



# Oregon

Theodore R. Kulongoski, Governor

## Department of Land Conservation and Development

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### NOTICE OF ADOPTED AMENDMENT

January 19, 2006



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment  
DLCD File Number 014-05

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Copies of the adopted plan amendment are available for review at DLCD offices in Salem, the applicable field office, and at the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: February 7, 2006**

This amendment was submitted to DLCD for review prior to adoption with less than the required 45-day notice. 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 THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE DATE SPECIFIED ABOVE.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Geoff Crook, DLCD Regional Representative  
Lisa Van de Water, City of Salem

<paa> ya/



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

Jurisdiction City of Salem

Local File Number None

(if no number, use none)

Date of Adoption January 9, 2006

Date Mailed January 13, 2006

(must be filled in)

(Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD August 5, 2005

Comprehensive Plan Text Amendment  Comprehensive Plan Map Amendment

Land Use Regulation Amendment  Zoning Map Amendment

New Land Use Regulation

Other: \_\_\_\_\_

(Please specify Type of Action)

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

Amendments to the Salem Revised Code Chapters 63 (Subdivision), 145 (RA Zoning District), and 146 (RS Zoning District), generally establishing a minimum lot size of 5,500 square feet for flag lots in partitions, establishing a side yard setback of ten feet for flag lots in partitions, establishing a 20-foot setback, including a driveway, for garage or carport facing an accessway, and requiring a garage or carport for all single-family dwellings in the RA and RS Zoning Districts.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same". If you did not give notice of the proposed amendment, write "N/A."

No substantial change

Plan Map Change From NA to NA

Zone Map Change From NA to NA

Location: NA Acres Involved: NA

Specify Density: Previous: \_\_\_\_\_ New: \_\_\_\_\_

Applicable Statewide Planning Goals: \_\_\_\_\_ Was an Exception adopted?  Yes  No

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing?**  Yes  No

If no, do the Statewide Planning Goals apply.  Yes  No

If no, did the Emergency Circumstances Required immediate adoption.  Yes  No

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

Local Contact: Lisa Van de Water, Senior Planner Area Code + Phone Number: (503) 588-6173, ext. 7581

Address: 555 Liberty Street SE, Room 305 City: Salem

Zip Code+4: 97301-3503 Email Address: lvandewater@cityofsalem.net

DLCD File No: 014-05  
(14590)

DEPT OF

JAN 17 2006

LAND CONSERVATION AND DEVELOPMENT

1 **ENGROSSED**

2 **A BILL FOR ORDINANCE NO. 71-05**

3 AN ORDINANCE RELATING TO RESIDENTIAL DEVELOPMENT STANDARDS; AMENDING  
4 SRC 63.030, SRC 63.049, SRC 63.145, SRC 63.155, SRC 63.165, SRC 63.235, SRC 63.285, SRC  
5 63.295, SRC CHAPTER 63 TABLE 63-1, SRC 145.070, SRC, 145.080, SRC 145.090, SRC 145.120,  
6 SRC 146.070, SRC 146.080, SRC 146.090, AND SRC 146.120; AND CREATING NEW PROVISIONS.

7 THE CITY OF SALEM ORDAINS AS FOLLOWS:

8 **Section 1.** SRC 63.030 is amended to read:

9 **63.030. DEFINITIONS.** As used in this chapter, except where the context otherwise  
10 clearly requires, words and phrases defined in SRC Chapter 111 shall have the meanings set  
11 forth therein; unless another definition is set forth in this section.

12 ~~(a) "Accessway" means the portion of a flag lot or parcel, or abutting lot or parcel,~~  
13 ~~providing legal access to a street either through fee-simple ownership or by an access~~  
14 ~~easement and associated reciprocal and irrevocable access rights for all lots or parcels~~  
15 ~~using the accessway.~~

16 ~~(ab) "Affected units of land" means the abutting units of land for which a the common~~  
17 ~~property line is being relocated.~~

18 ~~(bc) "Alley" means a public way space or thoroughfare not more than 20 feet and not less~~  
19 ~~than 10 feet in width, that which has been dedicated or deeded to the public or dedicated~~  
20 ~~and accepted by the city for public use, that provides providing a secondary means of~~  
21 ~~motor vehicle access to abutting property.~~

22 ~~(cd) "Arterial street" - See "Major Arterial" and "Minor Arterial" in the "Street"~~  
23 ~~definition.~~

24 ~~(de) "Block" means the properties abutting one side of a street:~~

25 (1) Between two cross streets;

26 (2) Between the city limits and the nearest cross street;

27 (3) When there is only one cross street:

28 (A) Between a cross street and the dead end of a street;

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(B) Between a cross street and a line projected from the centerline of an intersecting street, such as a "T" intersection;

(4) When there are no cross streets, then the block shall be between the points 600 feet from the mid-point of the front property line for the property under consideration and along the street.

(ef) "Building" means a structure built for the support, shelter, or enclosure of persons, animals, or property of any kind.

(fg) "Building setback line" means an imaginary line established by subdivision regulation or the Salem Zoning Code requiring all buildings to be set back to or beyond that line which is a certain distance from lot, parcel, or property lines or a point within street right-of-way.

(gh) "Collector street" - See "Street."

(hi) "Commission" means the Planning Commission of the City of Salem.

(ij) "Cul-de-sac" - See "Street."

(jk) "Curb line" means the line indicating the edge of the vehicular roadway within the overall right-of-way.

(kl) "Current developed area" means that area of the Salem urban area so designated pursuant to SRC 66.030.

(lm) "Division of land" means the creation of lots or parcels.

(mn) "Final plat" - See "Plat."

(no) "Interested person" means any person owning land within 250 feet of a subdivision or partitioning, as shown on the records of the county assessor. "Interested person" includes affected private and public utilities and public agencies.

(op) "Local street" - See "Street."

(pq) "Lot" means a unit of land that is created by a subdivision or partitioning of land. Except where otherwise stated, the term "lot" includes the term "parcel."

(1) "Corner lot" means a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction

1 which they take at their intersections with the side lot lines forms an angle of 135  
2 degrees or less. In the event a street front lot line is a curve at its point of  
3 intersection with a side lot line, the tangent to the curve at that point shall be  
4 considered the direction of the front lot line.

5 (2) "Flag lot" means a flag-shaped lot or parcel with its widest point, and majority  
6 of land area (called the "flag"), set back from the street at the rear of another lot  
7 or parcel, and having a comparatively narrow strip of land connecting to the street  
8 via an accessway (called the "pole") which provides legal access to the "flag", the  
9 major portion of which has access to a street by means of a comparatively narrow  
10 strip of land.

11 (3) "Infill lot" means a residential flag lot created by the partition of land after  
12 February 8, 2006.

13 (qr) "Lot area" means the area in square feet or acres (43,560 square feet equals one acre)  
14 of a horizontal plane bounded by the vertical extension of the lot lines.

15 (rs) "Lot depth" means the horizontal distance between the front lot line and the rear lot  
16 line measured at a point half-way between the side lot lines.

17 (st) "Lot width" means the horizontal distance between the side lot lines, measured at  
18 right angles to the lot depth at a point mid-way between the front and rear lot lines.

19 (tu) "Major Arterial" - See "Street"

20 (tv) "Map" means a final diagram or drawing of a partition.

21 (vw) "Minor Arterial" - See "Street"

22 (wx) "Neighborhood Activity Centers" includes, but is not limited to, existing or planned  
23 schools, parks, shopping areas, transit stops, or employment centers.

24 (xy) "Neighborhood organization" means a neighborhood organization officially  
25 recognized pursuant to ~~as provided in SRC 64.250 to 64.350.~~

26 (yz) "Official zoning map" means the official zoning map as adopted, amended, and  
27 replaced pursuant to SRC 113.020 ~~to 113.070.~~

28 (zaa) "Outside property lines" means the lot or parcel line forming the exterior

1 boundaries of a lot, including lots as defined under SRC 111.130(g).

2 **(aabb)** "Owner" means the owner of record of real property as shown on the latest tax  
3 rolls or deed records of the county, and includes a person who furnishes evidence that he  
4 the person is purchasing a parcel of property under a written recorded or unrecorded land  
5 sale contract.

6 **(bbcc)** "Parkway" - See "Street"

7 **(ccdd)** "Partition" means an act of partitioning land, or an area or tract of land so  
8 partitioned.

9 **(ddee)** "Partition land" means to divide land into two or three parcels of land within a  
10 calendar year, but does not include:

11 (1) Divisions of land resulting from lien foreclosures;

12 (2) Divisions of land resulting from foreclosures of recorded contracts for the sale  
13 of real property;

14 (3) Division of land resulting from the creation of cemetery lots; or

15 (4) Adjustment of a property line by the relocation of a common boundary where  
16 an additional unit of land is not created and where the existing unit of land  
17 reduced in size by the adjustment complies with any applicable law or ordinance,  
18 including but not limited to provisions pertaining to minimum area, frontage,  
19 average width, vehicular access and required setbacks; or

20 (5) The sale of a lot in a recorded subdivision, even though the lot may have been  
21 acquired prior to the sale with other contiguous lots or property by a single owner; or

22 (6) Divisions of land resulting from purchase or the exercise of the power of  
23 eminent domain by a governmental entity having lawful authority to do so; or

24 (7) A sale or grant by a person to a public agency or public body for state  
25 highway, county road, city street, or other right-of-way purposes provided that  
26 such road or right-of-way complies with the comprehensive plan and applicable  
27 statutes. However, any property for state highway, county road, city street, or  
28 other right-of-way purposes shall continue to be considered a single unit of land

1                   until such time as the property is further subdivided or partitioned;

2           **(ceff)** "Planning Administrator" means the Planning Administrator, Department of  
3           Community Development, City of Salem, or the Planning Administrator's designated  
4           representative.

5           **(ffgg)** "Plat" means a final map, diagram, drawing, replat, or other writing containing all  
6           the descriptions, locations, specifications, dedications, restrictions, provisions, and other  
7           information concerning a subdivision or partition. Except where otherwise stated, the  
8           term "plat" includes the term "map."

9           **(gghh)** "Property line" means the boundary line between two units of land.

10          **(hhii)** "Property line adjustment" means the relocation of a common property line  
11          between two abutting properties."

12          **(ijjj)** "Public access way" means a walkway that provides pedestrian and bicycle passage  
13          either between two or more streets or from a street to a building or other destination, such  
14          as a school, park, or transit stop.

15          **(jjkk)** "Reasonably direct" means either a route that does not deviate unnecessarily from  
16          a straight line, or a route that does not involve a significant amount of out-of-direction  
17          travel by for-likely users.

18          **(kkll)** "Replat" means the act of platting the lots, parcels, and easements in a recorded  
19          subdivision or partition plat to achieve a reconfiguration of the existing subdivision or  
20          partition plat or increase or decrease the number of lots in a the previously recorded plat.

21          **(Hmmm)** "Reserve block" means a strip of land, usually one foot in width, deeded or  
22          dedicated to the city, reserved across the end of a street or alley and terminating at the  
23          boundary of a subdivision or partition; or a strip of land deeded to the city between a  
24          dedicated street and adjacent property; in either case reserved or held by the city for future  
25          street extension or widening, or to prohibit access from property adjacent to a street.

26          **(mmnn)** "Safe and convenient" means bicycle and pedestrian routes, facilities, and  
27          improvements which:

- 28                   (1) Are reasonably free from hazards, particularly types or levels of automobile

1 traffic which would interfere with or discourage pedestrian or cycle travel for short  
2 trips;

3 (2) Provide a reasonably direct route of travel between destinations such as  
4 between a transit stop and a store; and

5 (3) Meet travel needs of cyclists and pedestrians considering destination and  
6 length of trip; and considering that the optimum trip length of pedestrians is  
7 generally 1/4 to 1/2 mile.

8 (moo) "Salem Transportation System Plan" or ("TSP)" means the detailed transportation  
9 plan of the city adopted under SRC 64.230.

10 (opp) "Street" means a public or private way that is created to provide ingress or egress  
11 to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created  
12 to provide ingress or egress to such land in conjunction with the use of the land for  
13 forestry, mining, or agricultural purposes. The term "street" shall include such  
14 designations as "highway," "thoroughfare," "parkway," "throughway," "road," "avenue,"  
15 "boulevard," "lane," "court," "place," "loop," "drive," "circle," and other such terms. A  
16 public right-of-way or access easement ~~accessway~~ 20 feet or less in width shall not  
17 constitute a street, nor shall ~~for~~ a private way of travel 25 feet or less in width providing  
18 access to no more than four lots or parcels and zoned for residential uses shall not  
19 constitute a street. A private way of travel on property zoned for commercial or industrial  
20 uses, and greater than 25 feet in width, may be allowed at the discretion of the Planning  
21 Administrator.

22 (1) "Parkway" means a major facility for moving large volumes of traffic both  
23 intra-city traffic and regional traffic at high speeds. It is typically a divided  
24 highway with a minimum of four travel lanes and extremely limited access, as  
25 shown in the Salem Transportation System Plan.

26 (2) "Major Arterial" street means a major facility for moving large volumes of  
27 intra-city and regional traffic. It serves as the main radial and provides peripheral  
28 routes through the city. The ultimate cross-sectional width is a multi-lane facility,



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as shown in the Salem Transportation System Plan.

(3) "Minor Arterial" street means a facility providing primarily intra-area and inter-neighborhood access. It is designated to have a minimum of two travel lanes with left-turn pockets and center left turn lanes where appropriate, as shown in the Salem Transportation System Plan.

(4) "Collector street" means a facility that allows traffic within an area or neighborhood to connect to the arterial system. It is given priority over local streets in any traffic control installations. Single family and duplex access may be limited according to standards on file with the Director of Public Works.

(5) "Local street" means a facility not designated on one of the higher systems. It serves primarily to provide direct access to abutting land and offers the lowest level of traffic mobility.

(6) "Cul-de-sac" means a dead-end street having a turnaround area at the dead end. Cul-de-sac length shall be measured from the nearest right-of-way line of the nearest intersecting street to the throat or point of beginning of the turnaround area.

(7) "Dead-end street" means a street which terminates without a turnaround area and is intended to continue through at some future time.

(8) "Half-street" means a 50 percent portion of the ultimate width of a street, usually along the edge of a subdivision or partition, and including pavement, curb, gutter, sidewalk, piped drainage, street lights, and signing, where specified by the Director of Public Works.

(9) "Three-quarter street" means a half-street improvement on the development side ~~plus in addition to~~ a minimum 12-foot wide turnpike travel lane with shoulders and drainage ditches where needed on the opposite side, where specified by the Director of Public Works.

(10) "Under improved street" means any public street, road or right-of-way which lacks any of the following: paving, curbing, sidewalks, piped drainage, adequate

1 right-of-way geometry or paving width, grade and structural sections required  
2 under the standards and specifications on file in the office of the Director of Public  
3 Works.

4 (ppqq) "Subdivide land" means to divide an area or tract of land into four or more lots  
5 within a calendar year, when such area or tract of land existed as a unit or contiguous units  
6 of land *under a single ownership* at the beginning of such year.

7 (qqrr) "Subdivision" means an act of subdividing land or an area or tract of land which  
8 has been subdivided. ~~as defined in this section.~~

9 (rrss) "Tentative plan" means a preliminary diagram or drawing concerning a partition  
10 or subdivision.

11 (sstt) "Tree" means a tree having a caliper of more than eight inches measured at four feet  
12 above grade.

13 (ttuu) "Unit of land" means a lot created by a subdivision of land, a parcel created by  
14 partitioning of land, or any other discrete area or tract of land resulting from the lawful  
15 division of real property by deed or other legal instrument which has been recorded.

16 (uuvv) "Urban Service Area" means that portion of the Salem urban area so designated  
17 pursuant to SRC Chapter 66.

18 (vvww) "Utilities" means water, gas, sewer, storm drainage, electrical, telephone, and  
19 wire communication service, cable television, and all persons and companies supplying  
20 the same.

21 (wwxx) "Variance" means an exception to the requirements of this chapter for the  
22 subdivision or partitioning of land.

23 (xyyy) "Walkway" means a right-of-way deeded, dedicated, and designated for the use  
24 of nonmotorized vehicles and pedestrians.

25 **Section 2.** SRC 63.049 is amended to read:

26 **63.049. TIME LIMIT ON TENTATIVE PLAN APPROVAL.**

27 (a) Except as provided in subsection (b) of this section, tentative plan approval shall be  
28 valid for a period of two years following the date of the final decision of the Planning

1 Administrator, commission, or council. If no final plat is submitted for final approval  
2 within that time, no final plat shall thereafter be approved; provided, however, the  
3 applicant may begin anew the process of tentative plan approval. In such a case the  
4 Planning Administrator, commission, and council shall not be bound by the terms of the  
5 prior approval.

6 (b) Where unforeseen circumstances beyond the control of the applicant intervene, the  
7 administrative body which granted the final decision on the subdivision or partition may  
8 extend the time for filing a final plat for a period not to exceed an additional two years,  
9 upon a written finding that the facts upon which the approval was based have not changed  
10 to an extent sufficient to warrant refiling of the tentative plan. No more than two such  
11 extensions shall be granted for any one partition or subdivision, resulting in a maximum  
12 time extension of four years.

13 (c) For subdivisions that were granted tentative plan approval to be constructed in phases,  
14 the final phase shall be recorded within ten (10) years of the tentative approval date. An  
15 application for an extension may be filed as allowed under subsection (b) of this section.

16 ~~SRC 63.049(b).~~

17 **Section 3.** SRC 63.145 is amended to read:

18 **63.145. LOT STANDARDS.**

19 (a) **Width.** Each lot shall have a minimum width between the side lines of not less than  
20 40 feet, or as may otherwise allowed or required in the zoning district where it is located.

21 (b) **Depth.** Each lot shall have an average depth between the front and rear lot lines of  
22 not less than 70 feet and not more than 300 percent of the average width between the side  
23 lot lines. Each double frontage lot shall have an average depth between the front and rear  
24 lot lines of not less than 120 feet unless a lesser depth is approved by the Planning  
25 Administrator where necessitated by unusual topographical or other physical conditions.

26 (c) **Area.** Each lot shall comprise a minimum of 4,000 square feet, exclusive of any  
27 accessway serving one or more flag lots, except for an infill lot in the RA and RS zones,  
28 which shall have a minimum lot area of 5,500 square feet, exclusive of any accessway

1 serving one or more flag lots, or as otherwise stipulated in the zoning district where it is  
2 located. If topography, drainage, vegetation, or other conditions justify, the Planning  
3 Administrator may require a greater or smaller area in any lot within a tentative plan.

4 **(d) Frontage.** Unless otherwise stipulated in the zoning district where it is located, each  
5 lot shall have a minimum ~~front lot line~~ frontage width of at least 40 feet, except along  
6 cul-de-sac turnarounds and on the outside of curves having a radius of 200 feet or less and  
7 a direction change of 60 degrees or more, ~~in which case. In the latter cases~~ the minimum  
8 lot line fronting the curve shall be 30 feet, but provided that in no case shall the lot width  
9 be less than 40 feet at the front building setback line.

10 **(e) Designated frontage** ~~Designation of Front Lot Line.~~

11 (1) For corner lots the front lot line shall be that having frontage on a street  
12 designated by the building permit applicant and approved by the Planning  
13 Administrator.

14 (2) For double frontage lots the front lot line shall be that having frontage on a  
15 street designated by the applicant, approved by the Planning Administrator and set  
16 forth in the conditions of approval, which shall be recorded on deeds conveying  
17 lots clearly noted on the final plat.

18 (3) For flag lots the front lot line shall be that outside property line that is an  
19 extension of the accessway or the line separating the flag portion building site of  
20 the lot or parcel from the lot or parcel between it and the street from which access  
21 is provided to the flag lot shall be deemed the front lot line for building setback  
22 purposes, unless the Planning Administrator otherwise directs, in which case the  
23 front lot or parcel line shall be set forth in the conditions of approval, which shall  
24 be recorded on deeds conveying lots; building setback line so designated shall be  
25 clearly noted on the final plat.

26 (4) For all other lots, the front lot line shall be the property line that has frontage  
27 on the public street.

28 **(f) Side lot lines.** As far as is practicable, side lot lines shall run at right angles to the

1 street upon which the lot faces, except that on curved streets they shall be radial to the  
2 curve.

3 **(g) Rear lot line.** In the case of a triangular shaped lot, diamond shaped lot, or a  
4 ~~trapezoidal~~trapezoidal lot which is narrowest at the rear and has a distance between the  
5 side lot lines at the rear of less than ten feet, the rear line for building setback purposes  
6 shall be ~~assumed to be~~ a line ten feet in length within the lot, parallel to and at the  
7 maximum distance from the front lot line. In the case of lots to which this provision  
8 applies, or others where the rear of the lot is narrower than ten feet, the Planning  
9 Administrator shall require that the rear lot-line for building setback purposes be clearly  
10 noted on the final plat.

11 **(h) Curved front lines.** When front lot lines are on a curve or arc, the front lot line  
12 distance shall be indicated on the final plat or map by bearing and chord distance.

13 **(i) Suitability for intended use.** All lots shall be suitable for the general purpose for  
14 which they are intended to be used. No lot shall be of such size or design as to be  
15 detrimental to the health, safety, or sanitary needs of the residents of the subdivision or  
16 partition or of such lot.

17 **(j) Future subdivision or partition of lots.** Where the subdivision or partition will  
18 result in a lot one-half acre or larger in size and which in the judgment of the Planning  
19 Administrator is likely to be further divided in the future, ~~he the Planning Administrator~~  
20 may require that the location of lot lines and other details of layout be such that future  
21 division may readily be made without violating the requirements of this chapter and  
22 without interfering with orderly extension and connection of adjacent streets. It is  
23 intended that the lot lines and other details of future subdivision or partition of a tract be  
24 advisory only, and shall not be final or binding on the applicant or the Planning  
25 Administrator unless the applicant makes further application therefor; however, any  
26 restriction of buildings within future street locations may be imposed by the Planning  
27 Administrator ~~who and he~~ may require such restrictions to be set forth in a recorded deed  
28 restriction.

1           **(k) Building setback lines.** Where topography, vegetation, or lot configuration dictate  
2 a different building envelope than that set by the Salem Zoning Code in order to properly  
3 develop the lot and site a building thereon, where accessways without street frontage are  
4 allowed, or where needed right-of-way exceeds that required to be dedicated under SRC  
5 63.235, the Planning Administrator may require building setback lines to be shown on the  
6 plat or map without regard to the minimum setbacks specified in the Salem Zoning Code,  
7 and such setback lines shall be observed to the same extent as if required in the Salem  
8 Zoning Code.

9 **Section 4.** SRC 63.155 is amended to read:

10           **63.155. EXCEPTIONS TO LOT STANDARDS.**

11           **(a) Subdivisions and partitions developed as a unit.** The Planning Administrator may  
12 authorize the relaxation of lot size and frontage requirements as set forth in SRC 63.145  
13 where the applicant presents a plan satisfactory to the Planning Administrator whereby the  
14 entire subdivision or partition will be designed and developed with provisions for proper  
15 maintenance of recreation facilities and open space which will be commonly available for  
16 use of the residents of the subdivision or partition, and which the Planning Administrator  
17 determines will be of such benefit to said residents as is equal to that which would be  
18 derived from observance of the size and frontage requirements otherwise specified, and  
19 will not violate the purpose set forth in SRC 63.020.

20           **(b) Land zoned for commercial or industrial use.** The Planning Administrator may  
21 authorize relaxation of the lot size, dimension, and frontage requirements as set forth in  
22 SRC 63.145, SRC 63.285, and SRC 63.295 in the case of land rezoned for commercial or  
23 industrial use, where such relaxation is necessary on consideration of the suitability of the  
24 land for such use, and will not violate the purpose set forth in SRC ~~63.020~~, 63.030.

25           **(c) Lot retained for future subdivision or partition.** The Planning Administrator may  
26 waive frontage requirements where, in the Planning Administrator's his judgment, a lot  
27 should and will be retained by the applicant and future subdivision or partition of such lot  
28 will be the highest and best use thereof, and such use will be best protected by the creation

1 of a reserve block separating such lot from any street.

2 (d) **Flag lots.** The Planning Administrator may allow flag lots under any of the standards  
3 set forth in SRC 63.285 or SRC 63.295, as applicable.

4 (e) **Partitions not creating a road or street.** The Planning Administrator may authorize  
5 partitions creating lots without frontage on a public street where accessways conforming  
6 to the standards in Table 63-1 are provided. Such accessways, the location of which is  
7 subject to city approval by the Planning Administrator, shall be constructed as a condition  
8 of occupancy permit issuance. The City may require the accessway to be named and the  
9 partitioner must provide notice recorded against each lot that the accessway shall be  
10 privately and not publicly maintained.

11 **Section 5.** SRC 63.165 is amended to read:

12 **63.165. PUBLIC EASEMENTS FOR A SUBDIVISION AND PARTITION.**

13 (a) Public easements for the construction and maintenance of all utilities and public  
14 facilities shall be dedicated along lot lines, as the Planning Administrator may require; for  
15 a the width necessary to provide and maintain adequate utility service to each lot. Such  
16 width shall be a minimum of 10 feet unless a larger width is shall be required by the  
17 Planning Administrator, and such easements, wherever possible shall be centered on or  
18 bordering a lot line. In the case of zero lot line development as allowed in the zoning  
19 district where the lot is located, the Planning Administrator may require easements along  
20 every other side lot line.

21 (b) Minimum ten-foot-wide public improvement and maintenance easements for all  
22 storm drains shall be provided along the centerlines of such facilities. Public  
23 improvement and maintenance easements for creeks and other watercourses shall be  
24 provided and shall extend 15 feet in each direction from the waterway centerline, ten feet  
25 from the top of a recognizable bank, or sufficient width to pass 10-year flood flows or to  
26 accommodate the 100 year floodway on a FEMA regulated stream, whichever is greater,  
27 except that this provision shall not apply to the Willamette River. Such easements shall  
28 be of a width sufficient to allow both initial improvements and future maintenance

1 operations. Larger widths may be required by the Planning Administrator.

2 (c) The easements required by this section shall be restricted, in scope of activity  
3 permitted thereunder, be restricted to the minimum necessary to accomplish the purpose  
4 of the easement. Easements for utility mains or lines or creek maintenance shall be held  
5 to prohibit the placement of any building on or over the easement, but shall not preclude  
6 landscaping, and shall be held to require restoration of the site following any excavation  
7 or other disturbance permitted by the easement.

8 **Section 6.** SRC 63.235 is amended to read:

9 **63.235. STREET RIGHT-OF-WAY AND PAVEMENT WIDTHS.**

10 (a) Except as otherwise required in this chapter, the street right-of-way in or along the  
11 boundary of a subdivision, partition, or parcel for which a building permit is being  
12 requested under SRC 56.115 and SRC 77.150 shall have up to one-half the following  
13 minimum widths, as determined by the Planning Administrator:

14 (1) Parkway - As specified in the Salem Transportation System Plan adopted  
15 under SRC 64.230.

16 (2) Major Arterial - As specified in the Salem Transportation System Plan  
17 adopted under SRC 64.230.

18 (3) Minor Arterial - As specified in the Salem Transportation System Plan  
19 adopted under SRC 64.230.

20 (4) Collector - As specified in the Salem Transportation System Plan adopted  
21 under SRC 64.230.

22 (5) Local street - 60 feet.

23 (6) Cul-de-sac - 50 feet at stem and 45-foot radius at turnaround.

24 (b) Within the right-of-way specified in subsection (a) of this section, streets shall have  
25 the following improved (curb-to-curb) width:

26 (1) Arterial and collector streets ~~±~~: As specified by the Director of Public Works.

27 (2) Local streets - 30 feet with parking on both sides.

28 (3) Cul-de-sac turnaround - 38 foot radius.



1 (c) The Planning Administrator may require dedication and improvement of all internal  
2 streets in the subdivision or partition to the standards identified in this section.

3 (d) The Planning Administrator may require additional right-of-way, easements, and  
4 improvements to accommodate the design and construction of street improvement projects  
5 due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical  
6 constraints.

7 (e) The Planning Administrator may require additional right-of-way and roadway  
8 improvements at the intersections of arterial and collector streets. Intersections and access  
9 points for high traffic generators such as shopping centers, schools, major recreational  
10 sites, office complexes, etc., may require additional intersection right-of-way and  
11 improvements. The dimensional requirements of all intersections shall be determined by  
12 the ~~department~~ Director of Public Works.

13 (f) The Planning Administrator may designate where the street standards may be reduced  
14 to accommodate projects affected by existing development or physical constraints.

15 (1) For arterial or collector streets, the reduced street standards shall be as  
16 determined by the Director of Public Works.

17 (2) For local streets, the street standards may be reduced to a 50-foot right-of-way  
18 with a 30-foot pavement width and 4-foot sidewalks; if the proposed street is a  
19 cul-de-sac, the existing cross slope is 8 percent or greater, or ~~the street is within~~  
20 ~~an infill development and~~ the standard right-of-way would result in lot depths of  
21 80 feet or less. For greater reductions, or for other situations affecting the local  
22 street right-of-way width, reduced standards may be approved by the Planning  
23 Administrator following review and recommendation by the Director of Public  
24 Works.

25 (g) Streets identified in the Salem Transportation System Plan Bicycle System Map as  
26 requiring a bicycle facility must meet the designation of the Salem Transportation System  
27 Plan and the City of Salem Public Works Street Design Standards.

28 (h) Unless the Planning Administrator requires otherwise, for local streets there shall be

1 a standard 10 foot public utility easement each side of the right-of-way. Variations of the  
2 easement requirements may be determined by the Director of Public Works.

3 (i) Sidewalks within 400 feet of and providing direct access to a school, shall be a  
4 minimum of 8 feet. All other standard sidewalks will be a minimum of 5 feet.

5 (j) Sidewalks shall have an unobstructed four-foot width around signs, mailboxes, etc.

6 (k) Landscape strips for signs, street lights, and shade trees shall be provided in the cross  
7 section and contained within the right-of-way specified in subsection (a) of this section.

8 (1) For standard local street cross-sections, the landscape strips shall be located  
9 on both sides of the street between the curb and sidewalk and be a minimum of 9.5  
10 feet wide.

11 (2) For reduced local street cross-sections, the sidewalk width shall be reduced  
12 to 4 feet and located on the property line, unless site conditions dictate otherwise.  
13 The landscape strips shall be located on both sides of the street between the curb  
14 and sidewalk and be a minimum of 5.5 feet wide.

15 (3) For arterials and collectors the landscape strips shall be as designated in the  
16 Salem Transportation System Plan.

17 **Section 7.** SRC 63.285 is amended to read:

18 **63.285. FLAG LOTS IN PARTITIONINGS.** ~~(a) Within partitionings, and in addition to any~~  
19 ~~applicable, the Planning Administrator may waive or relax any of the lot development standards~~  
20 ~~set forth in SRC 63.145, the following lot standards shall apply, to not less than the minimums~~  
21 ~~specified in this section.~~

22 ~~(a) Lot Dimensions. The dimensional requirements for residential flag lots are not based~~  
23 ~~on the standard "width" and "depth" requirements. Flag lots shall have two dimensional~~  
24 ~~requirements, each perpendicular to the other and generally running parallel to the parcel~~  
25 ~~boundaries, and excluding any accessway. The average length across one dimension of~~  
26 ~~the parcel shall be no less than 40 feet. The average length across the perpendicular~~  
27 ~~dimension of the parcel shall be no less than 70 feet.~~

28 ~~(a) Width. As prescribed in SRC 63.145(a), not including the accessway.~~

1           (b) ~~Depth.~~ The lot depth shall be not less than 28 feet plus the depth of required yards  
2           in the zoning district in which the property is located. ~~The depth of the accessway shall~~  
3           ~~not be included in computing the total yard depth.~~

4           **(cb) Area.** As prescribed in SRC 63.145(c), ~~not including~~ excluding the accessway,  
5           except that in the RA and RS zone district, the minimum parcel area for any infill lot  
6           shall be 5,500 square feet, exclusive of the accessway to the parcel. ~~here more than 50~~  
7           ~~percent, by number, of lots of record, any portion of which lie within 300 feet of the~~  
8           ~~proposed flag lot, are of such a size that they cannot be partitioned into smaller lots, the~~  
9           ~~proposed flag lot shall have an area, exclusive of the accessway, of not less than 90~~  
10          ~~percent of the average lot size of such surrounding irreducible lots, but in no event less~~  
11          ~~than the area prescribed in the first clause of this subsection.~~

12          ~~(d) Yards and Setbacks.~~ The lot line, exclusive of lot lines defining an accessway, which  
13          is nearest the street to which the flag lot has access shall be deemed the front lot line for  
14          purposes of determining required yards and building setbacks unless different building  
15          setback lines are established pursuant to SRC 63.145(k).

16          **(ec) Accessways.** The portion of the lot or easement providing access to a street

17                ~~(1) Accessways~~ shall be created and developed to not more or less than the  
18                standards shown in Table 63-1. Reciprocal and irrevocable access rights for all  
19                parcels using the accessway shall be included on the final map and deeds for the  
20                individual parcels. The property address shall be posted at the intersection of the  
21                accessway and the street as provided in SRC 84.050.

22                ~~(2) Additional design standards for access management on collectors, arterials,~~  
23                ~~and parkways may require shared access points along such streets under the~~  
24                ~~direction of the Director of Public Works.~~

25 **Section 8.** SRC 63.295 is amended to read:

26                **63.295.FLAG LOTS IN SUBDIVISIONS.**

27                **(a)** Within subdivisions, the Planning Administrator may waive or relax any of the lot  
28                development standards set forth in SRC 63.145 to not less than the minimums specified

1 in this section for up to 15 percent of the lots in the subdivision, any fraction of a lot of  
 2 1/2 or more counting as a full allowable lot in such computation, any lesser fraction not  
 3 being counted.

4 (a) ~~Width. As prescribed in SRC 63.145(a), not including the accessway.~~

5 (b) ~~Depth. As prescribed in SRC 63.145(b), not including the accessway.~~

6 **(b) Lot Dimensions.** The dimensional requirements for residential flag lots are not based  
 7 on the standard "width" and "depth" requirements. Flag lots shall have two dimensional  
 8 requirements, each perpendicular to the other and generally running parallel to the lot  
 9 boundaries, and excluding any accessway. The average length across one dimension of  
 10 the lot shall be no less than 40 feet. The average length across the perpendicular  
 11 dimension of the lot shall be no less than 70 feet.

12 (c) **Area.** As prescribed in SRC 63.145(c), not including the accessway.

13 (d) ~~Yards and Setbacks. As prescribed in SRC 63.285(d).~~

14 **(ed) Accessways.** ~~The portion of the lot or easement providing access to a~~  
 15 ~~street~~ Accessways shall be created and developed to not more or less than the standards  
 16 shown in Table 63-1. Reciprocal and irrevocable access rights for all parcels using the  
 17 accessway shall be included on the final map and deeds for the individual parcels. The  
 18 property address shall be posted at the intersection of the accessway and the street as  
 19 provided in SRC 84.050.

20 **Section 9.** SRC Chapter 63, Table 63-1, is amended to read:

21  
 22 **TABLE 63-1 - FLAG LOT ACCESSWAY STANDARDS**

| No. of lots served by single accessway  | Maximum Length                   | Prescribed Total Width* | Paved Width*          | Parking     | Turnaround  |
|---|----------------------------------|-------------------------|-----------------------|-------------|---|
| 1-2 lots (residentially-zoned property) | 150 feet <sup>1,4</sup>          | 20 feet <sup>±2</sup>   | 15 feet <sup>±2</sup> | Not Allowed | To public works department specifications Not Required <sup>3</sup> |
| 3-4 lots (residentially-zoned property) | no maximum 400 feet <sup>4</sup> | 25 feet <sup>±2</sup>   | 20 feet <sup>±2</sup> | Not Allowed | To public works department specifications                           |

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Accessways  
over 150 feet  
in length<sup>1</sup> shall  
have an approved  
turnaround<sup>5</sup>  
  
To public works  
department  
specifications  
Accessways  
over 150 feet  
in length<sup>1</sup> shall  
have an approved  
turnaround<sup>5</sup>

~~\*All standards are both minimum and maximum.~~

1-4 lots  
(commercial and  
industrial zoned  
property)

~~no maximum~~ 22  
400 feet<sup>4</sup> 25 feet<sup>+2</sup> 22  
20 feet<sup>+2</sup>

Not Allowed

~~\*All standards are minimums~~

<sup>1</sup> Fire code requires that a fire apparatus shall have unobstructed access to within 150 of any facility, building or portion of a building, unless the building is equipped with an approved automatic fire sprinkler system, or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshall or designee.

<sup>2</sup> This is a minimum standard.

<sup>3</sup> If the accessway length exceeds 150 feet as a result of an adjustment or variance, the turnaround standards for 3-4 residential lots shall apply.

<sup>4</sup> This standard does not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Director of Public Works or designee.

<sup>5</sup> All turnarounds shall be designed and constructed pursuant to the Department of Public Works Design Standards.

**Section 10.** SRC 145.070 is amended to read:

**145.070. LOT AREA AND DIMENSIONS.** Within an RA district:

(a) **Lot area.** The minimum lot area requirement for single family dwellings is 4,000 square feet exclusive of any accessway, except for infill lots, in which the minimum lot area shall be 5,500 square feet excluding any area used as an accessway. All nonresidential uses shall occupy lots of 6,000 square feet or more except those uses specified in SRC 145.020(b) and SRC 145.020(f) or as otherwise specifically provided in this zoning code. Duplexes, where allowed under SRC 145.020(b), shall be on a lot with a minimum of 7,000 square feet.

(b) **Lot dimension, single family dwellings and duplexes.** Each single family dwelling and duplexes shall be located on a lot having a minimum width of 40 feet and an average lot depth between the front and rear lot lines of not less than 70 feet and not more than 300 percent of the average width between the side lot lines. For flag lots, the dimensional requirements are tied to two perpendicular directions, running generally parallel to the lot

1 or parcel boundaries, one having an average length across the lot or parcel of 40 feet and  
2 the other having an average length across the lot or parcel of 70 feet. In all cases,  
3 minimum lot area requirements shall also be met.

4 (c) **Lot dimension, nonresidential uses.** The minimum lot depth requirement for  
5 nonresidential uses is 80 feet, and the minimum lot width requirement is 60 feet,  
6 providing the minimum lot area is met.

7 (d) See SRC 130.260 for street frontage requirements.

8 **Section 11.** SRC 145.080 is amended to read:

9 **145.080. FRONT YARDS AND YARDS ADJACENT TO STREETS.** Within an RA district:

10 (a) Along the full extent of each front lot line and lot line adjacent to a street, there shall  
11 be a minimum required yard 12 feet in depth.

12 (b) Within 20 feet from the street right-of-way no more than two adjacent lots shall have  
13 the same setback line from the right-of-way for the main building. The setbacks for main  
14 buildings shall vary at least four feet in depth between adjacent lots. A single family  
15 dwelling having a side yard adjacent to a street shall not be considered as affecting or  
16 affected by setbacks of adjacent buildings under this subsection.

17 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, there shall  
18 be a minimum required yard of 20 feet from the right-of-way of a designated parkway,  
19 arterial or collector street.

20 (d) Setbacks for accessory structures shall meet the requirements of SRC 131.040.

21 (e) Zero side yard development shall meet the requirements of SRC 119.650.

22 (f) ~~Notwithstanding any other provisions of this section, garages or carports having a~~  
23 ~~vehicle entrance facing a street shall be set back at least 20 feet from the furthest from the~~  
24 ~~street or private driveway of the following lines:~~

25 ~~(1) The right-of-way line or easement line;~~

26 ~~(2) The outside curbline; or~~

27 ~~(3) The edge of the sidewalk furthest from the street.~~

28 (g) Along the full extent of each front lot line not adjacent to a street, such as a flag lot

1 or along a private drive, there shall be a minimum required yard 12 feet in depth measured  
2 from the most interior of the following lines:

3 (1) The property line; or

4 (2) The most interior access easement line, if an access easement exists.

5 **Section 12.** SRC 145.090 is amended to read:

6 **145.090. INTERIOR SIDE YARDS.** Within an RA district:

7 (a) Each lot occupied by an existing single family dwelling and having an interior side  
8 lot line shall have a minimum required side yard three feet in depth along that side lot line  
9 between the yards required under SRC 145.080 and 145.100.

10 (b) Each lot having an interior side lot line shall have a minimum required side yard of:

11 (1) Five feet for a building or structure not more than 15-35 feet in height; and

12 (2) For buildings or structures exceeding 35 feet in height the minimum required  
13 interior side yard shall be five feet plus one foot for each one foot of additional  
14 height or fraction thereof, but need not exceed 20 feet in depth.

15 (c) All side yard setbacks shall be measured from the property line or the most interior  
16 access easement line, whichever is most interior to the lot or parcel.

17 (cd) Setbacks for accessory structures shall meet the requirements of SRC 131.050.

18 (de) Zero side yard development shall meet the requirements of SRC 119.550.

19 (ef) Notwithstanding any other provisions of this section, along the full extent of each  
20 side lot line adjacent to a street, there shall be a required yard 12 feet in depth. A duplex  
21 located on a corner lot with each unit facing a different street may, at the option of the  
22 developer, designate the required side yard.

23 **Section 13.** The following is added to and made a part of the SRC Chapter 145, as:

24 **145.105. INFILL LOT SIDE YARDS.**

25 (a) All infill lots, as defined in SRC Chapter 63, shall have a minimum required side yard  
26 of 10 feet for all buildings or structures not more than 35 feet in height, when such yard  
27 abuts a lot or parcel that is zoned RA or RS.

28 (b) For buildings or structures exceeding 35 feet in height, where the interior side yard

1 abuts an RA or RS zoning district, the minimum required interior side yard shall be ten  
2 feet plus one foot for each one foot of additional height or fraction thereof, but need not  
3 exceed 20 feet in depth.

4 (c) For required side yards abutting a zoning district other than RA or RS, the minimum  
5 required side yard shall be 5 feet for a building or structure not more than 35 feet in  
6 height.

7 (d) For buildings or structures exceeding 35 feet in height, where the interior side yard  
8 abuts a zoning district other than RA or RS, the minimum required interior side yard shall  
9 be five feet plus one foot for each one foot of additional height or fraction thereof, but  
10 need not exceed 20 feet in depth.

11 (e) All setbacks shall be measured from the property line or most interior access easement  
12 line, whichever is most interior to the lot or parcel.

13 (f) Setbacks for an accessory structure or a garage or carport not exceeding 15 feet in  
14 height, shall meet the requirements of SRC 131.060, including a side yard setback of five  
15 feet.

16 **Section 14.** SRC 145.120 is amended to read:

17 **145.120. DRIVEWAYS FOR DWELLINGS.** ~~Between the line specified in 145.130(c) and the~~  
18 ~~required garage or carport, a~~ Driveways serving the garages or carport for each dwellings shall  
19 ~~have a minimum paved area of nine feet by twenty feet and available for the parking of a vehicle;~~  
20 ~~within 20 feet of the line specified in subsection (f) of SRC 145.080, contain no area where a~~  
21 ~~paved rectangle at least seven and one-half feet by twenty feet is not available for the parking of~~  
22 ~~a vehicle.~~

23 **Section 15.** The following is added to and made a part of the SRC Chapter 145, as:

24 **145.130. GARAGES AND SETBACKS.**

25 (a) ~~Except as otherwise provided in SRC 119.710, "Manufactured Homes on Individual~~  
26 ~~Lots," each dwelling constructed after February 8, 2006 within an RA district shall have,~~  
27 ~~at the time of original construction, a garage that is constructed of like materials and color~~  
28 ~~as the dwelling, and that may be attached to or detached from the dwelling. Nothing in~~



1 the section shall be construed to prevent the removal or conversion of a garage, so long  
2 as the minimum number of on-site parking spaces is provided.

3 (b) Exception to this standard may be made if, at the time of building permit review, the  
4 applicant can show that the construction of the dwelling is being provided by a not-for-  
5 profit organization and that the dwelling is affordable to families at or below the city's  
6 sixty percent median income level as defined by the US Department of Housing and  
7 Urban Development. Such exemption shall only be made for those dwellings built on lots  
8 created through the subdivision process. Provision shall be made for a minimum of 480  
9 cubic feet of on-site storage in a portion of the dwelling unit or in a detached accessory  
10 structure.

11 (c) Notwithstanding any other provisions of this chapter, garages for single family  
12 dwellings, or garages or carports for manufactured homes on individual lots, having a  
13 vehicle entrance facing a street or accessway shall be set back at least 20 feet from one of  
14 the following lines, whichever is closest to the proposed entrance of the garage or carport:

- 15 (1) The right-of-way line, property line abutting an accessway, or most interior  
16 access easement line;
- 17 (2) The outside curbline; or
- 18 (3) The edge of the sidewalk furthest from the street.

19 **Section 16.** SRC 146.070 is amended to read:

20 **146.070. LOT AREA AND DIMENSIONS.** Within an RS district:

21 (a) **Lot area.** The minimum lot area requirement for single family dwellings is 4,000  
22 square feet, exclusive of any accessway, EXCEPT for infill, in which the minimum lot  
23 area shall be 5,500 square feet excluding any area used as an accessway. All  
24 nonresidential uses shall occupy lots of 6,000 square feet or more except those uses  
25 specified in SRC 146.020(b) and SRC 146.020(g) or as otherwise specifically provided  
26 in this zoning code. Duplexes, where allowed under SRC 146.020(b), shall be on a lot  
27 with a minimum of 7,000 square feet.

28 (b) **Lot dimensions, single family dwellings and duplexes.** Each single family dwelling

1 shall be located on a lot having a minimum width of 40 feet and an average lot depth  
2 between the front and rear lot lines of not less than 70 feet and not more than 300 percent  
3 of the average width between the side lot lines. For flag lots, the dimensional  
4 requirements are tied to two perpendicular directions, running generally parallel to the lot  
5 or parcel boundaries, one having an average length across the lot or parcel of 40 feet and  
6 the other having an average length across the lot or parcel of 70 feet. In all cases,  
7 minimum lot area requirements shall also be met.

8 (c) **Lot dimension, nonresidential uses.** The minimum lot depth requirement for  
9 nonresidential uses is 80 feet, and the minimum lot width requirement is 40 feet,  
10 providing the minimum lot area is met.

11 (d) See SRC 130.260 for street frontage requirements.

12 **Section 17.** SRC 146.080 is amended to read:

13 **146.080. FRONT YARDS AND YARDS ADJACENT TO STREETS.** Within an RS district:

14 (a) Along the full extent of each front lot line and lot line adjacent to a street, there shall  
15 be a minimum required yard 12 feet in depth.

16 (b) Within 20 feet from the street right-of-way no more than two adjacent lots shall have  
17 the same setback line from the right-of-way for the main building. The setbacks for main  
18 buildings shall vary at least four feet in depth between adjacent lots. A single family  
19 dwelling having a side yard adjacent to a street shall not be considered as affecting or  
20 affected by setbacks of adjacent buildings under this subsection.

21 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, there shall  
22 be a minimum required yard of 20 feet from the right-of-way of a designated parkway,  
23 arterial or collector street.

24 (d) Setbacks for accessory structures shall be subject to the requirements of SRC 131.040.

25 (e) Zero side yard development shall meet the requirements of SRC 119.550.

26 ~~(f) Notwithstanding any other provisions of this section, garages or carports having a~~  
27 ~~vehicle entrance facing a street shall be set back at least 20 feet from the furthest from the~~  
28 ~~street of the following lines:~~

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- ~~(1) The right-of-way line or easement line;~~
- ~~(2) The outside curbline; or~~
- ~~(3) The edge of the sidewalk furthest from the street.~~

**(gf)** Along the full extent of each front lot line not adjacent to a street, such as a flag lot or along a private drive, there shall be a minimum required yard 12 feet in depth measured from the most interior of the following lines:

- (1)** The property line; or
- (2)** The most interior access easement line, if an access easement exists.

**Section 18.** SRC 146.090 is amended to read:

**146.090. INTERIOR SIDE YARDS.** Within an RS district:

**(a)** Each lot occupied by a single family dwelling and having an interior side lot line shall have a minimum required side yard three feet in depth along that side lot line between the yards required under SRC 146.080 and 146.100.

**(b)** Each lot having an interior side lot line shall have a minimum required side yard of:

- (1)** Five feet for a building or structure not more than 35 feet in height; and
- (2)** For buildings or structures exceeding 35 feet in height the minimum required interior side yard shall be five feet plus one foot for each one foot of additional height or fraction thereof, but need not exceed 20 feet in depth.

~~**(c)** All side yard setbacks shall be measured from the property line or the most interior access easement line, whichever is most interior to the lot or parcel.~~

**(cd)** Setbacks for accessory structures shall meet the requirements of SRC 131.050.

**(de)** Zero side yard development shall meet the requirements of SRC 119.550.

**(ef)** Notwithstanding any other provisions of this section, along the full extent of each side lot line adjacent to a street, there shall be a required yard 12 feet in depth. A duplex located on a corner lot with each unit facing a different street may, at the option of the developer, designate the required side yard.

**Section 19.** The following is added to and made a part of the Salem Revised Code, Title X, Chapter 146, as:

1  
2 **146.105. INFILL LOT SIDE YARDS.**

3 (a) All infill lots, as defined in SRC Chapter 63, shall have a minimum required side yard  
4 of 10 feet for all buildings or structures not more than 35 feet in height, when such yard  
5 abuts a lot or parcel that is zoned RA or RS.

6 (b) For buildings or structures exceeding 35 feet in height, where the interior side yard  
7 abuts an RA or RS zoning district, the minimum required interior side yard shall be ten  
8 feet plus one foot for each one foot of additional height or fraction thereof, but need not  
9 exceed 20 feet in depth.

10 (c) For required side yards abutting a zoning district other than RA or RS, the minimum  
11 required side yard shall be 5 feet for a building or structure not more than 35 feet in  
12 height.

13 (d) For buildings or structures exceeding 35 feet in height, where the interior side yard  
14 abuts a zoning district other than RA or RS, the minimum required interior side yard shall  
15 be five feet plus one foot for each one foot of additional height or fraction thereof, but  
16 need not exceed 20 feet in depth.

17 (e) All setbacks shall be measured from the property line or most interior access easement  
18 line, whichever is most interior to the lot or parcel.

19 (f) Setbacks for an accessory structure or a garage or carport not exceeding 15 feet in  
20 height, shall meet the requirements of SRC 131.060, including a side yard setback of five  
21 feet.

22 **Section 20.** SRC 146.120 is amended to read:

23 **146.120. DRIVEWAYS FOR DWELLINGS.** Between the line specified in SRC 146.130(c)  
24 and the required garage or carport, a driveways serving the garages or carport for each dwellings  
25 shall be a minimum paved area of nine feet by twenty feet and available for the parking of a  
26 vehicle, within 20 feet of the line specified in subsection (f) of SRC 146.080, contain no area  
27 where a paved rectangle at least seven and one-half feet by twenty feet is not available for the  
28 parking of a vehicle.

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2 **Section 21.** The following is added to and made a part of the Salem Revised Code, Title X, Chapter 146,  
3 as:

4 **146.130. GARAGES AND SETBACKS.**

5 (a) Except as otherwise provided in SRC 119.710, "Manufactured Homes on Individual  
6 Lots," each dwelling constructed after February 8, 2006 within an RS district shall have,  
7 at the time of original construction, a garage that is constructed of like materials and color  
8 as the dwelling, and that may be attached to or detached from the dwelling. Nothing in  
9 the section shall be construed to prevent the removal or conversion of a garage, so long  
10 as the minimum number of on-site parking spaces is provided.

11 (b) Exception to this standard may be made if, at the time of building permit review, the  
12 applicant can show that the construction of the dwelling is being provided by a not-for-  
13 profit organization and that the dwelling is affordable to families at or below the city's  
14 sixty percent median income level as defined by the US Department of Housing and  
15 Urban Development. Such exemption shall only be made for those dwellings built on lots  
16 created through the subdivision process. Provision shall be made for a minimum of 480  
17 cubic feet of on-site storage in a portion of the dwelling unit or in a detached accessory  
18 structure.

19 (c) Notwithstanding any other provisions of this chapter, garages for single family  
20 dwellings, or garages or carports for manufactured homes on individual lots, having a  
21 vehicle entrance facing a street or accessway shall be set back at least 20 feet from one of  
22 the following lines, whichever is closest to the proposed entrance of the garage or carport:

- 23 (1) The right-of-way line, property line abutting an accessway, or most interior  
24 access easement line;
- 25 (2) The outside curbline; or
- 26 (3) The edge of the sidewalk furthest from the street.

27 **Section 22. Severability.** Each section of this ordinance, and any part thereof, is severable, and if any  
28 part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance

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shall remain in full force and effect.

**Section 23. Applicability.** The provisions of this ordinance shall apply only to development applications submitted on or after February 8, 2006.

PASSED by the Council this 9th day of January, 2006.

ATTEST:

*Nathaniel Hall*  
City Recorder

Approved by City Attorney: *[Signature]*

Checked By: *L. Van de Water (eeh)*

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