees and vegetation preserved on the site. (5/98)

2.309.05 Screening and Buffering

- A. Screening. Screening shall be used to eliminate or reduce the visual impacts of the following uses: (5/98)
1. Commercial and industrial uses when abutting residential uses. (5/98)
 2. Industrial uses when abutting commercial uses. (5/98)
 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)
- B. Screening Methods. Screening may be accomplished by the use of sight-obscuring plant materials (generally evergreens), earth berms, walls, fences, building parapets, building placement or other design techniques. (5/98)
- C. Buffering. Buffering shall be used to mitigate adverse visual impacts, dust, noise or pollution, and to provide for compatibility between dissimilar adjoining uses. Where buffering is determined to be necessary, one of the following buffering alternatives shall be employed: (5/98)
1. Planting Area: Width not less than 15 feet, planted with the following materials: (5/98)
 - 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)

2. Berm Plus Planting Area: Width not less than 10 feet, developed in accordance with the following standards: (5/98)
 - 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. Wall Plus Planting Area: Width must not be less than five feet developed in accordance with the following standards: (5/98)
 - a. A masonry wall or fence not less than five feet in height. (5/98)
 - b. Lawn, low-growing evergreen shrubs, and evergreen ground cover covering the balance of the area. (5/98)
4. Other methods which produce an adequate buffer considering the nature of the impacts to be mitigated, as approved by the City. (5/98)

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 walks, pedestrian paths and seating areas shall be pruned to a minimum height of eight feet and to a minimum height of 15 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 should be fully branched, have a minimum caliper of 1 1/4 inches, and a minimum height of 8 feet at the time of planting. (5/98)
- G. Evergreen Trees. Evergreen trees shall be a minimum of 6 feet in height, 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 or a 2 1/4 inch container or equivalent if planted 18 inches on center. (5/98)
- 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. 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. (5/98)
- K. Re-planting. Trees or shrubbery which die-off shall be replaced with a new plant of the same or similar type. Replacement is ultimately 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. (5/98)
- 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, Lot 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. Lot Line Adjustment. Any adjustment of a lot line between two adjacent parcels in a RS, RH, RM, RH, or RC zone shall require approval of a Lot Line Adjustment in accordance with the standards of Chapter 3.1 and the procedures of Chapter 3.2. (5/98)
- 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. Residential lots or parcels, including townhouse developments and Planned Unit Developments, may be accessed via an access easement developed in accordance with the provisions of Section 2.302.08. (10/02)
 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 traffic arteries, adjacent non-residential activities, or to overcome specific disadvantages of topography and orientation. Through lots shall be no less than 100 feet in depth. 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. (5/98)

- 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)

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 and 2.316 only if sidewalks currently exist along the connecting street. (10/02)
- 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 250 feet, 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. (5/98)
 2. If the street frontage of the subject property exceeds 250 feet, or extends and existing dedicated right-of-way, the applicant shall improve the following: (5/98)

- 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 and 2.316 only if sidewalks currently exist along the connecting street. (10/02)
- 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)

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 which will encourage a more creative approach in the development of land and will result in a more efficient, aesthetic, and desirable use of open area, while substantially maintaining, and possibly intensifying, the same population 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, circulation facilities, off-street parking areas, and utilization of the site's special features of geography, topography, size and shape. (5/98)

2.311.02 Site Standards

The following standards shall be specific to planned unit development proposals only: (5/98)

- A. Area. Planned residential, commercial, or industrial 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 the purpose and objectives of this title. (5/98)
- B. Zones. A planned unit development may be located in any zoning district except the Public (P) zone. (5/98)

2.311.03 Development Standards

- A. Common Open Space. A minimum of 20% of the gross area shall be devoted to common open space, with at least 1/2 of the common open space must be contiguous. The common open space shall comply with the provisions in Section 2.311.06. (5/98)
- B. Lot Area. The minimum lot area, width, frontage, and yard requirements otherwise applying to individual buildings in the zone in which a planned unit development is proposed do not apply within a planned unit development. (5/98)
- 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. Yard setbacks for lots on the perimeter of the project shall be the same as that required for the subject zoning district. Detached structures shall maintain a minimum side yard setback of 3 feet or meet the Uniform Building Code requirement for firewalls. A minimum front yard setback of 20 feet shall be required for any garage structure whose opening faces onto a public street. Otherwise the minimum setbacks of the underlying zone do not apply. (5/98)

- E. Attached Dwellings. Buildings sharing common walls are permitted within a planned unit development. (5/98)
- F. Height. The maximum building height shall in no event exceed those building heights prescribed in the 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. (5/98)
- G. Street Dedication. Designated arterial or collector streets or streets designed as collector or arterial streets shall be dedicated to the public and shall be constructed to their normal width with the normal right-of-way. (5/98)
- H. Streets. All streets must meet provisions in Section 2.302. Private streets must meet service area, improvement width, and curb height standards in Section 2.302.04 as well. (10/02)
- I. Parking. Parking will be required in accordance with the provisions of Section 2.303. (10/02)
- J. Walkways. Sidewalks along private streets may be required only if sidewalks currently exist to the connecting private street. Sidewalks shall be developed in accordance with applicable provisions in Section 2.302 and 2.316. The overall plan for the planned unit development shall include an acceptable pedestrian circulation system. (10/02)
- K. Utilities. Development of the property shall comply with utility and storm drainage provisions in Section 2.3. (5/98)
- L. Home Owners Association. A homeowners association shall be required and is subject to the provisions in Section 2.311.07. (5/98)

2.311.04 Residential Density

- A. Density Requirement. Except as noted in B., below, the overall residential density on the planned unit development shall conform with the density range of the zone in which it is located. (5/98)
- B. Density Bonus Permitted. A density bonus may be provided when the percentage of open space increases. The bonus shall permit a 1% increase in the maximum dwelling density for each percentage point increase of open space above the minimum 20% requirement. (5/98)
- 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 may include open areas, recreational space, school access routes, bicycle trails, natural or landscaped buffer areas, and buildings associated with recreational or community purposes of the planned development. (5/98)
- B. Open Space Requirements. No area may be accepted as common open space within a planned unit development unless it meets the following requirements: (5/98)
 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 worthy of preservation may be left unimproved. The buildings, structures, and improvements to be permitted in the common open space are appropriate to the uses that are authorized 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 pursuant to the provisions of Section 3.202.03. (5/98)
 4. The development schedule that is part of the development plan 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. (5/98)
 5. If buildings, structures, or other improvements are to be made in the common open space, the developer provides a bond or other adequate assurance that the buildings, structures, and improvements will be completed. The City shall release the bond or other assurances when the buildings, structures, and other improvements have been completed according to the development plan. (5/98)

- C. Open Space Management. Land shown on the final development plan as common open space shall be conveyed under one of the following options: (5/98)
1. To a City approved public or private agency that agrees to maintain the common open space and any buildings, structures, or other improvements that have been placed on it. (5/98)
 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, such ability to reasonably provide for the continuing care of the common elements. (5/98)
- 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 Park and Recreational Facilities

- A. Park Systems Development Charges. In addition to common open space provided in Section 2.311.04. of this section, residential development shall be subject to the adopted systems development charge for parks. (5/98)
- B. Park Dedication. As an alternative to A., above, the systems development charge for parks may be waived if the approved open space within the planned unit development is dedicated for public use with appropriate public access. The determination of an equivalent cost shall be made by the Community Development Director and City Legal Counsel. (5/98)

2.311.07 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, streets, 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 by the City Attorney. (5/98)

1. A owners association shall be set up before approval of the final plat, or any portion thereof. (5/98)
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 be able to adjust the assessment to meet changes needed. (5/98)
7. 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. (5/98)

2.311.08 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: (5/98)

- 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. Accessory commercial uses as identified in Section 2.416. (5/98)
- F. 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.

2.311.09 Modification of an Approved PUD

A new public hearing shall be required if any one of the following changes is proposed to an approved planned unit development site plan: (5/98)

- 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)

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 mobile home 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. (5/98)
- C. Yard Areas not to be Reduced. No lot shall be so reduced or diminished that the required yards or other open space shall be smaller than prescribed by this zoning ordinance. (5/98)

2.312.03 Separation of Lot or Yard Areas

- A. Reduction in Lot Area. Except as provided in 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. (5/98)
- B. Separation of Required Yards. Except as provided in 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. (5/98)
- C. Exceptions. In a planned development 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 permit the eventual 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. (5/98)
- 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 C., 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

- A. Yard Parking Restrictions. Exclusive of driveways, no parking shall be allowed within the required front yard area or yards located adjacent to a street. The side yard and rear yard areas may be used for parking of vehicles unless otherwise prohibited by this Ordinance. (5/98)
- B. Storage Restrictions. The yard areas adjacent to a street, other than driveways, shall not be used for the permanent storage of utility trailers, house or vacation trailers, boats, or other similar vehicles, unless the storage area is screened by a six foot sight-obscuring fence, wall, or hedge. The fence, wall, or hedge shall comply with the provisions regarding the location for fences and maintaining a vision clearance area. (5/98)

2.312.06 Front Yard Projections

Planter boxes, chimneys and flues, steps, cornices, eaves, gutters, belt courses, leaders, sills, pilasters, lintels, and other ornamental features of not more than two feet, from main buildings, uncovered porches and covered but unenclosed porches when not more than one story high and which do not extend more than ten feet beyond the front walls of the building are exempt from the front yard setback provisions. (5/98)

2.312.07 Side Yard Projections

- A. Building Features. Cornices, eaves, gutters and fire escapes when not prohibitive 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. (5/98)
- 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. Architectural Features. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels, gutters and other ornamental features, may project not more than 1½ feet into a required rear yard, provided, however, chimneys and flues shall not exceed six feet in width. (5/98)
- B. Building Features. A fire escape, balcony, outside stairway, cornice or other unenclosed, unroofed projections may project not more than 5 feet into a required rear yard and set back at least 6 feet from any property line. (5/98)
- C. Steps and Porches. Planter boxes, steps, uncovered porches, covered but unenclosed porches including covered patios when not more than one story high and the floors, which are not more than four feet above grade, are exempt from the minimum rear yard depth requirements. (5/98)
- D. Setbacks. No permitted projection into a required rear yard shall extend within ten feet of the center line of an alley or of a rear lot line if no alley exists. (5/98)
- E. 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 rear yard property line when they are three feet or less in height from ground level. (5/98)

2.312.09 Vision Clearance

A vision clearance area shall be maintained where roadways, including streets, alleys, and private points of access, intersect except where the intersection is controlled by a traffic signal. The vision clearance area shall conform to the following: (5/98)

- 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 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)
- 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 (a) and (b), above. (5/98)
- C. Street-Alley Intersection. The vision clearance area shall be computed as above with legs of 10 feet in each direction. (5/98)
- D. Street-Street Intersections without major traffic controls. The vision clearance area for street-street intersections without traffic signals or without stop signs on all approach legs shall be computed as above with legs of 30 feet in each direction. (5/98)
- E. Street-Street Intersections with major traffic controls. The vision clearance area for street-street intersections with traffic signals or with stop signs on all approach legs shall be computed as above with legs of 20 feet in each direction. (5/98)
- F. Prohibited Development. A vision clearance area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding two and one-half feet in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the vision clearance area: (5/98)

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)

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 clear-vision area. A fence, wall, or hedge may not exceed eight feet in height without approval of a variance. Fences and walls shall not exceed a height of three and one-half feet along, and within, ten feet of any property line adjacent to the street. (5/98)
2. Construction material: Fences or walls constructed of unsafe materials, including, but not limited to barbed wire, electric fencing, broken glass, and spikes shall generally be prohibited. Agricultural uses may utilize electric and barbed wire fencing. (5/98)
3. Swimming pool requirements: All swimming pools shall be enclosed by a locking fence of six feet in height. A dwelling may be used to meet part of the enclosure requirement. No swimming pool or fence shall be located in a vision clearance area. (5/98)
4. 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, wall, or hedge may not exceed 12 feet in height without approval of a variance. (5/98)
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 CG, IP and IP zones. Barbed wire fencing shall be angled inward. (5/98)

2.313 ACCESSORY STRUCTURES AND USES

2.313.01 Single Family and Duplex

For single family residential and duplex uses on an individual lot: (5/98)

- A. Location and Number. Accessory structures shall be located within the rear or side yard. A maximum number of two are permitted. (5/98)
- B. Height. The maximum allowable height is 24 feet, except that the accessory structure shall not exceed the height of the primary building. (5/98)
- C. Property Setbacks. When a wall adjacent to a property line is 9 feet or less in height, the minimum setback shall be 2 feet. For each 1 foot increase in the wall height above 9 feet, the setback shall increase 1 additional foot. The minimum setback adjacent to an alley shall be 1 foot. (5/98)
- D. Building Separation. Accessory structure shall be separated from the primary buildings by a minimum of 6 feet. A covered walkway, which contains no habitable space, may connect the two buildings without violation of the setback requirements. Accessory structures less than 6 feet from the primary structure or connected by a fully enclosed walkway will be considered as part of the primary structure and subject to the setback requirements of the primary structure. (5/98)
- E. Building Size and Lot Coverage. The accessory structure shall be limited to a maximum ground floor area of 600 square feet. 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 all accessory structures. (5/98)
- F. Exterior Finish. Accessory structures greater than 240 square feet in area shall have a exterior finish that is residential in character. Metal siding shall be prohibited on accessory structures exceeding 240 square feet in area. (5/98)

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 structures. (5/98)
- 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

The following standards will be applied to all single family dwellings, whether modular or manufactured homes, or site-built homes, to be constructed or located in RS, RL, or RM zones. All single family homes shall utilize at least two of the following design features to provide visual relief along the front of the home: (5/98)

- A. Dormers; (5/98)
- B. Gables; (5/98)
- C. Recessed entries; (5/98)
- D. Covered porch entries; (5/98)
- E. Cupolas; (5/98)
- F. Pillars or posts; (5/98)
- G. Bay or bow windows; (5/98)
- H. Eaves (minimum 6" projection); (5/98)
- I. Off-sets on building face or roof (minimum 16")

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. 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 ordinance 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. (01/04)

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 development standards found in Section 2.315.08.B(4) and (5) of this code. (01/04)
- 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. (01/04)
- C. The provisions of this section shall apply to all development as defined in Section 1.2 of this code. (01/04)

2.315.03 Exemptions

The following are exempt from the Standards: (01/04)

- A. 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. (01/04)
- 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, (01/04)
- C. Repainting of exterior walls due to minor repairs or vandalism, which is 25% or less, or no more than 100 sq. ft. (01/04)

- D. Agricultural uses (01/04)
- E. Any residential building housing three or fewer dwelling units (01/04)
- F. Accessory structures of less than 500 square feet. (5/98)
- G. Any interior remodeling (01/04)
- H. A temporary business (01/04)

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: (01/04)

- A. The Standards embodied in this ordinance are administratively reviewed at the time of a building permit application. Compliance to the Standards is a condition of building permit approval. (01/04)
- 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 as contained in Section 2.315.02. (01/04)
- C. The Standards embodied in this ordinance are to be perpetually maintained on all properties. This particularly applies to color and facade materials, which may change without requiring a building permit. (01/04)
- D. In the event a development proposal or a change to an existing building does not conform to the standards contained in this ordinance 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 comply with the same procedures as a Conditional Use Permit in Section 3.103, with the initial decision rendered by the Planning Commission (Section 3.103.06.C.). No building permit will be issued for a use requiring Development Standards Alternative approval until the application is approved. (01/04)

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. (01/04)

2.315.08 Development Standards

All applicable development must meet the following standards: (5/98)

- 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. (01/04)
1. Connection Required. The-pedestrian circulation system for the proposed development must connect uses, building entrances, adjacent streets, and, nearby transit stops. (01/04)
 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. (01/04)
 3. Additional Street Access. A walkway from a building entrance to a public street shall be provided for every 300 feet of street frontage. (01/04)
 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. (01/04)
 5. Lighting. Lighting shall be provided for all walkways. Pedestrian walkways must be lighted to a level where the system can be used at night by employees and customers. (01/04)
 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. (01/04)
 - b. In the EG zone, Any portion of a walkway located within three feet of a building frontage shall be covered with awnings or building overhangs as provided in Subsection a, except for buildings, which have greater than 300 feet of lineal frontage, where this requirement shall apply to at least 33 percent of the building frontage. The maximum vertical clearance shall be 15 feet. (01/04)
 7. Dimensions. Walkways shall be at least five feet in paved unobstructed width. Walkways that serve multiple uses or tenants shall have a minimum unobstructed width of eight feet. (01/04)

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. (01/04)
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. (01/04)
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 or proposed findings shall be submitted demonstrating that the walkway or connection is infeasible. The findings will be evaluated in conjunction with the building permit or Development Standards Alternative process. (01/04)

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 Site Master Plan review described in Chapter 2.125 of this Zoning Ordinance. (01/04)
2. Building facades
 - a. In the CM, CR, and MU zones, facades that face a public street shall extend no more than 30 feet without providing a variation in building materials, a building off-set of at least 2 feet, or a wall area this is entirely separated from other wall areas by a projection, such as a porch or a roof over a porch. No building facade shall extend for more than 300 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)

- 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. In the EG zone, no building facade shall extend for more than 400 feet without a pedestrian connection between or through the building, provided that there is a pedestrian purpose being served. (01/04)
- 3. Awnings – Awnings or canopies, shall be provided along building storefronts abutting a public sidewalk. Awnings and canopies shall be constructed of canvass, 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. (01/04)
- 4. Materials and Texture
 - a. Building Materials. (01/04)
 - 1. All buildings shall have wood, brick, stone, or stucco siding, or vinyl siding made to look like wood siding. Metal siding as described in this section shall be allowed. (5/98) In the EG zone, all buildings shall have wood, brick, stone, architectural block, slump stone, architectural concrete or stucco siding, or vinyl siding made to look like wood siding. (01/04)
 - 2. Metal siding other than corrugated or reflective material are allowed except for residential buildings housing 3 or more dwellings and buildings within the EG zone metal siding is allowed with the exception of corrugated or reflective metal. (01/04)
 - 3. Plain concrete block, plain concrete, plywood and sheet press board may not be used as exterior finish materials. (01/04)
 - b. Trim Material. (01/04)

Building trim shall be wood, brick, stone, stucco, vinyl siding material made to look like wood, or metal. (01/04)
 - c. Roofing Material. (01/04)

Any roofing material is allowed including metal roofs. (5/98)
 - d. Foundation Material. (01/04)

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: (01/04)
 1. The Red-Green-Blue factors (also known as XYZ factors) shall not exceed a saturation level of 20%. (01/04)
 2. Each component factor, as a percentage of the whole component value, shall equal or exceed 38%, with no greater than a 20% difference between any of the three values. (01/04)
 3. Light Reflectance Value (LRV) of any color shall be between the values of 30 and 85. (01/04)
 4. The finish shall be either matt or satin. (01/04)
 - b. For the purpose of this ordinance, "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. (01/04)
 - c. In no case shall the main color or the trim color of any structure be "florescent", "day-glo", or any similar bright color. (01/04)
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. (01/04)

E. Accessory Structures

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, accessory structures including buildings, sheds, mechanical devices, and other structures outside the main building must be screened by painting them the same color as the main color of the building. (01/04)

F. Alternative Design Solutions. (01/04)

Depending upon the applicable review process identified in this code, the Planning Commission or City Council may approve design alternatives to the Standards in this chapter, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (01/04)

2.315.09 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 include as part of that review, a determination of the proposal's conformance with the provisions of this chapter. Corrections may be noted on the plans, or required to be submitted as amended plans, to assure conformance to the standards or 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 chapter. (01/04)

2.315.10 Criteria for Development Review

The Planning Commission, or Council upon appeal, may approve the proposed design alternatives, or approve them with conditions, if it finds the alternative design can meet the purpose and intent of this ordinance and be successfully applied to a particular property. (5/98)

2.316 INFILL DEVELOPMENT STANDARDS

2.316.01 Purpose

The purpose of this section is to: (01/02)

- A. Enable residential infill development to achieve the planned densities specified in the Comprehensive Plan. (01/02)
- B. Encourage a more efficient use of developable land (01/02)
- C. Reduce traffic flow and congestion by creating a more compact form of development. (01/02)
- D. Promote livability and neighborhood quality. (01/02)

2.316.02 Applicability

- A. The provisions of this section shall only apply to new residential land partitions and subdivisions and multi-family developments that meet the definition of infill development parcel and are located within a residential zone. (01/02)
- B. All infill development parcels must comply with the requirements of the zone in which the parcel is located, except as modified by the provisions of this section. (01/02)
- C. The provisions of this section are not intended to supercede other district requirements, such as the Flood Plain Overlay Zone, Greenway Management Overlay Zone, Limited Use Overlay Zone, Activity Center Overlay Zone, or the Resource Conservation Overlay Zone. (01/02)
- D. Infill development standards may be applied to several parcels of land assembled for redevelopment, only if the total area complies with Infill Development Parcel criteria defined in Section 2.316.03. (01/02)

2.316.03 Infill Development Parcel Criteria

Parcels that meet the following criteria shall be subject to the provisions and standards of this chapter: (01/02)

An infill development parcel is any residential parcel not more than two (2) acres in size that is a lot of record, and which meets any two of the following criteria: (01/02)

- A. A parcel with less than 250 feet of frontage along a public street; (01/02)
- B. A parcel with an existing structure; (01/02)
- C. A parcel that is irregular in shape, such that it cannot be partitioned or subdivided to meet the maximum density of the underlying zone without a variance; (01/02)
- D. A parcel that is bounded on two or more sides by existing development or natural constraints (i.e. waterways, steep slopes, resource protection areas). (01/02)

2.316.04 Process

- A. Application Process. An application for development projects wishing to utilize infill development standards shall follow the applicable land division process, such as a partition, subdivision, or planned unit development. (01/02)
- B. Pre-Application Conference. A pre-application conference is available for all partitions, subdivisions, or other development project seeking approval using infill development standards (See Section 3.210.02). (01/02)

2.316.05 Dimensional Standards

Infill lots shall meet the following minimum standards that shall be used in place of standards of the zone in which the parcel is located. (01/02)

- A. Detached dwellings shall have a minimum side yard setback of 5 feet. For each additional 2 feet of building height over 16 feet, the setback shall be increased by 1 foot. The minimum required side yard setback shall not exceed 10 feet. Where a dwelling consists of a combination of sections of varying heights or stories, the side yard setback shall be applied to each building section. (01/02)
- B. Minimum Rear Yard Setbacks. Dwellings shall have a minimum rear yard setback of 14 feet. For each additional 2 feet of building height over 16 feet, the setback shall be increased by 1 foot. The minimum required rear yard setback shall not exceed 20 feet. Where a dwelling consists of a combination of sections of varying heights or stories, the rear yard setback shall be applied to each building section. (01/02)

2.316.06 Infill Street and Access Easement Standards

All new lots created on infill development parcels that serve two or more dwelling units must be served by a public street or private access easement that meet one of the following minimum standards. These standards may be

used for infill development in place of the right-of-way and improvement width standards of Section 2.302.03 of this Code. (01/02)

A. **Public Streets.** Public streets serving infill development must be constructed to the following minimum standards: (01/02)

Type of Infill Streets	Minimum ROW Width	Sidewalks	Minimum Pavement Width	Parking	Maximum Dwelling of Units Served
Infill Street I	32 ft.	5 ft. wide at curblin on both sides (2)	30 ft.	Parking on both sides	19 units
Infill Street II (1)	30 ft.	5 ft. wide at curblin on one side (2)	28 ft.	Parking on one side (1)	19 units

Notes:

- (1) If Infill Street type II is used, a parking plan must be submitted that illustrates the location of all required parking spaces for each lot within the proposal. (01/02)
- (2) Sidewalks must be provided with easements adjacent to the right-of-way. (See Section 2.316.06C) (01/02)

B. **Access Easements.** Private access easements serving infill development shall be allowed only if the applicant can demonstrate that no public street can provide reasonable access to the infill parcels, future through connections to other streets are not possible, and the access easement will serve less than 5 dwelling units. Private access easements serving infill development shall adhere to one of the access easement standards in the table below. (01/02)

Type of Access Easement	Minimum Easement Width	Minimum Pavement Width	Parking
Access Easement I (serving 1-2 dwelling units)	20 ft. wide tract or unobstructed easement	12 ft. paved surface	No parking on either side
Access Easement II (serving 3-4 dwelling units)	20 ft. wide tract or unobstructed easement	16 ft. paved surface	No parking on either side

A parking plan outlining how off-street parking requirements will be satisfied shall be submitted with any application utilizing an access easement. (01/02)

C. **Reduced Sidewalk Requirements.** The City shall reduce street frontage improvement requirements for certain infill projects where fewer improvements are necessary. For public streets where through

streets are not possible and which serve five to eight dwelling units, the City shall require a sidewalk only on one side of the street. (01/02)

- D. Infill Street Development Requirements. The right-of-way for an Infill Street must be dedicated at the time of the final plat. Street construction improvements must be completed prior to any development permit on newly created parcels. Infill streets must be constructed to the furthest extent of any access driveway to a newly created parcel or to the required depth for a turn around, whichever is greatest. (01/02)
- E. Infill Street Extension Requirements. Where dedicated right-of-way for an Infill Street abuts a property to be developed and the street is not fully improved, the applicant for the developing adjacent parcel must extend and construct the remaining distance of right-of-way to connect to the furthest extent determined in Section 2.316.06D. (01/02)

2.316.07 Infill Turnarounds

- A. Access Easements. A turnaround shall be required for any access easement that provides the sole access for two or more residences and is 150 feet or greater in length. Turnarounds shall either be a circular turnaround with a minimum paved radius of 38 feet, or a “tee” or “hammerhead” turnaround with at minimum paved dimension across the “tee” of 60 feet (see Figure 41- Approved Turn Around Designs). (01/02)
- B. Public Infill Streets. For public streets, a bulb turnaround shall have a minimum radius of 38 feet. The City Engineer may develop infill standards for “T” or “Y” turnarounds. The City Engineer shall determine if a proposal meets the standards set forth in this section. (01/02)

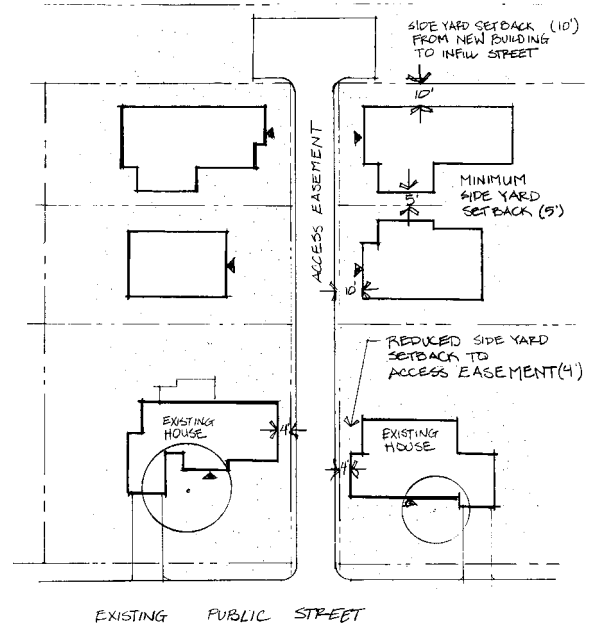
2.316.08 Turning Radius

The intersections and turnarounds of all infill streets and access easements shall be designed and constructed with a minimum inside turning radius of 20 feet. The minimum turning radius shall be measured from the center point of the circle of the turning radius to the inside of the curb face. (01/02)

2.316.09 Infill Access Easement Setbacks

Access easements serving infill development parcel shall adhere to all of the following standards: (01/02)

- A. The minimum access easement setback to the side yard of an existing building shall be five (5) feet. (01/02)
- B. The minimum access easement setback to the front yard of an infill development parcel shall be ten (10) feet. (01/02)
- C. The minimum access easement setback to the side yard of a new infill development parcel shall be ten (10) feet. (01/02)

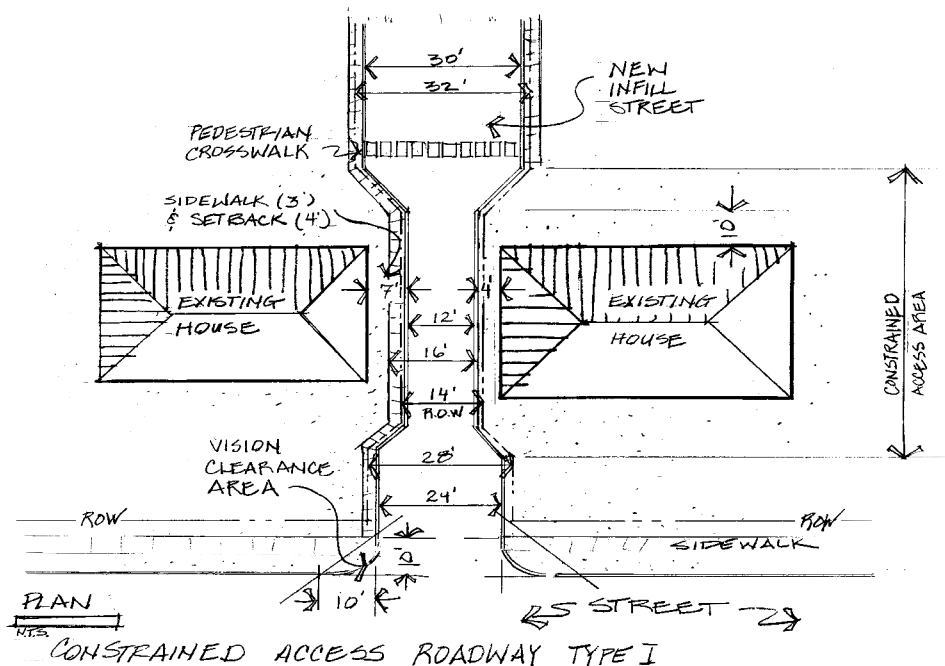


2.316.10 Constrained Access Roadway

Constrained access roadways meeting City minimum standards defined below, shall be an acceptable alternative means of providing vehicular access to infill parcels, when infill streets defined in Section 2.316.06 cannot be used to gain access to infill parcels. Any request for constrained access roadways must be processed as a major variance. (01/02)

- A. Constrained access roadways must meet all of the following standards: (01/02)
 - 1. Minimum right-of-way width of a constrained access roadway shall be 14 feet, with a minimum paved width of 12 feet plus curbs. (01/02)
 - 2. A sidewalk with a minimum width of 3 feet and which complies with standards of the Americans with Disabilities Act (ADA), shall be located along one side of the constrained access roadway. The sidewalk may be located either within a public right-of-way or within an easement. (01/02)

3. There shall be a minimum 4-foot setback from the right-of-way line or the edge of the right-of-way to any part of an adjacent structure. (01/02)
4. Constrained access distances must be kept to a minimum; no constrained access distance shall exceed 80 feet in length. (01/02)
5. Street segments having constrained access shall be permitted to intersect only with local streets. (01/02)
6. Visibility clearance criteria must be met at all roadway intersections. (01/02)
7. Portions of a roadway outside the constrained access area shall be constructed to meet standards for a standard or infill street. (01/02)
8. Roadways that require constrained access shall serve eight (8) or fewer dwelling units, unless the street connects to another street which provides a second unconstrained means of vehicular access. Two constrained access roads may serve up to 12 units. (01/02)
9. Within a constrained access area, utilities may be provided beneath the street. (01/02)



10. No fences, walls, hedges or trees may be located within the constrained access area for a minimum total 20-foot width clearance. This area shall be measured ten (10) feet from each side of the centerline of the constrained roadway. (01/02)
11. Transition from an infill street section to a reduced width section of the constrained access roadway shall meet AASHTO Standards for local streets, unless varied by the Department of Public Works. (01/02)
12. Appropriate signage, as approved by the Department of Public Works, must be posted to indicate "One Lane Traffic Ahead" preceding any constrained access roadway. (01/02)
13. Location of garages on existing structures must be located or relocated to be either the opposite side of a constrained access roadway or must be located to have access outside of the constrained access area from the rear of the lot. (01/02)

2.316.11 Alignment

All infill streets intersecting an arterial or collector street shall be in alignment with existing street centerlines. Where streets join an arterial or collector forming a "T" intersection, the street must be not less than 100 ft from the centerline of another intersection. The staggering of street alignments resulting in "T" intersections shall, wherever practical, leave a minimum distance of 200 feet. Where infill streets intersect a local street, no alignment separation is required for street centerlines. (01/02)

2.316.12 Storm Water Drainage

All infill development projects shall adhere to requirements specified in Section 2.306, Storm Drainage. Wherever possible, infill development shall use on-site storm water detention or natural drainage channels to convey storm water runoff. Before land division, partition, or subdivision is allowed by the City, the applicant must demonstrate that on-site storm water management techniques will be implemented and are sufficient to control runoff, or prove that such management techniques cannot reasonably be applied and provide a satisfactory alternative for managing storm water runoff. (01/02)

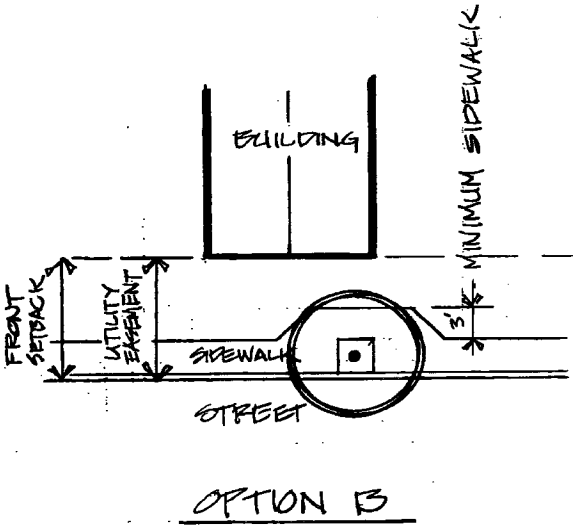
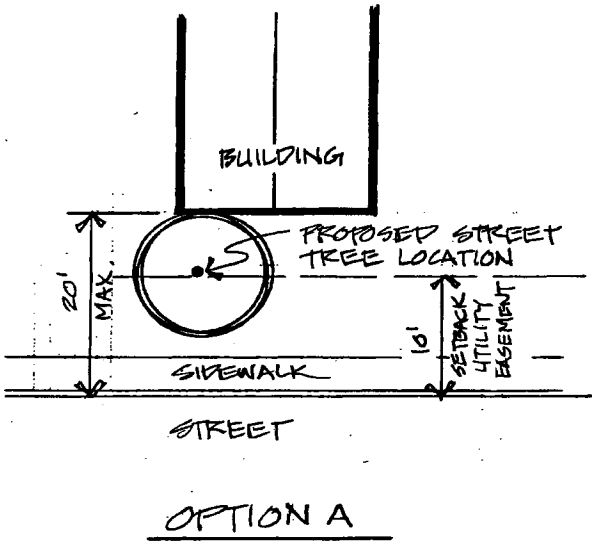
2.316.13 Trees Along Streets and Access Easements

To enhance streetscapes in the community, trees shall be required along streets and access easements serving infill development. For purposes of this section, these required trees shall be defined as streetscape trees. Lots measuring less than 45 feet in width shall be required to plant one streetscape tree. Lots measuring more than 45 feet in width shall be required to plant two streetscape trees. The tree removal plan, included in the partition or

subdivision application, shall indicate the location of the proposed streetscape trees. At the time of planting, streetscape trees shall have a trunk diameter of at least one and one-quarter inches, measured at six inches above ground level, and shall be of a type that will be at least twelve inches in diameter when fully mature. (01/02)

Streetscape trees along infill streets and access easements must be located according to one of the following provisions: (01/02)

- A. Streetscape trees shall be planted within the boundaries of each lot, not less than 10 feet and not more than 20 feet from the street right-of-way or access easement. (01/02)
- B. Streetscape trees may be planted in planters incorporated into the design of the sidewalk, provided that a minimum 3-foot sidewalk width is maintained for use by pedestrians. (01/02)
- C. Streetscape trees selected from a list of approved trees may be planted within the public right-of-way. (01/02)



2.316.14 Infill Compatibility

- A. Design Features. Infill development shall utilize at least two of the following design features to provide visual relief along the front of each new dwelling unit. (01/02)
 - 1. Windows facing the street (total window area of not less than 12 square feet); (01/02)
 - 2. Dormers; (01/02)
 - 3. Gables; (01/02)

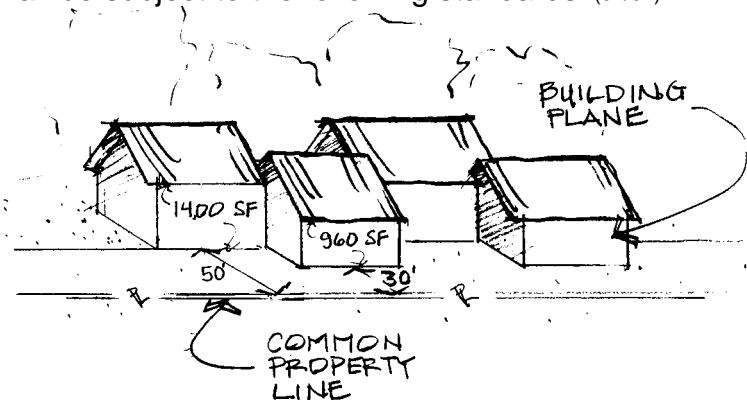
4. Recessed entries; (01/02)
5. Covered porch entries; (01/02)
6. Cupolas; (01/02)
7. Pillars or posts; (01/02)
8. Bay or bow windows; (01/02)
9. Eaves (minimum 6" projection); (01/02)
10. Off-sets on building face or roof (minimum 16");(01/02)

B. Building Form. If attached dwellings or multifamily dwellings are being sited on infill lots, the following standards shall apply: (01/02)

1. Unit Definition. Each dwelling unit shall be defined by a roof dormer or bay windows on the street-facing elevation, or by providing a roof gable or porch that faces the street. (01/02)
2. Density Transition. Multifamily structures shall maintain a typical single-family form and scale to provide a transition between apartment residential and attached residential and single-family districts. Where apartment residential or attached residential districts abut a single-family districts, the following shall apply to multifamily development within 50 feet of the common property line: (01/02)

A. Building height shall not exceed 24 feet in height within 30 feet of the property line or 36 feet in height within 50 feet of the property line. (01/02)

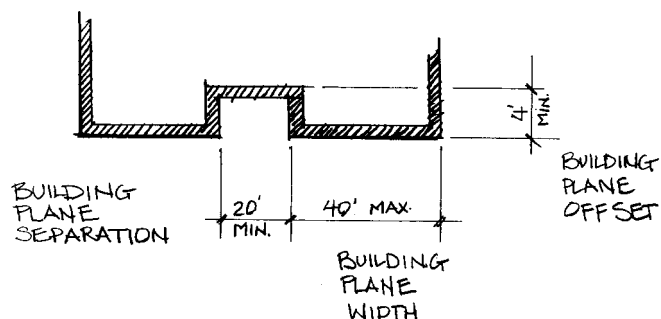
B. Building planes for multifamily dwellings within 50 feet of the common property line and facing the property line shall be subject to the following standards: (01/02)



- (1) No building plane that faces the common property line 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. (01/02)

- (2) No building plane shall have a greater dimension than 40 feet in length or 35 feet in height. (01/02)
- (3) If more than one building plane faces a 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. (01/02)



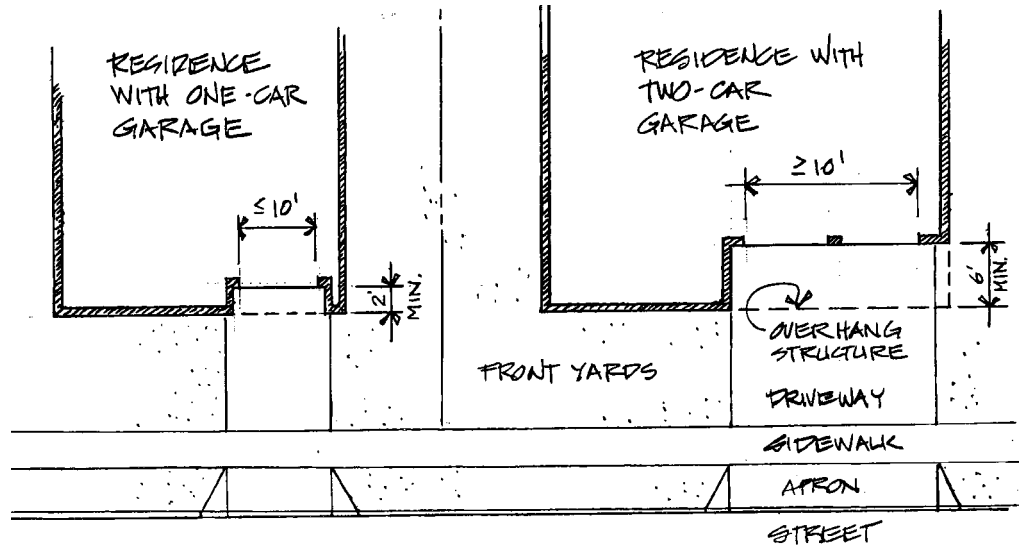
- (4) Building planes are defined as the plane of a building wall that extends from the ground to the top of each wall of a structure. Area is determined by multiplying the length of each wall by the height. (01/02)

The plane does not include roof area. When a structure along a wall juts out from the wall, or is off-set 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. (01/02)

2.316.15 Garages and Carports

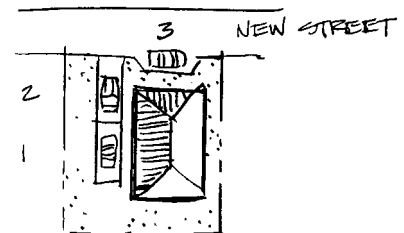
- A. Garages and carports shall be located no closer than 18 feet to the nearest edge of sidewalk adjacent to a public right-of-way, or if no sidewalk is present, the edge of the curb or roadway. (01/02)

- B. Garage doors and carport openings facing the street shall not account for more than 40% of the built dwelling façade that faces the street. (01/02)
- C. Single vehicle garage doors and carport openings must be recessed not less than two feet from the façade. Garages or carports designed to accommodate more than one vehicle must be set back a minimum of six feet from the front building line. (01/02)



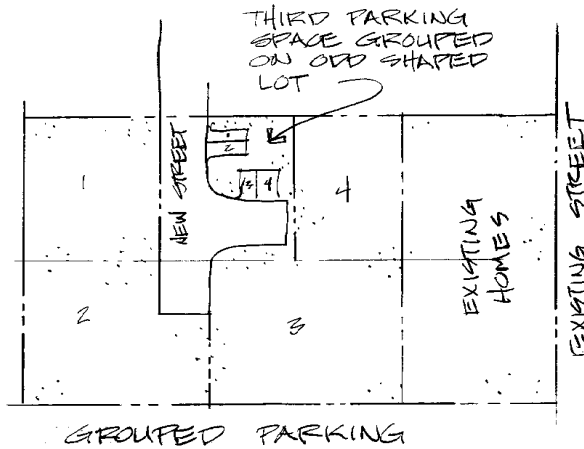
2.316.16 Infill Parking

- A. Single family and duplex units must provide two on-site parking spaces. (01/02)
- B. Tandem parking, stacking two cars end to end in a private drive way, shall be an acceptable method of meeting infill parking requirements. (01/02)



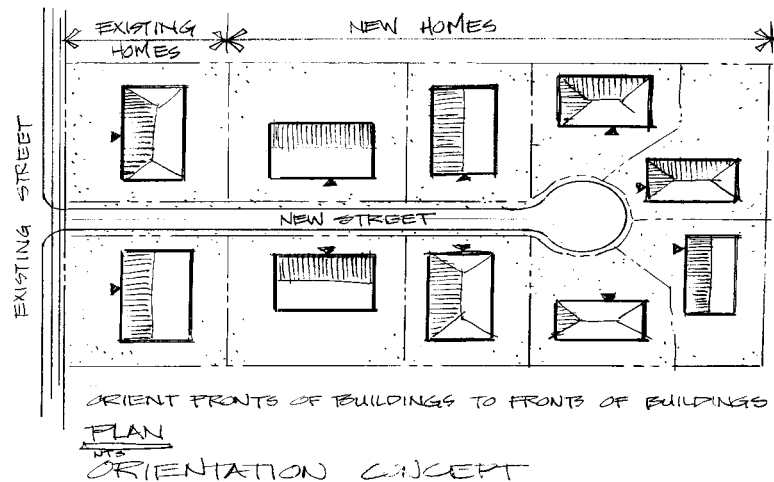
- C. A parking plan shall be required for all infill development not served by a public street or for development served by any public street that does not include parking on both sides of the street. The parking plan shall illustrate how minimum parking requirements will be met for all newly created lots. (01/02)

TANDEM PARKING



2.316.17 Building Orientation

Any new dwelling constructed on an infill development parcels must have its primary building facade oriented toward the nearest public street or private access easement. This provision is intended to enhance neighborhood quality by promoting the use of neighborhood streets as public places. (01/02)



2.316.18 Street lights

Street lights shall be required for public streets serving more than four dwelling units. Street lights shall be located within utility easements. Street lights are not required along private access easements that are intended to serve less than five dwelling units. Street lights and shall be designed to direct the light down toward the street and sidewalk and as much as practicable away from adjoining homes. (01/02)

2.316.19 Reduced Sidewalk Requirements

The City shall reduce street frontage requirements for certain infill projects where fewer improvements are necessary. (01/02)

For public streets where through streets are not possible and which serve five to eight dwelling units, the City shall require a sidewalk only on one side of the street. (01/02)

SECTION 2.4

SUPPLEMENTAL STANDARDS FOR SPECIAL USES

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- 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. Shared housing facilities, Section 2.403). (5/98)
- 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 SHARED HOUSING FACILITIES

2.403.01 Two-Family Shared Housing

Where permitted as a special use, two-family shared housing shall meet the following use and development standards. (5/98)

- A. Building Conversion. The building to be converted for two-family shared housing must have been constructed as a single-family dwelling, and have been occupied by the owner for any continuous 6 month period between the date of its first occupancy and the date of its conversion to a two-family dwelling. (5/98)
- B. Dwelling Units. The building must contain not more than two dwelling units after conversion and there must be not more than 2 dwelling units per lot. (5/98)
- C. Area Requirements. One dwelling unit must contain at least 300 square feet of floor area and the other must contain at least 600 square feet of floor area. (5/98)
- D. Occupancy. Only one of the two dwelling units may be occupied by a family, which does not include an owner-occupant of the building. (5/98)
- E. Ownership. Two-family shared housing 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. (5/98)

2.403.02 Accessory Residential Housing

Where permitted as a special use, accessory residential housing shall meet the following use and development standards. (5/98)

- A. Location. The accessory residence 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. (5/98)

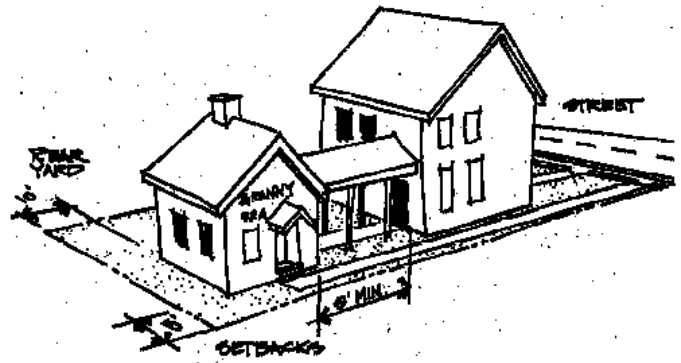


Figure 09 REVOCATION OR REVERSAL OF Accessory Residential Housing

- B. Design. The accessory residence must be residential in character with an exterior finish similar to the primary residence. A separate address shall be required for each residence. (5/98)
- C. Area. The accessory residence shall be no larger than 25% of the floor area of the primary residence or 750 square feet whichever is lesser. (5/98)

- D. Setbacks and Height. The minimum rear yard setback shall be 10 feet unless located on an alley in which case the setback shall be 1 foot; the minimum side yard setback shall 5 feet. The maximum height shall be 25 feet. (5/98)
- E. Ownership. Accessory residential housing 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. (5/98)
- F. Dwelling Units. The lot or property shall contain no more than 2 dwelling units. (5/98)

2.403.03 Duplex on a Corner Lot

Where permitted as a special use, a duplex on a corner lot shall meet the following additional use and development standards. (5/98)

- A. Lot Area. The corner lot shall contain at least 7,000 square feet. (5/98)
- B. Access. Each dwelling unit shall derive its pedestrian and vehicular access from a different street, unless otherwise required by the City Public Works Director. (5/98)

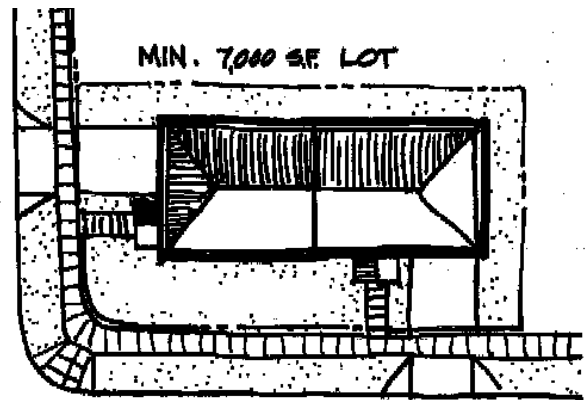


FIGURE EF_Toc168101 \H 459
3.2 - Duplex

2.404 ZERO SIDE YARD DWELLING UNITS

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

- A. Permitted development. Any number of attached dwellings may be built contiguous with one or both sides of a separate platted lot with one dwelling per lot. (5/98)
- B. Setbacks
 - 1. Zero side yard units shall comply with the setback requirements for the front yard, rear yard and yard adjacent to a street in the applicable zone. (5/98)
 - 2. Interior side yard requirements of the applicable zone shall be met when any part of an exterior wall faces, but is not contiguous to, a side lot line. Otherwise, the interior side yard requirements shall not apply. (5/98)
- C. Lot Size and Dimensions. Any lot that is part of an attached zero lot line development with more than two units may be less than the minimum lot size permitted in the zoning district provided that the average lot size of all lots in the development meets the density and minimum lot size requirements for the zone. The minimum lot width for zero lot line development providing attached dwellings shall be 20 feet. (01/02)
- D. Building separation. Buildings on adjacent properties, but not attached to each other, shall be separated by a distance of at least ten (10) feet. (01/02)
- E. Maintenance easement. As a condition of issuance of a building permit for any building having a wall contiguous to a property line that is unattached, the applicant shall furnish an easement from the owner of the property adjacent to the wall providing for ingress, egress, and use of the adjacent property for the purpose of maintenance, repairing, and replacing the premises. (5/98)
- F. Accessory buildings. The provisions of this section apply to accessory as well as main buildings. (5/98)
- G. Blank Wall Standards. To avoid blank walls along a common lot line, one or more of the following wall treatments shall be used along any zero lot line wall that is visible from the public right-of-way. (01/02)
 - 1. Recessed or raised areas; (01/02)
 - 2. Variations in material, patterns, or texture; (01/02)

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

2.405 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. Storm Drainage. All spaces shall be provided with adequate storm drainage and connected to the storm drainage system if such system is available. Where a connection will be made to a public storm drainage facility, it shall be approved by the City. Where connection to a public storm drainage system is not possible, an on-site storm water detention system shall be required. (5/98)
- I. 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)
- J. Recreational Vehicles. Only manufactured homes may be placed upon manufactured home parks spaces. (5/98)
- K. 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)
- L. 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

Where permitted as a special use, a home occupation shall meet the following use and development standards. (5/98)

- A. Operations. The owner/operator of the home occupation shall reside in the home in which the home occupation is conducted. No more than one outside employee shall be permitted per residence. (5/98)
- B. Compatibility. The home occupation 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, odors, vibration, fumes, smoke, fire hazard, or electronic, electrical, or electromagnetic interference. (5/98)
- C. Signs. Signs shall comply with the provisions in Section 2.308 of this Ordinance. (5/98)
- D. Location. The home occupation shall be conducted entirely within the dwelling, any attached garage, or in an unattached accessory building. (5/98)
- E. Area. The total floor area devoted to the home occupation shall not exceed 500 square feet. (5/98)
- F. Alterations. Structural alterations are permitted provided the residential character of the building is not altered. (5/98)
- G. Parking. The number of required on-site parking spaces shall not be reduced; however, no additional parking is required. (5/98)
- H. Hours of Operation. Visits by suppliers or customers are limited to the hours of 8:00 a.m. and 8:00 p.m. (5/98)
- I. Outdoor Storage. Outdoor storage or display of materials, equipment, or merchandise shall be prohibited. (5/98)
- J. Prohibited Activities. (5/98)
 - 1. Vehicle Repair. Repair of vehicles, including automobiles, motorcycles, tractors and similar mechanized equipment, shall be prohibited. Repair of vehicles includes, but is not limited to, mechanical repair, vehicle service, body work and painting. (5/98)
 - 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. (5/98)
- K. Day Care Provisions. The provisions in this section do not apply to day care or family day care providers. (5/98)

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 historical site in the Comprehensive Plan. (5/98)
- 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. If the space is occupied by one or more occupied recreational vehicles for more than 120 days in any calendar year, the space shall be located in a recreational vehicle park. (5/98)
- 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. Spaces to be occupied for more than 120 days in any calendar year shall provide on-site electrical, sewer, and water hookups. (5/98)

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 Keizer Rural Fire District.^(12/98)
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 surface and be drained to prevent standing water. (5/98)
- 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 2.312.05. 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. (5/98)

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. (5/98)
- 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. (5/98)

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)

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 FACILITIES

- A. The purpose of this Section is to provide siting standards and review processes for wireless telecommunications systems facilities locating within the City of Keizer. These regulations are designed to do the following. (5/98)
1. Regulate the placement, appearance and number of wireless telecommunications systems facilities. (5/98)
 2. Ensure that the citizens of Keizer will have access to a variety of wireless telecommunications systems and providers. (5/98)
 3. Reduce the visual impact of certain wireless telecommunications systems facilities by encouraging collocation. (5/98)
 4. Establish a graduated system of review that will expedite facilities placement in preferred locations; and
 5. Implement the applicable provision of the federal Telecommunications Act of 1996. (5/98)
- B. DEFINITIONS
1. **ACCEPTABLE SITE.** For purposed of siting wireless telecommunications systems facilities, any land zoned Commercial General or Public. (5/98)
 2. **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. (5/98)
 3. **ATTACHED WTS FACILITY.** An existing pole, tower or other structure capable of accommodating a WTS facility antenna, whether originally intended for such use or not. (5/98)
 4. **BACKHAUL NETWORK.** The land lines that connect a WTS provider's radio signals to one or more cellular telephone switching offices and/or local or long distance providers, or the public switched telephone network. (5/98)
 5. **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. (5/98)

6. COLLOCATION. Two or more WTS providers utilizing a structure or site specifically designed and/or approved for such multiple use, and including equipment shelters. (5/98)
7. CONDITIONALLY SUITABLE SITE. For purposes of siting wireless telecommunications systems facilities, any land zoned Industrial Business Park, Commercial Office, Residential Single Family, Residential Limited Density, Residential Medium Density, Residential High Density, Mixed Use, Urban Transition, and Exclusive Farm Use, and any other zones not specified above or listed as Preferred or Acceptable Site. (5/98)
8. DETACHED WTS FACILITY. A pole, tower or other structure designed and intended to support WTS facility antennas. (5/98)
9. EQUIPMENT SHELTERS. For purposes of siting wireless telecommunications systems facilities, the buildings, structures, cabinets or vaults used to house and protect the equipment necessary to connect/relay radio signals from cell site to cell site and to land line systems. Associated equipment such as air conditioning or emergency generators shall be considered appropriate within this definition. (5/98)
10. FCC. The Federal Communications Commission; the federal agency that regulates interstate and international communications by radio, television, wire, satellite and cable. (5/98)
11. LATTICE TOWER. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of metal crossed strips or bars and which supports antennas and related equipment for one or more WTS provider. (5/98)
12. MONOPOLE. For purposes of siting wireless telecommunications systems facilities, a WTS support structure which consists of a single tapered steel pole and which supports antennas and related equipment for one or more WTS provider. (5/98)
13. PREFERRED SITE. For purposes of siting wireless telecommunications systems facilities, any land zoned General Industrial. (5/98)
14. PUBLIC UTILITY FACILITY- High Impact: Electric power transmission lines (greater than 69 KV), poles and substations, gas pipe lines and valve stations; sanitary sewer treatment plants or effluent ponds; water treatment facilities, including filtration plants greater than 2.5 million gallon capacity per day; fire/ ambulance stations. (5/98)
15. STEALTH DESIGN. A variety of techniques used to disguise or mitigate the visual presence of WTS support structure, including, but not limited to screening by mature trees (75% or more of pole beneath

tree canopy), mimicking common features of the urban landscape (light poles, church steeples, trees, etc.), painting antennas to match the color of supporting building walls, or roof mounting behind parapets. (5/98)

16. WIRELESS TELECOMMUNICATIONS FACILITIES. The site, structures, equipment and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. This includes, but is not limited to antennas, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronics and switching equipment. (5/98)
17. 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. (5/98)

C. SITING AND REVIEW PROCESS FOR WIRELESS TELECOMMUNICATIONS SYSTEMS FACILITIES. The siting and review process for WTS facilities is based on the type of facility (monopole, stealth design or collocation) and its proposed location in a Preferred Site (IG and IA zoning districts), Acceptable Site (CG or P zoning districts) or Conditionally Suitable Site (IBP, CO, CM, RS, RL, RM, RH, MU, UT OR EFU zoning districts and other zones not previously listed). The development review process for wireless telecommunication systems (WTS) facilities shall be as follows. (5/98)

1. Building and Electrical Permits Only Required: (5/98)
 - a. An attached WTS facility (existing structure, including collocation on cell tower) on a Preferred Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment. (5/98)
 - b. A detached WTS facility (monopole designed for collocation) on a Preferred Site, set back from all property lines a distance equal to or greater than the height of the tower, including equipment shelters, buildings and cabinets housing WTS land line switch/connection equipment. (5/98)
 - c. A detached, stealth design WTS facility on a Preferred Site not abutting residential zoning districts, observing all setback and height limits of the underlying zone, and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment. (5/98)

- d. An attached WTS facility on an Acceptable Site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment. (5/98)
 - e. A WTS facility, including antennas and switching/connection equipment to land lines, affixed to an existing utility pole, but no higher than 10 feet above the height of the pole. (5/98)
2. Site Plan Review. The Zoning Administrator shall review the following permits and have discretionary authority to approve them or approve them with conditions. In addition to (1) above, the following standards apply. (5/98)
- a. A detached, stealth design WTS facility on a Preferred Site, that abuts a residential zoning district but is not set back a distance equal to or greater than the height of the structure, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment, unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts. (5/98)
 - b. A detached, stealth design WTS facility on an Acceptable Site, observing all height limits of the underlying zone, and all setback limits of the underlying zone unless it demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impact, including equipment shelters, buildings and cabinets housing WTS land line switching /connection equipment. (5/98)
 - c. An attached WTS facility on a Conditionally Suitable Site, no higher than 10 feet above the existing structure, including equipment shelters, building and cabinets housing WTS land line switching/connection equipment. (5/98)
 - d. A detached, stealth design WTS facility on a Conditionally Suitable Site, observing all height limits of the underlying zone and all setback limits of the underlying zone unless it is demonstrated that locating the proposed facility within the required setback area will take advantage of an existing natural or artificial feature to conceal the facility or minimize its visual impacts, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment. (5/98)
 - e. All detached WTS facilities, on any site within 1,000 feet of an existing detached WTS facility. (5/98)

- f. All detached WTS facilities 50 feet or taller, on any site, and not designed or intended for collocations. (5/98)
3. Conditional Use Approval. In addition to (a) and (b) above, a conditional use permit is required for the following facilities. The following additional standards apply. (5/98)
- a. All WTS facilities in the Willamette River Greenway Overlay District. (5/98)
 - b. All WTS facilities that exceed the height limit of the underlying zoning district on any site, including equipment shelters, buildings and cabinets housing WTS land line switching/connection equipment unless height limit provisions are exempted elsewhere in this Code. (5/98)
 - c. All detached non-stealth design WTS facilities on any site abutting a residential or commercial mixed or mixed use zoning district when the height of the structure exceeds the height limit of the residential zoning district and the setback of the WTS facility is less than the height of the structure, including equipment shelters, buildings and cabinets housing WTS lane line switching/connection equipment. (5/98)
 - d. All detached WTS facilities on any site located within 1,000 feet of an existing WTS facility that was designed to accommodate multiple users and that has space available. (5/98)
 - e. All detached WTS facilities located within public street or railroad rights of way where the actual location of the proposed WTS facility immediately abuts residential, Commercial Retail, or Mixed Use zoning districts. (5/98)
 - f. Lattice towers in any zoning district. (5/98)
4. Prohibited WTS facilities
- a. Any WTS facility in the public right of way that severely limits access to adjoining property, that limits public access or use of the sidewalk, or that constitutes a vision clearance violation. (5/98)
 - b. Any detached WTS facility taller than 150 feet above finished grade at the base of the tower. (5/98)

D. Standards for siting WTS facilities shall be as follows. (5/98)

1. 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. (5/98)
2. All WTS facilities shall be landscaped at the base of towers/poles, and completely around equipment shelters. Lighting of towers shall be as required by the FAA. All other lighting must be deflected away from adjoining property. (5/98)
3. Any WTS facility sited on or designed with any of the following attributes shall first receive FCC approval, as specified in FCC Rules 1.1301 - 1.1319, as a condition of City approval prior to construction: Wilderness Area; Wildlife Preserve; Endangered Species; Historical Site; Indian Religious Site; Flood Plain; Wetlands; High Intensity White Lights in Residential Neighborhoods; Excessive Radio frequency Radiation Exposure. (5/98)

E. Application requirements for WTS facilities shall be as follows. (5/98)

1. WTS providers whose proposals conforms with the provisions of Subsection 2.427.C.1 of this Section requiring building and electrical permits only shall submit the following information with the application for permits. (5/98)
 - a. A copy of that portion of the lease agreement (or lease memo) with the property owner, that includes collocation provisions (where applicable), facility removal within 90 days of abandonment and a bond to guarantee removal shall be submitted for review prior to development permit approval. (5/98)
 - b. A signed statement from the applicant agreeing to allow collocation on the applicant's structure (where applicable). (5/98)
 - c. A map of the city showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the City, or extending within the City from a distant location, and any existing detached WTS facilities of another provider within 1,000 feet of the proposed site. (5/98)
 - d. An engineer's analysis/report of the recommended site location area for the proposed facility. If an existing structure approved for collocation is within the area recommended by the engineer's report, reasons for not collocating shall be provided and must demonstrate at least one of the following deficiencies. (5/98)

- 1) The structure is not of sufficient height to meet engineering requirements. (5/98)
 - 2) The structure is not of sufficient strength to accommodate the WTS facility. (5/98)
 - 3) Electromagnetic interference for one of both WTS facilities will result from collocation; or,
 - 4) The radio frequency coverage objective cannot be adequately met. (5/98)
- e. 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. (5/98)
 - f. The method(s) of stealth design (where applicable). (5/98)
 - g. An engineer's statement 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. (5/98)
 - h. A description of the type of service offered (voice, data, video, etc.) and the consumer receiving equipment. (5/98)
 - i. Identification of the provider and backhaul provider, if different. (5/98)
 - j. Provide the RF range in Megahertz and the wattage output of the equipment. (5/98)
 - k. Provide facilities maintenance regimen. (5/98)
 - l. Zoning and Comprehensive Plan designation of proposed site. (5/98)
 - m. Provide FAA determination. (5/98)
2. WTS providers whose proposals conforms with the provisions of Subsection 2.427.C.2 of this Section requiring Site Plan Review approval shall the following additional information. (5/98)
 - a. Items required in Subsection 2.427.E.1 above. (5/98)
 - b. Photosimulations of the proposed WTS facility from the four cardinal compass points and/or abutting right of way, whichever

provide the most accurate representation of the proposed facility from a variety of vantage points. (5/98)

- c. The distance from the nearest WTS facility and nearest collocation site. (5/98)
3. WTS providers whose proposals conforms with the provisions of Subsection 2.427.C.3 of this Section requiring Conditional Use approval shall submit the following information. (5/98)
 - a. Items required in Subsection 2.427.E.1 and 2.427.E.2 above. (5/98)
 - b. Responses to the following additional Conditional Use criteria. (5/98)
 - c. An engineer's statement demonstrating the reasons why the WTS facility must be located at the proposed site (service demands, topography dropped coverage, etc.). (5/98)
 - d. An engineer's statement demonstrating the reasons why the WTS facility must be constructed at the proposed height; and
 - e. Verification of good faith efforts made to locate or design the proposed WTS facility to qualify for a less rigorous approval process (building permit or site plan approval). (5/98)
 4. The Zoning Administrator, or appellant body, shall use the preceding criteria in addition to the Conditional Use criteria in Section 3.103 of this Code to evaluate the proposal. The Zoning Administrator, or appellant body, shall not grant approval of the request unless each of these criteria has been met. (5/98)
- F. 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. (5/98)
 - G. 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 districts in which they are located to the extent that such provisions comply with Federal Communications Commission policy. (5/98)
 - H. The provisions of this Section shall be reviewed no later than 5 years from their date of original adoption. This review ensures contemporaneity with technological changes made in this industry. (5/98)

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

A Transit Station functions as a major transfer point for transit passengers between various transportation modes. 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. (12/03)

Where permitted as a special use, a transit stations shall meet the following additional use and development standards.
(12/03)

- A. The applicant shall submit a plan that includes at a minimum: (12/03)
 - 1. Justification of the area required for the use; (12/03)
 - 2. The need for the facility at the proposed location; (12/03)
 - 3. If a park-and-ride facility is proposed, justification of the lot area, number of spaces and any accessory facilities; and (12/03)
 - 4. Traffic impact with proposed measure to mitigate the impact on surrounding properties and streets. (12/03)

- B. The applicant shall submit a plan that includes at a minimum: (12/03)
 - 1. Adequate auto parking areas; (12/03)
 - 2. Passenger waiting areas; (12/03)
 - 3. Separate drop-off and pick-up area; (12/03)
 - 4. Bicycle parking and connecting facilities; and (12/03)
 - 5. Access to transit vehicles. (12/03)

- C. A Transit Station shall have access to a major collector, arterial or limited access road. (12/03)

SECTION 3.1

APPLICATION TYPES AND REQUIREMENTS

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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 two parts: (5/98)

- 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. Floodplain Development Permit (excluding variances or conditional uses) (5/98)
 - 3. Temporary Use Permit (2/01)

- 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) (07/07/03)
 - 2. Lot Line Adjustment (5/98)
 - 3. Conditional Use (5/98)
 - 4. Partitions (5/98)
 - 5. Greenway Development Permit (2/01)

- 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)
- 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: (07/07/03)
1. Variance (Major) (07/07/03)

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)
- A. 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 3.204.02. Staff has an advisory role. The City Council shall hold a public hearing and make the decision instead of the Hearings Officer. Public notice and a public hearing are provided. Section 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. The following actions are processed under a Type II-B procedure: (2/03)
1. Keizer Station Master Plans, Subdivision and Partitioning (2/03)

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)

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 (07/07/03)

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Signs, Floodplain, Temporary Use	I-A	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 (All)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Lot 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
Keizer Station Master Plan Review (02/03)	II-B	Recommendation to City Council			Final Decision
Development Review	I-C	Final Decision		Appeal of Staff 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
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

LAND USE ACTION	TYPE	STAFF	HEARINGS OFFICER	PLANNING COMMISSION	CITY COUNCIL
Text Amendments; Legislative Zone and Comprehensive Plan Map Changes	IV	Recommendation to Planning Commission		Recommendation to City Council	Final Decision

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 are a Type I-A review. The applicant must indicate compliance with the floodplain development standards Section 2.122.05. Appeal of the decision is to the Hearings Officer. (2/01)

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, and (5) acknowledging responsibility to ensure all litter, trash and materials on the property associated with the

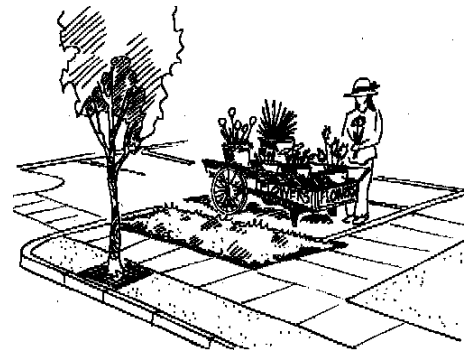


Figure General Provisions
PAGER – Example of Temporary
Use

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. See review procedures in Section 2.315.04. (2/01)

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 2.308.08. The Conditional Use request for signs is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)

- 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, (07/07/03)
 - 2. The variance requested is consistent with the intent and purpose of the provision being varied; or (07/07/03)
 - 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;
(07/07/03)

- B. The impact of the development due specifically to the varied standards will not unreasonably impact adjacent existing or planned uses and development; and
(07/07/03)
- 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: (07/07/03)

- 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
(07/07/03)
- 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 (07/07/03)
- F. The variance will be consistent with the intent and purpose of the provision being varied. (07/07/03)

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 2.122.09 modification of the floodplain standards requires a variance. The floodplain variance contains specific decision criteria which is found in Section 2.122.10. A Variance request is subject to a Type I-B review process with appeals to the Hearings Officer. (2/01)

3.106 LOT 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 properties is proposed to be moved with the consent of both parties, approval of a lot line adjustment is necessary to assure the resultant parcels meet all standards of this Code. (5/98)

3.106.02 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)

3.106.03 Applicability

Under the following provisions and in accordance with Section 2.310.03.B, a property owner or his designate may propose a lot line adjustment. (5/98)

3.106.04 Criteria – Lot Line Adjustment

Staff may grant a lot line adjustment in accordance with the Type I-B review procedures provided that the applicant provides evidence that the following circumstances substantially exist: (5/98)

- A. The adjustment of lot lines results in no more parcels than originally existed. (5/98)
- B. The proposed lot line adjustment results in parcels that meet all area and dimension standards of this Code; and (5/98)
- C. The proposed lot line adjustment does not locate lot lines in violation of the setback and height provisions of the Code relative to existing structures and improvements. (5/98)
- D. The proposed lot line adjustment does not result in two parcels which meet the criteria for an Infill Development Parcel, as defined in Section 2.316.03 Infill Development Parcel Criteria. (01/02)

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 is required for any application that leaves a portion of the subject property capable of replatting. (2/01)

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. (01/02)

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 approved. (5/98)
- 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. (01/02)
- E. Each parcel shall comply with the requirements of Section 2.301 through and including 2.307. (2/01)
- 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 1 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 1 year, the preliminary approval shall lapse. (5/98)
- 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)

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 one year 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 one year period or the approval shall lapse. (2/01)
- 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 only be initiated by the Planning Commission or City Council. Upon direction of either the Commission or Council, City staff shall establish a file and set a schedule to review the proposed changes. No fee is required. (2/01)

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: (2/01)

- 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 demonstrated need exists for the product of the proposed amendment. (5/98)
- C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements. (5/98)
- 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)

3.112 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. (5/98)

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 within 10 days for the hearing. 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: (5/98)
 - 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 historical sites and structures and provide for the preservation of such sites and structures; (5/98)
 - 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 that 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 that 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 REVIEW

3.113.01 Area of Application

The Keizer Station Plan requires the development of Master Plans for each of the five sub-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 II-B review process. (2/03)

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 Review (Type II-B) application procedure. (2/03)

Type II-B actions follow the procedures found in Section 3.204.02. 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 3.202 lists the notice requirements. Section 3.206 sets forth the hearings process. (2/03)

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 II-B Keizer Station Master Plan Review approval by the City Council. (2/03)

3.113.03 Submittal Requirements

A. Area A – Village Center

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)

B. Area A – Sports Center

1. 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)
2. 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)

C. Area B

1. 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)
2. 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)

D. Area C

1. 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)
2. 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)

Area D

1. 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)
2. 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)

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 for Area A – Village Center (2/03)

1. Pedestrian Access, Safety and Comfort (2/03)

a. To ensure safe, direct, and convenient pedestrian circulation, development in the EG zone, shall provide a continuous pedestrian and/or multi-use path system. (2/03)

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, such driveway intersections with Radiant Drive 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. (2/03)
- g. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

2. Vehicular Movement (2/03)

- a. Encourage traffic to enter and exit the development at locations other than Tepper Lane. (2/03)

3. 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)

4. 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)

5. 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)

6. 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)

7. The Village within Area A shall contain a public improvement design to include a promenade/sidewalk design that may vary in width to meet a minimum width of 8 feet on both sides of Radiant Drive. The promenade/sidewalk shall be separated from the street with a landscape belt, to include decorative lighting and trees. (2/03)

The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (2/03)

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)

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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, Floodplain Development permit excluding variances or conditional uses, Signs excluding variances or conditional uses)

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)

- E. 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)
- F. Notice. Notice shall be provided to the applicant consistent with Section 3.204.01. (5/98)
- G. 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. (5/98)
- H. 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, Lot Line Adjustment, Conditional Use, Partition, Greenway Development Permit) (Type I-D Major Variance)

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. (07/07/03)
 - 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, and applicable city, county, and state agencies at the Director's option. Referrals will be sent to affected neighborhood associations. (5/98)

- D. Notice of Application. Notice of a partition or subdivision 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. (01/02)
- E. 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. (07/07/03)
- 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: (07/07/03)
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. (07/07/03)

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

*(Type II. Subdivision, Planned Unit Development and Manufactured Home Parks)
(Type III. Annexation, Zone Changes involving 5 or fewer adjacent land ownership and Comprehensive plan Map Amendments involving 5 or fewer adjacent land ownerships)*

- 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 departments, school district, utility companies, and applicable city, county, and state agencies. Referrals will be sent to affected neighborhood associations. (5/98)
- D. Public Hearing. The Public Hearing shall be scheduled and notice shall be mailed to the applicant and adjacent property owners. Notice requirements shall comply with Section 3.204.02. (5/98)
- E. Staff Review. Staff shall prepare and have available within 7 days of the scheduled hearing a written recommendation concerning the proposed action. This report shall be mailed to the applicant and available at City Hall for all

interested parties. The Zoning Administrator may refer the initial decision to the City Council. (5/98)

- F. Notice of Application. Notice of a subdivision 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. (01/02)
- G. Hearings Procedures. The public hearing before the Hearings Officer shall comply with the provisions in Section 3.205. (2/01)
- 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 Hearings Officer's 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. (5/98)
- J. Appeals. 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. (5/98)
- 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. 120 Day Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the applicant voluntarily extends the time period, the following procedures shall be followed regardless of other processes set forth elsewhere in this Ordinance. (5/98)

1. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period. (5/98)
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, in accordance with the provisions of Section 3.204 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application. (5/98)

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)

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: (07/07/03)
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 any public hearing. At least five days prior to the hearing, the applicant shall file an affidavit with the Administrator that such posting has occurred. (2/01)
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 twenty days prior to the date of the hearing before the Hearings Officer, Planning Commission, or City Council. (5/98)

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 twenty days prior to the date of the hearing before the Planning Commission or City Council. (5/98)

3.204.04 Notice for Appeals

An appeal to either the Hearings Officer, Planning Commission or City Council shall include 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. (5/98)

3.204.05 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 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)
- H. 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 testimony and the procedure for conduct of hearing. (5/98)

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)

3.206 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. (07/07/03)

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. (01/02)

3.210.02 Applicability and Requirements

Pre-application conferences may be applied for the following land use applications: land partitions, subdivisions, planned unit developments. Forms for pre-application conferences are available from the planning department. A fee is required and must be paid at the time the request for a pre-application conference is submitted. If an applicant chooses to apply for a pre-application meeting, a rebate from the pre-application conference will be applied towards the proposed land use application if applied for within one year of the conference date. 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. (01/02)

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. (01/02)

3.210.04 Pre-Application Conference Recommendations

The planning staff will provide the applicant with a written summary of the pre-application conference within 7 days following the date of the conference. The written summary will include suggestions and information that were raised at the conference for inclusion in an application. (01/02)

3.210.05 Time Limit

A pre-application conference is valid for up to one year. If more than one year has elapsed between the date of the pre-application conference and the date the application is submitted, a new pre-application conference must be requested to apply towards the application fee. (01/02)