



**Oregon**

Theodore R. Kulongoski, Governor

**Department of Land Conservation and Development**

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



**NOTICE OF ADOPTED AMENDMENT**

04/22/2009

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

**FROM:** Larry French, Plan Amendment Program Specialist

**SUBJECT:** City of Keizer Plan Amendment  
DLCD File Number 006-08

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

**DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL:** Monday, May 04, 2009

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

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

**\*NOTE:** THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

**Cc:** Sam Litke, City of Keizer  
Gloria Gardiner, DLCD Urban Planning Specialist  
Steve Oulman, DLCD Regional Representative

<paa> YA

**2** Notice of Adoption

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

DEPT OF

APR 15 2009

LAND CONSERVATION  
AND DEVELOPMENT

For DLCD Use Only

Jurisdiction: Keizer Local file number: TA2008-24

Date of Adoption: 4/6/2009 Date Mailed: 4/13/2009

Date original Notice of Proposed Amendment was mailed to DLCD: 12/3/2008

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

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

**Section 2.429 (Transit Station) - Includes development requirements for transit station. Sections 2.102 (Single Family Residential); 2.104 (Medium Density Residential); 2.107 (Mixed Use); 2.108 (Commerical Office); 2.109 (Commercial Retail); 2.110 (Commercial Mixed); 2.113 (Industrial Business Park); 2.119 General Employment) are modified to allow transit facilities (bus stops) as a permitted use and the development of a transit station as a conditional use.**

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

**Removes location provisions to River Road and expands the zones in which a transit station may be allowed. Revises table of summary of application types in Section 3.101.**

Plan Map Changed from: na to: na

Zone Map Changed from: na to: na

Location: na Acres Involved: na

Specify Density: Previous: na New: na

Applicable Statewide Planning Goals: na

Was and Exception Adopted?  YES  NO

DLCD File No.: 006-08(17263)[15474]

1 BILL NO. 565

A BILL

ORDINANCE NO.

2009- 586

2  
3 FOR

4  
5 AN ORDINANCE

6  
7  
8 AMENDING KEIZER DEVELOPMENT CODE REGARDING  
9 SECTION 2.102 (SINGLE FAMILY RESIDENTIAL), SECTION  
10 2.104 (MEDIUM DENSITY RESIDENTIAL), SECTION 2.107  
11 (MIXED USE), SECTION 2.108 (COMMERCIAL OFFICE),  
12 SECTION 2.109 (COMMERCIAL RETAIL), SECTION 2.110  
13 (COMMERCIAL MIXED), SECTION 2.113 (INDUSTRIAL  
14 BUSINESS PARK), SECTION 2.119 (GENERAL EMPLOYMENT),  
15 SECTION 2.429 (TRANSIT STATION), AND SECTION 3.101  
16 (SUMMARY OF APPLICATION TYPES); AMENDING  
17 **ORDINANCE 98-389**

18  
19 WHEREAS, the Keizer Planning Commission has recommended to the Keizer  
20 City Council amendments to the Keizer Development Code (Ordinance No. 98-389); and

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

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

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

28 NOW, THEREFORE,

1           The City of Keizer ordains as follows:

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

4           Section 2.   AMENDMENT TO THE KEIZER DEVELOPMENT CODE.  The  
5 Keizer Development Code (Ordinance No. 98-389) is hereby amended by the adoption  
6 of the changes to Section 2.102 (Single Family Residential), Section 2.104 (Medium  
7 Density Residential), Section 2.107 (Mixed Use), Section 2.108 (Commercial Office),  
8 Section 2.109 (Commercial Retail), Section 2.110 (Commercial Mixed), Section 2.113  
9 (Industrial Business Park), Section 2.119 (General Employment), Section 2.429 (Transit  
10 Station), and Section 3.101 (Summary of Application Types) as set forth in Exhibit "B"  
11 attached hereto, and by this reference incorporated herein.

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

19    ///

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

3 PASSED this 6th day of April, 2009.

4  
5 SIGNED this 6th day of April, 2009.

6  
7   
8 Mayor  
9   
10 City Recorder

## EXHIBIT "A"

**Findings regarding the adoption of amendments to the Keizer Development Code (Section 2.1.02 (Single Family Residential), Section 2.104 (Medium Density Residential), Section 2.107 (Mixed Use), Section 2.108 (Commercial Office), Section 2.109 (Commercial Retail), Section 2.110 (Commercial Mixed), Section 2.113 (Industrial Business Park), Section 2.119 (General Employment), Section 2.429 (Transit Station), and Section 3.101 (Summary of Application Types))**

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

The City of Keizer finds that:

Text amendments to the Keizer Development Code may be approved if there is evidence to substantiate the following criteria:

*Section 3.111.04.B. A need exists for the proposed amendment.*

*Section 3.111.04.C. The proposed amendment complies with all applicable Statewide Planning Goals and applicable administrative rule requirements.*

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

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

Findings addressing each criterion are set forth below:

1. **Section 3.111.04.B. A need exists for the proposed amendment.**

**Findings:** The Mixed Use Zone is currently the only zone where a transit center is allowed as a special permitted use. However, a transit station functions as a major transfer point for transit passengers between various transportation modes, and is a significant element of the transportation system because it increases transit connections between a variety of destinations. Section 2.429. As noted on the Keizer zoning map, there is very little Mixed Use property near the center of the community. However, the City of Keizer Transportation Systems Plan calls for a "centrally placed transit station." Page 62. The proposed text amendments broaden the areas in which a transit station can be located to properties zoned Single-Family Residential, Medium Density Residential,

Mixed Use, Commercial Retail, Commercial Office, Commercial Mixed, Industrial Business Park, and General Employment. The proposed text amendments seek to permit transit stations as a conditional use rather than an outright permitted use, in order to allow for additional review, and the application of appropriate conditions and restrictions.

Other factors that support the need for the proposed amendments include:

- The community's desire, expressed during the public forums conducted by the transit district, to have a centrally located transit station to connect to the range of local and regional transit and transit-related services in central Keizer without the need to first travel into downtown Salem,
- The transit district's desire to better accommodate the changing travel patterns in the Salem-Keizer metropolitan area, where residents are making more trips throughout the area without going through downtown Salem,
- The projected population and employment growth in the Salem-Keizer area. The 1998 population estimate for the City of Keizer was approximately 29,235 people, and within recent years, the population of Keizer has grown considerably, with an average annual growth rate of 3.25 percent between 1990 and 1997. City of Keizer Transportation Systems Plan, Page 11. Transit services have not been adequate for some time and have not kept up with the population growth. If appropriate services are provided, ridership will increase (particularly in these difficult economic times), resulting in a decrease in traffic congestion and an increase in energy conservation,
- The increasing levels of traffic congestion and travel delay in the Salem-Keizer area, resulting in deterioration of travel conditions for transportation modes in Keizer and traveling to downtown Salem,
- The demand for improved, more efficient, effective and easily understood transit services in the Salem-Keizer area, and
- The adopted regional and local transportation and land-use plans that encourage a cost-efficient, innovative and effective multi-modal transportation system.

2. **Section 3.111.04.C. The proposed amendment complies with all applicable Statewide Planning Goals and applicable administrative rule requirements.**

**Findings:** The proposed text amendments comply with all applicable Statewide Planning Goals and applicable administrative rule requirements. Each Statewide Planning Goal will be addressed in turn:

**Goal 1 - Citizen Involvement:** Statewide Planning Goal 1 requires widespread citizen involvement that insures the opportunity for citizens to be involved in all phases of the planning process.

Notice of the January 21, 2009 Planning Commission hearing regarding the proposed text amendments was published and mailed to any individual who provided testimony of a previous planning action regarding transit.. Additionally, notice of the proposed amendments and January 21, 2009 hearing date was mailed to DLCD on December 3,

2008, at least 45 days prior to the first evidentiary hearing as required by ORS 197.610. On January 21, 2009 at 6:00 p.m., the Planning Commission held a public hearing regarding the proposed text amendments. At that time, any interested party had the opportunity to testify either for or against the proposed text amendments. Additionally, any and all interested parties had the opportunity to submit written testimony on or before the January 21, 2009 hearing date.

Notice of the February 17, 2009 City Council hearing regarding the proposed text amendments was also published and mailed to any individual who provided testimony of a previous planning action regarding transit. The initial notice indicated the date of the hearing was Monday, February 17, 2009. To correct this error, a second, corrected notice was mailed out stating Tuesday, February 17, 2009 was the correct date of the hearing. On February 17, 2009 at 7:00 p.m., the City Council held a public hearing, at which any and all interested parties could submit written testimony and/or testify at the hearing either for or against the proposed text amendments.

Any and all interested citizens have had the opportunity to be involved in the text amendment process both at the Planning Commission and City Council level. The text amendment process has provided the opportunity for citizen involvement during all phases, and therefore complies with Statewide Planning Goal 1.

**Goal 2 - Land Use Planning:** The goal of Statewide Planning Goal 2 is “[T]o establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.” To this end, Goal 2 requires that all city plans and actions related to land use be consistent with the comprehensive plan. The City of Keizer has adopted a Comprehensive Plan, as well as a Development Code, in accordance with the requirements of Statewide Goal 2. The decision regarding the proposed text amendments is being made within the context of the City of Keizer’s planning process and policy framework. Accordingly, the proposed text amendments are in compliance with Statewide Planning Goal 2.

**Goal 3 - Agricultural Lands:** Statewide Planning Goal 3 requires that agricultural lands be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space and with the state’s agricultural land use policy. The definition of “agricultural lands” specifically excludes land within acknowledged urban growth boundaries. The proposed text amendments include those properties zoned Single-Family Residential, Medium Density Residential, Mixed Use, Commercial Retail, Commercial Office, Commercial Mixed, Industrial Business Park, and General Employment, all of which are located within the Keizer urban growth boundary. Therefore, the proposed text amendments do not include agricultural lands, and Statewide Planning Goal 3 is not applicable.

**Goal 4 - Forest Lands:** Statewide Planning Goal 4 requires that forest lands be conserved by maintaining the forest land base and that the state’s forest economy be protected by making possible economically efficient forest practices that assure the



continuous growing and harvesting of forest tree species as the leading use on forest land management consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture. Forest lands are defined as those lands acknowledged as forest lands as of the date of adoption of this goal amendment. There are no significant forest lands within the City of Keizer. Comprehensive Plan III(A)(1)(b). The proposed text amendments will not impact any forest lands, and therefore, Statewide Planning Goal 4 is not applicable.

**Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces:** The purpose of Statewide Planning Goal 5 is "[T]o protect natural resources and conserve scenic and historic areas and open spaces." There are no natural resources, scenic and historic areas or open spaces that will be impacted by the proposed text amendments. Therefore, Statewide Planning Goal 5 is not applicable.

**Goal 6 - Air, Water and Land Resources Quality:** The goal of Statewide Planning Goal 6 is "[T]o maintain and improve the quality of the air, water and land resources of the state." The use and accessibility of mass transportation, such as public transit, rather than single-occupant vehicles will serve to reduce vehicle emissions, thereby reducing air pollution and contaminants as required by Goal 6. Accordingly, the proposed text amendments are in compliance with Statewide Planning Goal 6.

**Goal 7 - Areas Subject to Natural Hazards:** The goal of Statewide Planning Goal 7 is to protect people and property from natural hazards, including floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion and wildfires. Based on the detailed inventory of hazards reported in the March 1982 "Conformance of the Salem Area Comprehensive Plan with State Land Use Goals", the 100-year flood plain is the only type of natural hazard located within the Keizer City limits. Comprehensive Plan III(A)(e)(1). A dike was constructed along the Willamette River in 1965 to protect the area from flooding, and the City is responsible for maintenance and enforcement of dike standards. Comprehensive Plan III(A)(E)(2). Accordingly, compliance with Statewide Planning Goal 7 is satisfied.

**Goal 8 - Recreational Needs:** The purpose of Statewide Planning Goal 8 "[T]o satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts." The proposed text amendments will assist in satisfying the recreational needs of citizens and visitors by allowing a transit station in the center of the community that will provide transportation to recreational activities. The proposed text amendments comply with Statewide Planning Goal 8.

**Goal 9 - Economic Development:** The goal of Statewide Planning Goal 9 is "[T]o provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens." The proposed text amendments will provide the necessary flexibility to site a centrally located transit station that will provide connectivity throughout Keizer and into downtown Salem. A centrally located transit center will greatly enhance the transportation options provided in the City

of Keizer by allowing greater access to jobs for the transportation disadvantaged. In short, as noted by the Keizer Chamber of Commerce letter dated February 14, 2008, both employers and employees will benefit from the proposed text amendments and ultimate construction of a transit station: "We also believe that bus service that is local, closer and easier to access makes our area more attractive to businesses interested in locating here. Employers and employees would both benefit." Business and industry has to assess its employee base and how those employees will get to the job site. Part of that analysis is the availability of public transportation, a system that can provide dependable service to the job site during that business's hours of operation. This transit center is the catalyst needed to serving a larger geographical area with higher operating frequency. Accordingly, the proposed text amendments will spur economic development by attracting new businesses and providing reliable transportation to employees. Further, the eventual transit center itself will provide new permanent jobs as drivers, mechanics and support personnel are hired to provide the new and expanded service that the Keizer Transit Station is designed to accommodate. Therefore, the proposed text amendments are in compliance with Statewide Planning Goal 9.

**Goal 10 – Housing:** The goal of Statewide Planning Goal 10 is "[T]o provide for the housing needs of the citizens of the state." One of the general goals of residential development is to "[E]ncourage the location of residential development where full urban services, public facilities, and routes of public transportation are available." Comprehensive Plan III(C)(2)(a)(2). Further, it is a goal to "[P]rotect existing and proposed residential areas from conflicting non-residential uses while providing for compatible mixed-use development (residential and non-residential). Comprehensive Plan III(C)(2)(a)(9).

There are several examples of successful transit centers located on the edge of residential areas, including Portland area transit stations such as the Gateway Transit Center, the 99<sup>th</sup> Street Park and Ride and the Beaverton Transit Center. In fact, a transit center often works best on the edge of a center because of the mix of uses being targeted. To further ensure compatibility, the transit center must comply with the National Environmental Policy Act due to the receipt of federal funds, which requires environmental assessments including noise, visual impacts, safety and security during which the public can participate. Testimony of Sharon Kelly, URS, January 21, 2009 Planning Commission Hearing. The proposed text amendments do not identify a specific site location for the transit center. Rather, the proposed text amendments broaden the areas in which a transit center could be located in accordance with the City of Keizer Transportation Systems Plan that identifies a transit station in a centrally located area of the community. Accordingly, once a specific site is identified, the conditional use permit application process will afford additional safeguards for both housing requirements and compatibility with existing neighborhoods.

Pursuant to Statewide Planning Goal 10, Guideline A(3), "plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment." The proposed text amendments will allow a transit station to be cited in

the center of the community, and allow public transportation to be provided to the nearby residential areas, thereby providing connectivity between residential areas and other commercial services. Therefore, the proposed text amendments comply with Statewide Planning Goal 10.

**Goal 11 - Public Facilities and Services:** The purpose of Statewide Planning Goal 11 is "[T]o plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development." "Urban facilities and services" refer to key facilities and to appropriate types and levels of police protection, sanitary facilities, storm drainage facilities, health services, recreation facilities and services, energy and communication services and community governmental services. The proposed text amendments do not impact public facilities and services, and therefore, Statewide Planning Goal 11 is not applicable.

**Goal 12 -Transportation:** The goal of Statewide Planning Goal 12 is "[T]o provide and encourage a safe, convenient and economic transportation system." Transportation plans must consider all modes of transportation, including mass transit, must conserve energy, must meet the needs of the transportation disadvantaged by improving transportation services, and must facilitate the flow of goods and services so as to strengthen the local and regional economy. Statewide Planning Goal 12.

The proposed text amendments represent the first step necessary to site a "centrally placed transit station" in the City of Keizer as specified in the City of Keizer Transportation Systems Plan. See Page 62. The first goal of public transit in the City of Keizer Transportation Systems Plan is to "[S]upport a public transit system accessible to all Keizer residents and which provides a service to a variety of destinations throughout the day and evening." City of Keizer Transportation Systems Plan, Page 69. Specifically, one of the City of Keizer Transportation Systems Plan's objectives is to "[S]upport a convenience system of transfer opportunities within the urban area that facilitates timely and convenient access to a wide variety of destinations. Page 70. A centrally located transit station will do just that. However, as noted above, a transit station is currently only allowed in the Mixed Use zone, and there are not centrally located properties zoned Mixed Use on which to site a transit station. Accordingly, the proposed text amendments serve to implement the goals and objectives of the City of Keizer Transportation Systems Plan.

Further, the Keizer Transit Center improves the public transportation system by providing more coverage, frequency, capacity, and better access. These are system improvements that will make it easier and safer for commuters to use public transportation to their jobs and leave their autos at home. These are improvements that increase public transportation share of trips, particularly commute trips and the more people that ride public transportation, the more autos you can take off the roadway. This cost effective transportation improvement will help to reduce congestion and improve the capacity of the transportation system. Every bus that Salem-Keizer Transit can add to the public transportation side of the trip equation can help keep up to 110 vehicles off the transportation system. In this respect, mass transit avoids traffic congestion. For all of

the above reasons, the proposed text amendments comply with Statewide Planning Goal 12.

**Goal 13 - Energy Conservation:** The goal of Statewide Planning Goal 13 is to conserve energy. In accordance with Goal 13, "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles." The proposed text amendments will allow the siting of a transit station in the Single-Family Residential, Medium Density Residential, Mixed Use, Commercial Retail, Commercial Office, Commercial Mixed, Industrial Business Park, and General Employment zones. Transit stations function as a major transfer point for transit passengers and increase transit connections between a variety of designations. Development Code Section 2.429. Energy is conserved when individuals use public transit services rather than single-occupant vehicles. The proposed text amendments will allow the siting of transit stations, thereby creating a system that is more convenient and more attractive to people who ride transit by choice. A centrally located transit center will afford connectivity between residential neighborhoods, jobs and commercial services, which will result in reduction in energy consumption. Accordingly, the proposed text amendments comply with Statewide Planning Goal 13.

**Goal 14 – Urbanization:** The goal of Statewide Planning Goal 14 is "[T]o provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities." Implementation of Goal 14 includes utilizing factors such as the type, design, phasing and location of major public transportation facilities, including mass transit, to support urban expansion into urbanizable areas and restrict it from rural areas. Goal 14(B)(5). The proposed text amendments will allow for the siting of a transit station in a centralized location that will provide connectivity to housing, employment and services within the urban growth boundary. Accordingly, the proposed text amendments comply with Statewide Planning Goal 14.

**Goal 15 - Willamette River Greenway:** The mandate of Statewide Planning Goal 15 is "[T]o protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway." A Willamette Greenway Boundary has been established for the portion of the Willamette River within the Keizer City limits, and a vast majority of the lands abutting the Willamette Greenway Boundary are already developed in residential uses. Comprehensive Plan III(A)(f)(1) and (2). A Greenway Management Overlay Zone has been incorporated into the Keizer Zoning Ordinance to preserve and protect lands within the Willamette Greenway Boundary. Accordingly, any conditional use application and specific site plan for the siting of a transit station on land located within the Willamette Greenway Boundary would have to comply with the Greenway Management Overlay Zone. As such, the proposed text amendments comply with Statewide Planning Goal 15.

**Goal 16 - Estuarine Resources:** The goal of Statewide Planning Goal 16 is to recognize and protect the unique environmental economic and social values of each estuary and associated wetlands, and to protect, maintain, where appropriate developed, and where appropriate restore the long term environmental economic and social values, diversity and benefits of Oregon's estuaries. The proposed text amendments will not impact any estuaries, and therefore, Statewide Planning Goal 16 is not applicable.

**Goal 17 - Coastal Shorelands:** The goal of Statewide Planning Goal 17 is to conserve and protect, where appropriate, develop and appropriately restore the resources and benefits of all coastal shorelands. There are no coastal shorelands in the City of Keizer, and therefore, the proposed text amendments do not impact any properties near coastal shorelands. Statewide Planning Goal 17 is not applicable.

**Goal 18 - Beaches and Dunes:** Statewide Planning Goal 18 deals with beaches and dunes, which include beaches, active dune forms, recently stabilized dune forms, older stabilized dune forms, and interdune forms. The proposed text amendments do not impact any beaches or dunes as defined by Statewide Planning Goal 18, and therefore, Statewide Planning Goal 18 is not applicable.

**Goal 19 - Ocean Resources:** The goal of Statewide Planning Goal 19 is to conserve marine resources and ecological functions for the purpose of providing long term ecological, economic and social value and benefits to future generations. There are no ocean resources in the City of Keizer, and therefore, the proposed text amendments will not affect any ocean resources. Statewide Planning Goal 19 is not applicable.

3. **Section 3.111.04.D. The amendment is appropriate as measured by at least one of the following criteria: 1. It corrects identified error(s) in the provisions of the plan. 2. It represents a logical implementation of the plan. 3. It is mandated by changes in federal, state, or local law. 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.**

**Findings:**

- a. **It corrects an identified error(s) in the provisions of the plan.** A transit station is currently only allowed as a permitted special use in the Mixed Use zone. The City of Keizer Transportation Systems Plan, which is incorporated into the Comprehensive Plan, indicates that a new station in Keizer would be similar to the new station in West Salem that runs on a 3-Cs (Circulator, Center and Corridor) system, with the service stemming from a "centrally placed transit station." Keizer TSP, Page 62. There is very little Mixed Use property located near the center of the Keizer community. Accordingly, it is an error that transit stations are only allowed as permitted special uses in the Mixed Use zone because there is little Mixed Use property in the center of the community yet the Keizer TSP identifies a "centrally placed transit station" as the location for a new transit station. The proposed text amendments correct this error as the proposed amendments broaden the number of sites on which a transit station could be located near the city center.

b. **It represents a logical implementation of the plan.** As noted above, the proposed text amendments correct an error in the provisions of the plan by broadening the number of sites on which a transit station can be located near the city center. The proposed text amendments reflect the rapid growth the City of Keizer has experienced over the last several decades and the identified need of a centrally located transit station. The proposed text amendments are therefore a logical implementation of the plan, which specifically call for a centrally placed transit station in order to better serve the citizens of Keizer.

c. **It is mandated by changes in federal, state, or local law.** The proposed text amendments are not mandated by changes in federal, state, or local law. Accordingly, Section 3.111.04.D(3) is not applicable.

d. **It is otherwise deemed by the council to be desirable, appropriate and proper.** The Keizer City Council finds the proposed text amendments are desirable, appropriate and proper for the following reasons:

- The City of Keizer Transportation Systems Plan calls for a "centrally placed transit station", yet currently, a transit station is only allowed as a special permitted use in the Mixed Use Zone. There is a need for a centrally located transit station in Keizer to increase transit connections and reduce out-of-direction travel, otherwise referred to as backtracking. An example of this is that currently, Keizer citizens generally have to travel to the downtown Salem transit station in order to make necessary connections,
- The proposed text amendments broaden the areas where a transit station can be located, and provide for additional oversight as the proposed amendments seek to permit transit stations as a conditional use rather than an outright permitted use,
- During public forums conducted by the transit district, the community has expressed a desire to have a centrally located transit station to connect to the range of local and regional transit and transit-related services in central Keizer without the need to first travel into downtown Salem,
- The projected population and employment growth in the Salem-Keizer area. Within recent years, the City of Keizer has grown considerably, with an average annual growth rate of 3.25 percent between 1990 and 1997. City of Keizer Transportation Systems Plan, Page 11. It is desirable to locate a transit station in the center of the community to accommodate this growth and reduce increasing levels of traffic congestion and travel delay,
- The use and accessibility of mass transportation, rather than single-occupant vehicles, will serve to reduce vehicle emissions, thereby reducing air pollution and contaminants,
- The proposed text amendments will provide the necessary flexibility to site a centrally located transit station that will benefit both employers and employees, as transit that is local, closer and easier to access makes the area more attractive to businesses and provides dependable transportation to employees,
- The transit station itself will provide new permanent jobs, such as drivers, mechanics and support personnel,

- The proposed text amendments will allow the siting of a transit station that will increase the coverage, frequency, capacity and access of the public transportation system in the City of Keizer,
- Energy is conserved when individuals use public transit services rather than single-occupant vehicles,
- A centrally located transit station will provide connectivity to housing, employment and services within the City of Keizer.

Findings with regard to this Ordinance are based on all written and oral testimony received by the City Council and Planning Commission. This evidence is incorporated by this reference as if fully set forth herein.

## **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. Transit Facilities (Section 2.305).
- ~~E.~~ 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)



DRAFT 9-08

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)

I. Transit Station (Section 2.429).

**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
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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)

## **2.104 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)

DRAFT 9-08

D. **Accessory structures** and uses prescribed in Section 2.203.02. (5/98)

E. Transit Facilities (Section 2.305).

F.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)

DRAFT 9-08

- 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)

H. Transit Station (Section 2.429).

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*



- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to exterior property lines. (06/07)*
- (3) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from the edge of an access easement or 20 feet from the right-of-way of an arterial or collector street. (5/98)*
- (4) *The garage entrance setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement. In no case shall a garage be set back less than the minimum front, side, and rear setbacks. (5/98)*

#### **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)

DRAFT 9-08

- 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)

## **2.107 MIXED USE (MU)**

### **2.107.01 Purpose**

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

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

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

### **2.107.02 Permitted Uses**

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

- A. **One or more buildings with one or more dwelling units** or guest rooms on a lot. (5/98)
- B. **One or more buildings with one or more dwelling units** or guest rooms and one or more other uses allowed in this section on a lot. (5/98)
- C. **Residential homes** and facilities. (5/98)
- D. **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)

DRAFT 9-08

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

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

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

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

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

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

4. Transit Facilities (Section 2.305).

I. **Retail Trade:**

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

a. **General merchandise stores** (53). (04/08)

b. **Food stores** (54). (04/08)

c. **Apparel and accessory stores** (56). (04/08)

d. **Home furnishing, appliance and equipment stores** (57). (04/08)

e. **Eating and drinking places** (58). (04/08)

f. **Retail**, (59) BUT EXCLUDING non-store retailers (596) and fuel and ice dealers (598). (04/08)

g. Uses listed in 2.107.02.I. a through f if developed in a vertical mixed use development shall not be considered as a specified use in 2.107.05.E. (04/08)

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,

DRAFT 9-08

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)

DRAFT 9-08

5. **Residential sales offices** (Section 2.409). (5/98)
6. **Public golf course** (SIC 7992) or membership recreation club having golf course (SIC 7997) (Section 2.410). (5/98)
7. **Boat and RV storage area** (Section 2.411). (5/98)
8. **House of Worship** (Section 2.423). (5/98)
9. **Recreational vehicle storage space** (Section 2.413). (5/98)
10. **Electrical substations** (Section 2.426). (5/98)
11. **Wireless Telecommunications Facilities** (Section 2.427). (5/98)
12. ~~Transit Stations.~~

#### **2.107.04 Conditional Uses**

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

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

#### **2.107.05 Use Restrictions**

- A. The following uses are not permitted: (04/08)
  1. Farm Use. (5/98)
  2. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)
  3. Any outdoor display or storage of merchandise or materials unless consistent with Section 2.107.05.B.7. (04/08)
  4. Camping or over-night in parking lots. (04/08)
- B. Retail uses as set forth in Section 2.107.02(I) are limited to buildings not exceeding 10,000 square feet of gross leasable area except as provided herein. Such retail uses over 10,000 square feet may be permitted as allowed in an approved master plan subject to meeting the following requirements: (04/08)

1. In addition to the requirements in Section 2.309 (Site and Landscaping Design), provide increased screening and buffering when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas so as to adequately screen the building. (04/08)
2. In addition to the requirements in Section 2.107.06(B), provide increased building setbacks when any portion of the building is located adjacent (as defined in Section 1.200) to existing or planned residential areas. (04/08)
3. In addition to the requirements in Section 2.315.08, provide increased architectural features such as the use of three differing materials, color, textures, on building facades that are visible from a public street so as to minimize the effect of large blank walls. The elevations of all buildings shall be varied in textures, and material and shall incorporate human scale design elements. Elevations of all buildings shall incorporate no more than fifteen feet between varied vertical elements such as materials, patterns and textures, architectural features such as columns, projections, and differing planes shall be used liberally with no greater than 22 feet between such features. Materials shall be varied at the same frequency as the architectural elements. These materials shall incorporate cultured stone, split face Concrete mortar units (CMU's), as well as smooth faced CMU walls. (04/08)
4. Include architectural features that reflect those of the remainder of the building around any outdoor garden / nursery area to include such things as hard walls, windows and awnings. (04/08)
5. Limit any outdoor display or storage of merchandise to the area adjacent to the building. (04/08)
6. Direct lighting to avoid causing glare onto adjacent properties and be generally low in height, light sources shall not be visible beyond development boundaries. (04/08)
7. Provide mitigation measures that address adverse traffic and livability impacts in the surrounding neighborhood. This will include such things as enclosing all service equipment and service areas and any other issues identified in a master plan or traffic impact analysis. (04/08)
8. Drive-thru businesses shall have the drive-thru oriented away from both existing and planned residential areas. (04/08)

DRAFT 9-08

C. A retail building of the type described in Section 2.107.02(I) is allowed to exceed the 10,000 square foot limit subject to Master Plan approval and compliance with all requirements of this Chapter. (04/08)

D. Larger Format Stores.

1. Retail buildings of the type described in Section 2.107.02(I) that exceed 10,000 square feet ("Larger Format Stores") require the development of non-retail/non-single family home-uses in the Master Plan area that have a total square footage of at least 25% of the gross leasable area of the Larger Format Store. As used herein, "non-retail" shall mean uses other than those listed in Section 2.107.02(I). (04/08)

2. Larger Format Stores in excess of 80,000 square feet of the type described in Section 2.107.02(I) shall meet the requirement set forth in Subsection D(1) above. In addition to such requirement, for each square foot of vertical mixed use development in the Master Plan area, the Larger Format Store can be increased above 80,000 square feet by an equivalent amount. The mixed use square footage requirements of Subsection D(1) and this Subsection cannot be combined. (04/08)

3. The development required in Subsections D(1) and D(2) above shall take place in the same Master Plan area. The approved Master Plan shall be conditioned to require such development to be constructed before or concurrently with the Larger Format Store. (04/08)

E. A limitation of the total floor area for specified uses applies to all of Area C – Keizer Station Center of the Keizer Station Plan. A maximum total floor area of 135,000 square feet shall apply to the uses identified in Section 2.107.02(I). (04/08)

F. Proposals to develop properties within Area C of the Keizer Station shall comply with Master Plan requirements outlined in Section 3.113, and also with requirements specified in 2.107.05.G.1 through 6 below. (04/08)

G. Proposals to develop properties outside of Area C of the Keizer Station shall require approval of a Master Plan and compliance with the following: (04/08)

1. Pedestrian Access, Safety and Comfort (04/08)

a. To ensure safe, direct, and convenient pedestrian circulation, development shall provide a continuous pedestrian and/or multi-use path system. (04/08)

b. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas wherever possible. (04/08)



- c. Pathways with developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets and parking areas. (04/08)
  - d. For all developments subject to Master Plan review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable. (04/08)
  - e. Recessed entries, canopies, and/or similar features shall be used at the entries to a building in order to create a pedestrian scale. (04/08)
  - f. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
2. Vehicular Movement (04/08)
- a. Encourage traffic to enter and exit the development at locations in a safe manner. (04/08)
3. Crime Prevention and Security (04/08)
- Crime prevention shall be considered in the site design through application of all of the following guidelines: (04/08)
- a. Territoriality – All proposed building entrances, parking areas, pathways and other elements are defined with appropriate features that express ownership. For example, landscaping, fences, pavement treatments, art and signs are some physical ways to express ownership through design. Such features should not conflict with the need for natural surveillance, as described in b.; and (04/08)
  - b. Natural Surveillance – The proposed site layout, building and landscape design promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering between commercial uses and lower density residential districts, and then shall be minimized; and (04/08)
  - c. Activity Support – The proposed site layout and building design encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining; and (04/08)

- d. Access Control – By properly siting and designing entrances and exits (i.e., in clear view from the store), and through the appropriate use of lighting, signs and/or other features, the proposed plan controls access in ways that discourage crime; and/or (04/08)
  - e. The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)
4. Reduced Parking (04/08)
- Reduce or waive minimum off-street parking standards. The applicant may request a reduction to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of car pool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (04/08)
5. Creating and Protecting Public Spaces (04/08)
- a. The development provides an appropriate amount of public space as determined by the City Council in addition to sidewalks and landscaping. (04/08)
  - b. Public space may be a landscaped open space or plaza with pedestrian amenities, as approved by the City Council. (04/08)
6. Human Scaled Building Design (04/08)
- Building facades are designed to a human-scale, for aesthetic appeal, pedestrian comfort, and design character of a development. The City Council may determine architectural character, continuity of building sizes, roof forms, rhythm of window and door spaces and the general relationship of buildings to public spaces such as street, plazas, other open space and public parking. (04/08)
- The proposal contains an equally good or superior way to achieve the intent of the above criterion and guidelines. (04/08)

In addition, the provisions within Section 3.113.05 apply.

**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

DRAFT 9-08

Average Depth	70 feet	80 feet	None	None
Maximum Height	35 feet	50 feet	50 feet	50 feet(4)

- (1) A single family dwelling attached on one side has a minimum lot area of 3500 square feet, and a single family dwelling attached on both sides has a minimum lot area of 3000 square feet. (5/98)
- (2) Multi-family development must comply with the density standard in Section 2.107.07.1 (06/07)
- (3) Parcel size shall be adequate to contain all structures within the required yard setbacks. (06/07)
- (4) Height of vertical mixed use development may exceed this limitation without a concurrent variance and maximum height will be determined during master plan process. (04/08)

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)	10 feet	(4)	(4)
Rear	(3)	(3)	(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 single family home, duplex, or multi-family building; 20 feet for a 2-story single family home, duplex, or multi-family building. Setbacks are to be measured from the architectural rear of the building regardless of the building's orientation to the property lines. (06/07)
- (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)

DRAFT 9-08

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. (05/98)

## **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)

DRAFT 3-09

- M. **Stenographic services** and reproduction services, not elsewhere classified (SIC 7339). (5/98)
- O. **News syndicates** (SIC 735). (5/98)
- P. **Personnel supply services** (SIC 736). (5/98)
- Q. **Computer and data processing services** (SIC 737). (5/98)
- R. **Management, consulting and public relations** (SIC 7392). (5/98)
- S. **Detective agencies** and protective services (SIC 7393). (5/98)
- T. **Commercial testing laboratories** (SIC 7397). (5/98)
- U. **Parking lots** (SIC 7523). (5/98)
- V. **Health services** (SIC 80) except hospitals (SIC 806) and nursing and personal care facilities (SIC 805). (5/98)
- W. **Legal services** (SIC 81). (5/98)
- X. **Correspondence schools and vocational schools** (SIC 824). (5/98)
- Z. **Schools** and educational services, not elsewhere classified (SIC 829). (5/98)
- AA. **Individual and family services** (SIC 832). (5/98)
- BB. **Social services**, not elsewhere classified (SIC 839). (5/98)
- CC. **Membership organizations** (SIC 86). (5/98)
- DD. **Miscellaneous services** (SIC 89). (5/98)
- EE. **Executive offices** (SIC 911). (5/98)
- FF. **Executive and legislative** combined (SIC 913). (5/98)
- GG. **Finance, taxation, and monetary policy** (SIC 93). (5/98)
- HH. **Administration of human resources** programs (SIC 94). (5/98)
- II. **Administration of environmental quality and housing** programs (SIC 95). (5/98)
- JJ. **Administration of economic** programs (SIC 96). (5/98)

DRAFT 3-09

- KK. **National security and international affairs** (SIC 97). (5/98)
- LL. **Community or neighborhood clubs**. (5/98)
- MM. **Swimming pools** open to the public free or for a fee. (5/98)
- NN. **Public parks, playgrounds, and other public and semi-public uses**. (5/98)
- OO. **Public utility structures** and buildings. (5/98)
- PP. **Residential home care** for 5 or fewer persons and adult residential home care. (5/98)
- QQ. **Child care facility**. (5/98)
- RR. **Child foster home**. (5/98)
- SS. **Elementary and secondary schools** (SIC 8211). (5/98)
- TT. Transit Facilities (Section 2.305).

### **2.108.03 Special Permitted Uses**

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

- A. **Funeral service** and crematories (SIC 726). (5/98)
- B. **Zero side yard dwellings**. (5/98)
- C. **Home occupations**. (5/98)
- D. **Child day care** services. (5/98)
- E. **Domiciliary Care Facility** (SIC 836). (5/98)
- F. **Bed and breakfast** establishments. (5/98)
- G. **Veterinary services** (SIC 074). (5/98)
- H. **Mixed-use buildings**. (5/98)
- I. **House of Worship**. (5/98)
- J. **Wireless Telecommunications Facilities** (Section 2.421) (5/98)



**2.108.04 Conditional Uses**

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

- A. Transit Station (Section 2.429).

**2.108.04 5 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)*

#### **2.108.05-6 Development Standards**

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

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

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

total requirement of 100 spaces, and a pet store exhibiting peak demand between 1:00 and 5:00 PM with a requirement of 50 spaces, the total requirement for the building would be 100 spaces.) (5/98)

- B. Subdivisions and Partitions. Land divisions shall be reviewed in accordance with the provisions of Section 2.310. (5/98)
- C. Yards and Lots. Yards and lots shall conform to the standards of Section 2.312. (5/98)
- D. Signs. Signs shall conform to the requirements of Section 2.308. (5/98)
- E. Accessory Structures: Accessory structures shall conform to requirements in Section 2.313. (5/98)
- F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)
- G. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309. The minimum landscaped area requirements shall be as follows: (5/98)

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%
- H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)
- I. Lot Coverage: The maximum coverage allowed for buildings, accessory structures and paved parking shall be as follows: (5/98)

	<u>Min</u>	<u>Max</u>
Commercial development:	90%	50%
Mixed commercial and residential development:	85%	50%
Residential development:	80%	50%
- J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments

limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)

1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

### **2.108.06-7 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)

DRAFT 3-09

- 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)

DRAFT 3-09

- 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)



DRAFT 3-09

- 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)
- KKK. Transit Facilities (Section 2.305).

### **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)

DRAFT 3-09

- L. **Local and suburban passenger transportation** (411). (5/98)
- M. **Intercity and rural highway passenger transportation** within 2,000 feet from the center point of an I-5 interchange and having direct access onto a major arterial (413).(Ord 87-078)(Ord 96-357) (5/98)
- N. Transit Station (Section 2.429).

#### **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 135,000 square feet shall apply to the uses identified in Sections 2.109.02 (D) – (M), (Z), (CC) – (EE), (CCC) and (DDD). (07/07)

**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)

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

### **2.109.08 Design Standards**

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

- A. Building Design Standards. Primary buildings shall comply with the following design standards: (5/98)
  - 1. Design Standards - Unless specifically modified by provisions in this Section, buildings located within the CR zone shall comply with the following standards: (5/98)
    - a. Non-residential structures shall comply with the provisions in Section 2.314 - 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)



DRAFT 3-09

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

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

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

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

9. **Amusement and recreation (79), BUT EXCLUDING** golf courses (7992) and amusement parks (7996). (5/98)
  10. **Health services (80), BUT EXCLUDING** hospitals (806). (5/98)
  11. **Legal services (81).** (5/98)
  12. **Elementary and secondary schools (8211).** (5/98)
  13. **Correspondence schools and vocational schools (824).** (5/98)
  14. **Schools and educational services** not elsewhere classified (829). (5/98)
  15. **Social services (83).** (5/98)
  16. **Museums, art galleries, botanical and zoological gardens (84).** (5/98)
  17. **Membership organizations (86).** (5/98)
  18. **Miscellaneous services (89).** (5/98)
  19. **Pet Grooming (6/01)**
- K. **Public Administration (91 - 97).** (5/98)
- L. **Child foster home** for five or fewer children as a secondary use. (6/99)

### **2.110.03 Special Permitted Uses**

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

- A. **Partitions**, subject to the provisions in Section 2.310. (5/98)
- B. **Subdivision**, subject to the provisions in Section 2.310. (5/98)
- C. **Planned unit development**, subject to the provisions in Section 2.311. (5/98)
- D. **Accessory structures and uses** prescribed in Section 2.203. (5/98)
- E. Transit Facilities (Section 2.305).

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

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

#### **2.110.04 Conditional Uses**

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

DRAFT 3-09

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

B. Transit Station (Section 2.429).

### **2.110.05 Use Restrictions**

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

A. Farm Use. (5/98)

B. The rendering, processing, or cleaning of animals, fish, seafoods, fowl, poultry, fruits, vegetables, or dairy products for wholesale use. (5/98)

C. The following uses are prohibited from any property fronting on River Road or Chemawa Road in the following area: the west side of River Road between 5119 River Road on the north and Janet Avenue extended on the south; the east side of River Road between Claggett Street on the north and James Avenue on the south; and either side of Chemawa Road between Elizabeth Street on the west and Bailey Road on the east; and (2) Any property contained within the Area B as described in the Keizer Station Plan. This prohibition does not apply to any business facility, legally established as of the date of the adoption of this Ordinance, which as of that date has drive-through window facilities. (12/03)

1. Gasoline service stations (554). (5/98)

2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)

3. Vehicle sales and secondary repair. (5/98)

4. Public utility structures and buildings. (5/98)

5. Recreational vehicle parks (7033). (5/98)

6. Automobile parking not associated with an allowed use (752). (5/98)

7. Automotive Dealers (55). (5/98)

8. Automotive rental and leasing, without drivers (751). (5/98)

9. Automotive repair shops (753). (5/98)

10. Automotive services, except repair (754). (5/98)

11. Utilities - secondary truck parking and material storage yard. (5/98)

DRAFT 3-09

- 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 80,000 square feet shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). (07/07)

**2.110.06 Dimensional Standards**

A. Minimum Lot Dimension and Height Requirements

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

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

B. Minimum Yard Setback Requirements

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

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

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

### **2.110.07 Development Standards**

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

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

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

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

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

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

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

F. Storage, Trash, and Service Functions: Storage areas, trash, recycling, utilities and other service functions shall be located within the main structure if possible. If any of the above functions are located outside the main structure, the area containing the function must be screened with a solid, durable structure that is architecturally related to the building. (5/98)

D. Landscaping-General: All required yards shall be landscaped. Landscaped areas shall be landscaped as provided in Section 2.309.

1. The minimum landscaped area requirements shall be as follows:

Commercial development:	10%
Mixed commercial and residential development:	15%
Residential development:	20%

2. Properties located within Area B as defined in the Keizer Station Plan shall have a 20-foot landscape buffer along all property lines adjacent to any residential zone. Landscape and buffer requirements shall be met as defined in the Keizer Station Plan. (12/03)

H. Landscaping-Parking Lots: One tree shall be provided for every eight parking spaces in parking lots. The trees shall be dispersed throughout the parking lot in minimum four by four foot planters located between parking spaces. (5/98)

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

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

J. Density: The maximum residential density shall be 24 units per acre and minimum residential density shall be 8 units per acre. Developments limited exclusively to residential uses and containing less than 8 dwelling units per acre are allowed if they comply with the following: (5/98)



1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)
2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

### **2.110.08 Design Standards**

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

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

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

### **2.113.01 Purpose and Uses**

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

### **2.113.02 Permitted Uses.**

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

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

DRAFT 3-09

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

DRAFT 3-09

26. Metalworking machinery and equipment (354). (5/98)
27. Special industry machinery, except metalworking machinery (355). (5/98)
28. Pumps and pumping equipment (3561). (5/98)
29. Office, computing, and accounting machines (357). (5/98)
30. Electrical and electronic machinery, equipment, and supplies (36). (5/98)
31. Transportation Equipment (37). (5/98)
32. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38). (5/98)
33. Miscellaneous manufacturing industries (39). (5/98)

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

1. Motor freight transportation and warehousing (42). (5/98)
2. Communication (48). (5/98)
3. Public Utility Structures and Buildings (49). (5/98)

**D. Wholesale trade-nondurable goods (51) BUT EXCLUDING poultry and poultry products (5144), livestock (5154), farm-product raw materials, not elsewhere classified (5159), chemicals and allied products (5169), tobacco and tobacco products (5194), and nondurable goods, not elsewhere classified (5199). (5/98)**

**E. Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (501), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082) and scrap and waste materials (5093). (5/98)**

**F. The uses (b) through (e), excluding c) iii) shall:**

1. Be within an enclosed building; and
2. Permit retail sales of products manufactured on the site. (5/98)

**G. Services (5/98)**

DRAFT 3-09

1. Computer and data processing services (737). (5/98)
2. Research and development laboratories (873). (5/98)
3. Management, consulting, and public relations services (874). (5/98)
4. Noncommercial educational, scientific, and research organizations (8733). (5/98)

**H. Public administration;** (5/98)

1. Public order and safety (922) except correctional institutions (9223). (01/07)

**I. Office Uses;** (5/98)

1. Any use allowed in Section 2.108, Commercial Office excluding those residential uses listed in 2.108.02.A, B, C, PP, and RR. (5/98)

**J. Retail trade;** (5/98)

1. Eating and drinking places (58). (5/98)

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

1. Commercial and Stock Savings Banks (602). (5/98)
2. Mutual Savings Bank (603). (5/98)
3. Savings and Loan Associations (603). (5/98)
4. Personal Credit Institutions (606). (5/98)

**L. Services** (07/06)

1. Hotels, motels, and tourist courts (7011). (5/98)
2. Child daycare services (8351). (5/98)
3. Membership sports and recreation clubs (7997). (5/98)
4. Amusement and recreation (79), BUT EXCLUDING golf courses (7992) and amusement parks (7996). (2/03)

DRAFT 3-09

5. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (07/06)
6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
7. Miscellaneous services. (5/98)

M. **Transit stop-shelters facilities.** (04/09)

N. **Flexible Space Uses**

1. The following uses, when restricted, developed, and conducted as required in subsections 2 and 3 below, are permitted in the IBP district
  - a. Food Stores (54). (5/98)
  - b. Apparel and Accessory Stores (56). (5/98)
  - c. Furniture, Home Furnishings and Equipment Stores (57). (5/98)
  - d. Miscellaneous Retail (59); BUT EXCLUDING used merchandise stores (5932). (5/98)
  - e. Business Services (73). (5/98)
  - f. Miscellaneous Repair Services (76). (5/98)
2. In the Keizer Station Plan where Flexible Space uses are to be developed within the IBP district, the following development limits apply; (02/03)
  - a. No single building shall be more than 25,000 square feet in area, with no more than 10,000 square feet to be utilized for any individual use listed in subsection 1(a) through (d). (7/04 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 coterminous with the building that it serves;
  - iv. Have no opening within fifty feet and visible from any property boundary; and
  - v. Meet the other applicable requirements of this ordinance. (5/98)
- e. Loading doors shall have no opening within seventy five feet and visible from any street or property boundary. (5/98)
- f. Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall. (5/98)
- g. All buildings shall be capable of development as flexible industrial space. (5/98)
- 3. For land that is outside of the Keizer Station where no master plan is established and where Flexible Space uses are to be developed the following development limits apply; (01/07)
  - a. Properties to be developed with Flexible Space uses shall have frontage along an arterial street. (01/07)
  - b. Any outdoor storage area shall: (01/07)
    - i. Be enclosed with a sight-obscuring fence or wall; (01/07)



- ii. Have at least one side coterminous with the building that it serves; (01/07)
  - iii. Have no opening for loading that is within fifty feet of a property boundary unless it is screened in accordance with provisions as specified in Section 2.113.05; and (01/07)
  - iv. Meet the other applicable requirements of this ordinance. (01/07)
- c. Buildings fronting a street shall have not less than thirty-five percent of the area of the street front wall with windows, displays or doorway openings. (01/07)

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

**2.113.03 Conditional Use**

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

A. Transit Station (Section 2.429).

**2.113.03 4 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)

**2.113.04-5 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 6 Development Standards**

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

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

1. Where an IBP district within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 40 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
  2. Where an IBP district not within the Keizer Station Plan abuts any other district, except another "I" district, directly or across an alley, there shall be a required yard 15 feet in depth plus 1 foot of depth for each foot of building height over 10 feet, adjacent to the lot line separating the IBP district from the abutting district. (5/98)
  3. Where an IBP district within the Keizer Station Plan abuts another "I" district, directly or across an alley, there shall be a required yard 20 feet in depth adjacent to the lot line separating the IBP district from the abutting district. (5/98)
  4. No buildings or structures shall be permitted in a required yard adjacent to an abutting district. (5/98)
  5. All parking shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district. (5/98)
  6. Driveways shall be set back at least 20 feet from the lot line separating the IBP district from the abutting district, except where the driveway provides direct access to the abutting property or to a street. (5/98)
- G. **Side and Rear Yards.** Notwithstanding Section 2.113.05.F, There are no side or rear yard requirements in the IBP district except:
1. As may be required for a yard adjacent to another district as defined above. (5/98)
  2. Where a side or rear yard is not required but is provided it shall:
    - a. Be at least ten feet in depth;
    - b. Not include buildings, structure, parking or driveways; and
    - c. Be landscaped. (5/98)
  3. Driveways and accessways shall set back at least ten feet from property lines, except where the driveway or accessway provides direct access to an adjacent street, or where a common driveway is provided along a lot line between two separately owned properties. In case of the latter exception, at least ten feet of landscaped yard

shall exist parallel and along each side of the common driveway.  
(07/06)

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

I. **Open Storage**

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

J. **Landscaping**

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

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

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

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

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

1. **Parking**
  - a. All parking shall be set back at least ten feet from all interior property lines. (5/98)
  - b. Transit stop(s) approved, as to location, design and construction, by the Keizer Area Transit District may satisfy five percent of the parking space requirements for building sites located within 400 feet of any such transit stop(s). (5/98)
  - c. A ride sharing program approved by the Director of Public Works may satisfy five percent of the parking space requirements. (5/98)
  - d. Bicycle parking at a ratio of one bicycle space for each twenty vehicle parking spaces may satisfy three percent of the parking space requirements. (5/98)
2. **Loading**
  - a. All loading spaces shall be screened from adjacent property by a sight-obscuring fence, wall, hedge, or berm at least four feet in height. (5/98)
  - b. Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings. (5/98)

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

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

Comment [DSR1]:

Comment [DSR2]:

## **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)

DRAFT 3-09

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)



DRAFT 3-09

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)

DRAFT 3-09

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. Motion pictures (78), BUT EXCLUDING drive-in motion picture theaters (7833). (07/06)
6. Public and private sports facilities including but not limited to stadiums, arenas, ice rinks, parks, and aquatic facilities. (2/03)
7. Miscellaneous services, including pest control (7342). (2/03)

**M. Transit ~~stop shelters~~ facilities (Section 2.305).** (04/09)

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

1. The following flexible space uses, when restricted, developed, and conducted as required in subsection 2 below, are permitted as industrial business park uses within the EG zone:
  - a. Food Stores (54). (2/03)
  - b. Apparel and Accessory Stores (56). (2/03)
  - c. Furniture, Home Furnishings and Equipment Stores (57). (2/03)
  - d. Miscellaneous Retail; BUT EXCLUDING used merchandise stores (59). (2/03)

DRAFT 3-09

- 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 Conditional Uses (Industrial Uses)**

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

- A. **Transit Stations (Section 2.429).** (04/09)

#### **2.119.056 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)
5. **Transit Facilities (Section 2.305).** (04/09)

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

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

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

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

DRAFT 3-09

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)

#### **2.119.067 Special Permitted Commercial Uses**

The following uses, when developed under the applicable development standards in the Ordinance and special development requirements, are permitted in the EG zone: (2/03)

- A. **Accessory structures and uses** prescribed in Section 2.203 are permitted when developed in conjunction with a use listed in Section 2.119.05 under the applicable development standards in this Zoning Ordinance. (2/03)
- B. The following **special uses** subject to the applicable standards in Section 2.4 and shall be considered commercial uses in the EG zone: (2/03)
  1. **House of Worship (Section 2.423).** (2/03)
  2. **Veterinary services (074) (Section 2.414).** (2/03)
  3. **Funeral service and crematories (726) (Section 2.415).** (2/03)
  4. **Used Merchandise Store (Section 2.417).** (2/03)
  5. **Service stations (554) (Section 2.419)** (2/03)
  6. **Automobile services (75) (Section 2.420) BUT EXCLUDING** automotive rental and leasing, without drivers (751), automotive repair shops (753), automotive repair (754). (2/03)
  7. **Commuter Rail Station** (2/03)

### **2.119.08 Conditional Uses (Commercial Uses)**

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

- A. Transit Station (Section 2.429). (04/09)

### **2.119.079 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 675,000 square feet shall apply to the uses identified in Sections 2.119.03 (K) and 2.119.05 (I). (07/07)

### **2.119.0810 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.

#### **2.119.0911 Dimensional Standards**

- A. Purpose. The lot size standards promote new lots and parcels with sizes and shapes that are practical to assemble and develop. The standards are intended to prevent the creation of small lots or parcels, which are difficult to develop or to aggregate with other lots or parcels. The standards also discourage narrow lots or parcels, which increase demand for curb cuts. The EG zone is specifically designed for the property Contained in Area A – Village Center in the Keizer Station Plan. Uses in the gross acreage described shall be developed as a maximum seventy-five percent (75%) commercial uses listed in Sections 2.119.05 and .06 and a minimum twenty-five percent (25%) industrial uses listed in Sections 2.119.03 and 04. Uses shall be established in conformity with this Section and all other applicable regulations within the Keizer Development Code. Therefore, the division of such ground shall be approved to the standards in subsection 2.119.09.B. below. (07/06)
- B. Minimum Lot Dimension Requirements.
  1. Unless exempted under Section (4) below, within the acreage identified for commercial uses, at least eighty percent (80%) of the area of lots or qualified abutting lots must meet Standard A stated in the table within this subsection and the remainder lots or parcels must meet Standard B. (07/06)
  2. Unless exempted under Section (4) below, within the acreage identified for industrial uses, at least eighty percent (80%) of the



area of lots or qualified abutting lots must meet Standard C stated in the table within this subsection and the remainder of the lots or parcels must meet Standard D. (07/06)

3. Qualified abutting lots:
  - a. Qualified abutting lots are defined as lots or parcels having the same classification as either all industrial or all commercially designated lands, that abut one another on at least one side and where there is no plan or proposal for curb cuts that would otherwise not be allowed if each individual lot was required to meet the dimensional standards of this Section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of determining such qualified abutting lots' compliance with the dimensional standards of this Section. Qualified abutting lots may be considered in the aggregate as if they were a single whole lot for purposes of classification of such qualified abutting lots under Section A, B, C, or D below. (07/06)
  - b. In the absence of the approval of a variance, for purposes of determining compliance with the dimensional standards below, any groups of qualified abutting lots shall consist of no more than four (4) individual lots or parcels. (07/06)
4. Exempt Lots, Parcels or Tracts. Lots, parcels or tracts created only for the purposes of providing a right-of-way or dedicated utilities, public drainage facilities or open space are exempt from the lot size and shape standards of this section. Lots, parcels, or tracts that are less than one acre in size, the perimeter of which is 80% or more surrounded by existing public rights of way or land that has previously been dedicated to the public for public access purposes are exempt from the classification standards and dimensional standards in the chart in the section that immediately follows. (07/06)

Development Type	Lot or Qualified Abutting Lots Standard	Minimum Lot or Qualified Abutting Lots Area	Minimum Average Width of Individual Lot or of Qualified Abutting Lots*	Minimum Average Depth of Individual Lots or of Qualified Abutting Lots*
COMMERCIAL (2.119.05 & .06)	Standard A	20,000 sq. ft.	100 ft.	100 ft.
	Standard B	10,000 sq. ft.	75 ft.	75 ft.
INDUSTRIAL (2.119.03 & .04)	Standard C	3 acres	350 ft.	350 ft.
	Standard D	1 acre	150 ft.	150 ft.

\*Note: by definition, Qualified Abutting lots are lots or parcels of the same use type designation – either commercial or industrial – that may be considered as if they are single lot or parcel for purposes of determining compliance with applicable dimensional standards and to determine classification as Standard A-D under this chart.

**2.119.102 Development Standards**

A. Height, Setback, Coverage, and Landscaping Requirements (07/06)

Development Type	Building Standards		Building Setbacks				Minimum Landscaping
	Maximum Height	Maximum Lot or parcel Coverage	Street-side		Side/Rear Not Adjacent to Residential zone	Adjacent to Residential zone	Percentage of Lot or parcel Area
			Min	Max			
<b>Commercial (2.119.05 &amp; .06)</b>	100 ft. (1)	85% (2)	10 ft.	20 ft. (3)	None	40 ft.	15% (5)(6)
<b>Industrial (2.119.03 &amp; .04)</b>	100 ft. / 15ft. within 50 of any residential zone (1)	80% (2)	10 ft.	None	None	40 ft.	20% (5)(6)

- (1) Height Exceptions. Exceptions to the maximum height standard are stated below.
- a. Projections allowed. Chimneys, flag poles, satellite receiving dishes, and other items similar with a width, depth, or diameter of 5 feet or less may rise 10 feet above the height limit, or 5 feet above the highest point of the roof, whichever is greater. If they are greater than 5 feet in width, depth, or diameter, they are subject to the height limit.
  - b. Rooftop mechanical equipment. All rooftop mechanical equipment must be set back at least 15 feet from all roof edges that are parallel to street lot lines. Elevator mechanical equipment may extend up to 16 feet above the height limit. Other rooftop mechanical equipment, which cumulatively covers no more than 10 percent of the roof area may extend 10 feet above the height limit.

- c. Radio and television antennas, utility power poles, and public safety facilities are exempt from the height limit.
- (2) Maximum lot coverage allowed for buildings, accessory structures and paved parking.
- (3) Alternative maximum setback option for large commercial uses.
- a. Purpose. The intent of these regulations is to allow significantly deeper street setbacks for very large retail stores locating along transit street or street in a pedestrian district in exchange for a pedestrian and transit-friendly main street type of development. These large commercial sites can still be transit-supportive and pedestrian-friendly by placing smaller commercial buildings close to the street and by creating an internal circulation system that is similar to streets to separate the parking area into blocks. The intent is to encourage development that will, over time, form a pedestrian-friendly main street along the perimeter of the parking blocks. (2/03)
  - b. Regulation. Commercial buildings that exceed 100,000 square feet of floor area are exempt from the maximum setback requirements identified in Section 2.119.10.A. provided the pedestrian system connects buildings on the site to all adjacent properties. (2/03)
- (4) Landscaping. All required yards, except driveways, are required to be landscaped; that portion within the required yard, which is landscaped, may be included in the calculation to meet minimum landscape area requirements. Landscaping shall meet all applicable standards identified in Section 2.309 of the Keizer Development Code. In addition to landscaping provisions identified in Section 2.309, landscaping for properties within the EG zone shall be defined as follows: (07/06)
- "Landscaped Area" must be native or non-native trees, vegetation, ponds, rocks, ground cover, bark chips, cinders, terraces, vegetable or flower gardens, trellises, pathways, or structural features including but not limited to fountains, reflecting pools, outdoor art work, screen walls, fences and benches, which reasonably requires and continues to reasonably require human management to distinguish the area from a natural area. (07/06)
- Within the EG zone, landscape area requirements may be determined by the City Council to have a portion of landscaped or streetscaped area within the right-of-way to be included within the minimum landscape area requirement. (2/03)

(5) Streetscaping. Streetscaping is defined as pedestrian oriented improvements to property. Streetscaping may include, but is not limited to, walkways with varied materials (other than plain concrete or asphalt), art features, water features, planters, benches, hanging plant baskets, and plazas. (07/06)

(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)

(6) Parking

(a) Averaging. KSP areas are master planned and as such are designed to be both planned and developed as a whole. Shared parking is encouraged in master planned areas. Therefore, parking within the KSP areas subject to a master plan, shall be deemed to meet the maximum and the minimum parking requirements set forth in the City's code so long as a parking plan is approved that contains a total number of parking spaces which is neither above the aggregate maximums nor below the aggregate minimums which result when parking requirements for the individual uses within the parking plan are calculated separately and the resulting maximums and minimums are totaled. (07/06)

(b) Modify or waive off-street parking standards. The applicant may request a modification to or waiver of parking standards based on a parking impact study. The study allows the applicant to propose a reduced parking standard based on estimated peak use, reductions due to easy pedestrian accessibility; availability of transit service, and likelihood of carpool use; and adjacent on-street parking. The parking study is subject to review and approval or modification by the City. (07/06)

B. Design Standards. All development in the EG zone shall comply with applicable standards in Section 2.315 of the Keizer Development Code, in addition to the standards below: (07/06)

1. Exterior Display, Storage, and Work Activities.

a. Exterior display and storage is allowed. Exterior display and storage shall not be located within required setbacks nor required landscaped areas. Exterior display and exterior storage areas shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)

- b. Exterior work activities are allowed in the areas identified for industrial development. Exterior work activities shall not be located within required setbacks nor required landscaped areas. Such exterior work activities shall not be located within 100 feet of any property line within 60 feet of a residential zone. (2/03)

- 2. All development must comply with the applicable standards identified in the Keizer Development Code including, but not limited to, the following: (2/03)

Section 2.125	Activity Overlay Zone
Section 2.3	General Development Standards
Section 2.301	General Provisions
Section 2.302	Street Standards
Section 2.303	Off-Street Parking and Loading
Section 2.305	Transit Facilities
Section 2.306	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

## **2.429 TRANSIT STATION**

### **2.429.01 Overview**

A Transit Station functions as a major transfer point for transit passengers between various transportation modes or vehicles. The Transit Station site provides for the exclusive or priority operations of transit vehicles. A Transit Station is a significant element of the transportation system because it increases transit connections between a variety of destinations. The application to place a Transit Station is processed as a conditional use permit, however the application shall be reviewed directly by the City Council. (04/09)

~~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)

### **2.429.02 Review Procedure**

DRAFT 12-08 – REVISED 4-09

The procedure for approving a Transit Station Conditional Use Permit is set forth in Section 3.101.03(B). The application is a Type II – B action. Staff has an advisory role. The Zoning Administrator shall make a recommendation to the City Council for public hearing and decision bypassing the Hearings Officer. Public notice and a public hearing are provided. Section 3.204.02 lists the notice requirements. Section 3.206 sets forth the hearings process. (04/09)

#### **2.429.03 Submittal Requirements**

The applicant shall submit evidence addressing the criteria set forth below and a site plan that includes at a minimum: (04/09)

1. Adequate auto parking areas; (04/09)
2. Passenger waiting areas; (04/09)
3. Bicycle parking and connecting facilities; and (04/09)
4. Access to transit vehicles. (04/09)

A transit station may include ancillary transit-oriented uses. (04/09)

#### **2.429.04 Criteria**

Where permitted as a conditional use, a Transit Station application, in addition to the requirements in Section 3.103, shall meet the following criteria: (04/09)

- A. Justification of the amount of area required for the use shall be established. (04/09)
- B. Need for the facility at the proposed location shall be identified. (04/09)
- C. If a park-and-ride facility is proposed, applicant shall justify the lot area, number of spaces and any accessory facilities. (04/09)
- D. Traffic impact analysis shall be provided and proposed measure(s) to mitigate any impact(s) on surrounding properties and streets shall be identified. (04/09)
- E. A Transit Station shall have direct access to a collector or arterial street. (04/09)
- F. A Transit Station shall be located on land that is of sufficient size to accommodate the proposed use. (04/09)



DRAFT 12-08 – REVISED 4-09

G. As conditioned, the Transit Station will not unreasonably impact existing or planned uses in the neighborhood of the subject property. (04/09)

H. A transit station will be required to provide adequate buffering and screening to mitigate any impacts on adjacent properties. (04/09)

City Council has the authority to determine whether the application satisfies the applicable criteria. An application may be approved, approved with conditions, or denied. (04/09)

### **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 and Sign) (07/03; 11/05)
  - 2. Lot Line Adjustment (5/98)
  - 3. Conditional Use (except Transit Station) (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

DRAFT 3-09

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- B. Type II-B: A quasi-judicial action in which the City Council applies a mix of objective and subjective standards that allow considerable discretion. Type II-B actions follow the procedures found in Section 3.204.02. 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)
2. Transit Station

**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

DRAFT 3-09

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 ( <u>All, except Transit Station</u> )	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
Variance (Minor and Signs)	I-B	Final Decision	Appeal of Staff Decision		Appeal of H.O. Decision
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
<u>Transit Station</u>	<u>II-B</u>	<u>Recommendation to City Council</u>			<u>Final Decision</u>
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

DRAFT 3-09

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

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