



September 12, 2017

**NOTICE OF ADOPTION: ORDINANCE 2017-780**

Text Amendment Case 2017-04

1. **Description of the Decision.** Keizer City Council has **ADOPTED** Ordinance 2017-780, which amends Section 2.110 (Commercial Mixed Use) of the Keizer Development Code to allow the establishment of a Gasoline Service Station within the Chemawa/River Road restriction area, subject to obtaining a Conditional Use Permit.
2. **Date of the Decision.** The Keizer City Council adopted Ordinance 2017-780 on September 5, 2017.
3. **Time and Place to View Ordinance:** Ordinance 2017-780 is attached for your convenience.

You may also view the land use file (Text Amendment 2017-04) at Keizer City Hall which is located at 930 Chemawa Road N.E. Keizer, OR 97303. The materials may be viewed Monday through Friday (excepting holidays) between the hours of 8:00 a.m. and 5:00 p.m. Please contact the Community Development Department if you wish to make arrangements to do so.

4. **Requirements for Appeal.** This decision may be appealed. To appeal this land use decision, you must file a Notice of Intent to Appeal with the Land Use Board of Appeals in the manner and within the time frame set forth in state statutes and administrative rules. In order to appeal, a person must have appeared before the City Council orally or in writing.

For questions regarding this notice please contact Shane Witham, Senior Planner at (503)856-3439, or at [withams@keizer.org](mailto:withams@keizer.org)

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A BILL  
FOR

ORDINANCE NO.  
2017- 780

AN ORDINANCE

AMENDING KEIZER DEVELOPMENT CODE REGARDING SECTION 2.110 (COMMERCIAL MIXED USE); **AMENDING ORDINANCE 98-389**

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

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

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

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

NOW, THEREFORE,

The City of Keizer ordains as follows:

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

Section 2. AMENDMENT TO THE KEIZER DEVELOPMENT CODE.

The Keizer Development Code (Ordinance No. 98-389) is hereby amended by the

1 adoption of the changes to Section 2.110 (Commercial Mixed Use) as set forth in  
2 Exhibit "B" attached hereto, and by this reference incorporated herein.

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

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

13 PASSED this 5th day of September, 2017.

14 SIGNED this 5th day of September, 2017.

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Cathy Clark  
Mayor  
[Signature]  
City Recorder

## EXHIBIT "A"

### Findings regarding the adoption of amendments to Section 2.110 ("Commercial Mixed Use (CM)") of the Keizer Development Code.

The City of Keizer finds that:

1. General Findings.  
The particulars of this case are found within Planning file Text Amendment 2017-04. Public hearings were held before the Planning Commission on March 15, 2017 and April 12, 2017. A public hearing was held before the City Council on July 17, 2017.
2. Text amendments to the Keizer Development Code ("KDC") must comply with KDC 3.111.04.B, C, and D. Because this is a text amendment, KDC 3.111.04.A is not applicable.

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

**Findings:** The private development community testified that there is a market need for gasoline service stations in conjunction with existing grocery supermarkets in the Chemawa/River Road restriction area but that, prior to adoption of this amendment, such service stations were prohibited in this location. The proposed amendment addresses this need by permitting gasoline service stations in the CM zone and the Chemawa/River Road restriction area, subject to conditional use review and compliance with identified standards. The private development community also testified that there was a market expectation to allow limited merchandise sales at the gasoline service station site and that these merchandise sales would not be expected to compete with larger convenience stores, which offer a greater variety of items and are typically more accessible to roadways. The proposed amendment addresses this need by allowing merchandise sales limited by type and sales area. The proposed amendment complies with this criterion.

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

**FINDINGS:** The proposed text amendment complies with the Statewide Planning Goals ("Goals") as discussed below.

**Goal 1 – Citizen Involvement:** Goal 1 requires every city and county to develop and implement a citizen involvement program. The City has an acknowledged citizen involvement program and an acknowledged process for securing citizen input on all proposed text amendments to the KDC. The City has processed this application consistent with the City's acknowledged process, including providing notice, multiple public hearings, deliberation, and ordinance adoption. Public

notice was provided in the *Keizertimes* newspaper. Public hearings were held before the Planning Commission on March 15, 2017 and April 12, 2017, and before the City Council on July 17, 2017. Citizens were afforded the opportunity to participate in the public process. This process is consistent with this Goal.

**Goal 2 – Land Use Planning:** As applicable, Goal 2 requires that ordinances that implement acknowledged comprehensive plans be consistent with those plans. Goal 2 also requires that land use decisions be coordinated with affected jurisdictions and that they be supported by an adequate factual base. As explained in these findings, the proposed amendment is consistent with applicable provisions of the City’s acknowledged comprehensive plan and is supported by an adequate factual base. Further, the City has coordinated this decision with affected jurisdictions by providing notice, an opportunity for comment, and responding to any comments in these findings. The City received comments from the Keizer Fire District expressing concern for potential traffic impacts associated with development of gasoline service stations in the Chemawa/River Road restriction area. The City has responded to these comments by requiring that any proposed service station is only permitted upon compliance with KDC 2.301.04 regarding Traffic Impact Analysis, upon provision of any required transportation mitigations, and upon addressing the operational needs of the Keizer Fire District. The City’s review of the proposed amendment is consistent with this Goal.

**Goal 3 – Agricultural Land:** Goal 3 is to protect lands that are designated for agricultural uses. No agricultural lands will be affected by this proposed amendment. Therefore, this Goal is not applicable.

**Goal 4 – Forest Land:** The intent of this Goal is to protect lands designated for commercial forest uses. There are no forest lands within the City, and no forest lands are affected by this proposed amendment. Therefore, this Goal is not applicable.

**Goal 5 – Open Space, Scenic and Historic Areas, Natural Resources:** The proposed amendments will not affect or preclude any of the City’s natural resources protection regulations nor the lawful use of any properties that are within this overlay zone. The proposed amendments will also not affect any inventoried open space, scenic, or historic areas. Therefore, this Goal is not applicable.

**Goal 6 – Air, Water and Land Quality:** The intent of this Goal is to protect the City’s air, water and land qualities. Because the proposed amendment does not authorize any specific development at this time, there can be no direct impact to air, water, or land resources. When development occurs pursuant to the process set forth in the proposed amendment, all such development must necessarily comply with local, state, and federal regulations protecting air, water, and land resources. The amendment complies with this Goal, to the extent it is applicable.

**Goal 7 – Natural Hazards:** Goal 7 is to protect life and property from hazards resulting from flooding, steep slopes, or other natural occurrences. The proposed amendment does not authorize any specific development at this time; therefore, there can be no development planned or located in known areas of natural hazards or disasters. This Goal is not applicable.

**Goal 8 – Recreation:** This Goal requires the City to identify and plan for current and future recreation needs of the residents of the City. The proposed amendment does not involve any designated recreational or open space lands and would not affect access to any significant recreational uses in the area. Therefore, this Goal is not applicable.

**Goal 9 – Economic Development:** The intent of this Goal is to ensure the City plans for its overall economic vitality. Goal 9’s implementing rules require that comprehensive plans for urban areas include an analysis of the community economic pattern and provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses. OAR 660-015-0000(9). The proposed amendment will potentially allow for a greater variety of uses in the CM zone, which may collaterally improve economic activities within the City. Therefore, the amendment is consistent with this Goal and its implementing administrative rules.

**Goal 10 – Housing:** Goal 10 requires local governments to provide for an adequate number of needed housing units and to encourage the efficient use of buildable land with urban growth boundaries. The proposed amendment does not affect residentially-zoned property or the City’s housing supply. Therefore, this Goal is not applicable.

**Goal 11- Public Facilities and Services:** Goal 11 creates guidelines for the timely, orderly, and efficient provision of public facilities and services such as sewer, water, solid waste, and storm drainage. The proposed amendment does not specifically propose any new development that would utilize public facilities and services. If the City approves development pursuant to the amendment, all such development must necessarily comply with local laws regulating the timing of construction and operational standards for public facilities and services. Therefore, this Goal is not applicable.

**Goal 12 – Transportation:** Goal 12 requires local governments to provide and encourage a safe, convenient, and economic transportation system. This Goal is implemented by the Oregon Transportation Planning Rule (“TPR”), which mandates that a local government impose mitigation measures when a land use regulation would “significantly affect” an existing or planned transportation facility. OAR 660-012-0060(1). A text amendment that would not permit development that would add more traffic to the transportation system than could be added under the existing zoning before the text amendment does not “significantly affect” any transportation facility for purposes of the TPR. *Marine*

*Street LLC v. City of Astoria*, 37 Or LUBA 587 (2000). The City's proposed amendment does not permit any specific development by right. Moreover, the proposed amendment only allows gasoline service stations as a conditional use under limited circumstances, including upon compliance with KDC 2.301.04 regarding Traffic Impact Analysis, upon provision of any required transportation mitigations, and upon addressing the operational needs of the Keizer Fire District. Thus, any proposed development will necessarily not add any more unmitigated traffic to the transportation system than could be allowed under the existing CM zone. Therefore, the amendment is in compliance with Goal 12 and the TPR. KDC 3.111.05 also requires compliance with the TPR. For the reasons explained in response to this Goal, the proposed amendment complies with KDC 3.111.05.

**Goal 13 – Energy Conservation:** This Goal seeks to maximize the conservation of energy. The proposed amendment will have no impact on any known or inventoried energy sites or resources. The amendment establishes a process to allow infill development of undeveloped parcels associated with existing grocery supermarkets, which will facilitate more efficient utilization of land and provide opportunities to reduce vehicle miles traveled and emissions through trip chaining. The amendment is consistent with this Goal, to the extent it is applicable.

**Goal 14 – Urbanization:** The intent of this Goal to 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. The proposed amendment will affect only land that is within the City limits and will not impact the use of any land being transitioned from rural to urbanized uses. The amendment is intended to allow for more flexible and efficient use of the existing land supply within the City, which will help accommodate urban employment within the City's urban growth boundary. Therefore, the proposed amendment is consistent with this Goal.

**Goal 15 – Willamette River Greenway:** This Goal seeks to protect, conserve, and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River. The amendment will have no impact on the ability of the City to regulate uses along the river or the Willamette River Greenway overlay zone regulations. Therefore, this Goal is not applicable.

**Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources):** These Goals govern areas along the ocean. The City is not located along the ocean and therefore, these Goals are not applicable.

Based upon these findings, the proposed amendment complies with all applicable Goals and with all applicable implementing administrative rules. Therefore, the proposed amendment complies with this criterion.

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

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

**FINDINGS:** The proposed amendment will revise KDC 2.110.04 (“Conditional Uses”) to allow gasoline service stations as a conditional use in the CM zoning district, subject to compliance with identified standards.

The proposed amendment represents a logical implementation of the Keizer Comprehensive Plan. Economic, Commercial, and Industrial Development Goal 4 of the Comprehensive Plan is to *“Support and assist existing businesses in Keizer.”* In addition, one of the Urban Growth Policies listed in the Comprehensive Plan is to *“Promote effective urbanization of underutilized lands within the existing UGB” (Urban Growth Policy 9(o)).* The proposed amendment is consistent with this Goal and Policy by allowing existing grocery supermarkets in the City to request the right to develop underutilized lands with gasoline service stations. The City Council has, by this adoption, determined that the proposed amendment is desirable, appropriate, and proper. As such, the proposal complies with this criterion.

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

### **2.110.01 Purpose**

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

### **2.110.02 Permitted Uses**

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

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

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- I. **Retail Trade.** (5/98)
  - 1. **Building materials, hardware, retail nurseries, and garden supply** (52), BUT EXCLUDING mobile home dealers (527). (5/98)
  - 2. **General merchandise stores** (53). (5/98)
  - 3. **Food stores** (54). (5/98)
  - 4. **Automobile, recreational vehicle or trailer sales** (55), BUT EXCLUDING gasoline service stations (554). (5/98)
  - 5. **Apparel and accessory stores** (56). (5/98)
  - 7. **Furniture, home furnishings, and equipment stores** (57). (5/98)
  - 8. **Eating and drinking places** (58) except as provided in Section 2.110.05, below. (5/98)
  - 9. **Miscellaneous retail** (59), BUT EXCLUDING fuel and ice dealers (598). (5/98)
  - 10. **Electrical and lighting shops and office machines and equipment stores.** (5/98)
  
- J. **Business, Professional and Social Services.** (5/98)
  - 1. **Finance, insurance and real estate** (60, 61, 62, 63, 64, 65, 67). (5/98)
  - 2. **Hotels, motels and tourist courts** (701). (5/98)
  - 3. **Organization hotels and lodging houses** on membership basis (704). (5/98)
  - 4. **Personal services** (72) BUT EXCLUDING industrial launderers (7218). (5/98)
  - 5. **Business services** (73) BUT EXCLUDING disinfecting and exterminating services (7342). (5/98)
  - 6. **Parking lots** (7523) except as provided in Section 2.110.05, below. (5/98)
  - 7. **Miscellaneous repair services** (76). (5/98)
  - 8. **Motion pictures** (78), BUT EXCLUDING drive-ins (7838). (5/98)
  - 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). (05/09)
- 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)
19. **Medical Marijuana Facilities** (Section 2.433) (10/14)
20. **Marijuana Retailer** (Section 2.433) (1/16)
21. **Mobile Food Vendor** (Section 2.434) (9/16)

## **2.110.04 Conditional Uses**

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

- A. **Craft Industries**, subject to the provisions in Section 2.421. (5/98)
- B. Transit Station (Section 2.429). (05/09)
- C. Gasoline service stations (554) located in the Chemawa/River Rd restriction area described in Section 2.110.05.C. subject to the following requirements:
  - 1. May only sell fuel related products such as gasoline and oil, and non-fuel-related products typically for sale in the primary Food Store use. The building containing the non-fuel related sales shall not exceed a total of 900 square feet, and the sales floor area portion shall not exceed 450 square feet., provided such non-fuel-related sales area does not exceed 450 square feet at the Gasoline Service station site. No service or repair functions are allowed.
  - 2. Subject to the provisions in Section 2.419.
  - 3. Must be accessory to a **Food store(54)** use. The primary Food Store use must be a minimum of 15,000 square feet in area.
  - 4. Must be setback more than 100 feet from adjacent public streets, and must provide pedestrian oriented amenities on the entire site.
  - 5. Must provide screening and buffering to adjacent residential uses, and must mitigate the aesthetic impacts of on-site stacking and queuing visible from any public right of way or adjacent properties.
  - 6. Employ access management and control standards as appropriate to eliminate and/or reduce conflicts.
  - 7. Comply with all applicable requirements and standards, including, but not limited to KDC 2.301.04 (Traffic Impact Analysis) and ~~any~~ all mitigations required by such section. Traffic analysis must address the operational needs of the Keizer Fire District.

## **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)<sup>(5/98)</sup> except as provided in Section 2.110.04.C
  2. Drive-Through windows or car service associated with eating and drinking places (58). (5/98)
  3. Vehicle sales and secondary repair. (5/98)
  4. Public utility structures and buildings. (5/98)
  5. Recreational vehicle parks (7033). (5/98)
  6. Automobile parking not associated with an allowed use (752). (5/98)
  7. Automotive Dealers (55). (5/98)
  8. Automotive rental and leasing, without drivers (751). (5/98)
  9. Automotive repair shops (753). (5/98)
  10. Automotive services, except repair (754). (5/98)
  11. Utilities - secondary truck parking and material storage yard. (5/98)
- D. A limitation of the total floor area of specified uses applies to all of Area B – Retail Service Center of the Keizer Station Plan. A maximum total floor area shall apply to the uses identified in Sections 2.110.02 (I) and 2.110.03 (E)(12) – (14). This maximum floor area is set forth in the Keizer Station Plan, however this maximum floor area may change as part of an approved master plan or amended master plan. (06/10)

## **2.110.06 Dimensional Standards**

A. Minimum Lot Dimension and Height Requirements

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

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

B. Minimum Yard Setback Requirements

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

- (1) *Zero side yard dwelling units are subject to the setback provisions in Section 2.404. (5/98)*
- (2) *The rear yard setback shall be as follows: 14 feet for a 1-story home, 20 feet for a 2-story home. (5/98)*
- (3) *The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the CM zone, the rear yard setback is 0 feet. (5/98)*
- (4) *Setbacks are measured from property lines, not easement lines. However, no structure shall be placed any closer than five feet from*

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

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

## **2.110.07 Development Standards**

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

- A. Off-street parking:
1. Parking shall be as specified in Section 2.303. In the event that on-street parking is provided, on-street parking that abuts the property can be used to meet the standard. (5/98)
  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)

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

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

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

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

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

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

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

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

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

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

1. No more than 50% of the property shall be occupied. The occupied area shall include all buildings, accessory structures, driveways, parking and required landscaping. (5/98)

2. The remaining undeveloped portion of the property shall be in one contiguous piece. Access to a public street, in conformance with Ordinance requirements, shall be available. The undeveloped portion shall have sufficient width and depth to be developed for additional residential, or commercial, uses. (5/98)

### **2.110.08 Design Standards**

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

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