



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

04/28/2014

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 011-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, May 13, 2014

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

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

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

Cc: Bryce Bishop, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 011-13 (19996)
[17856]
Received: 04/22/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: **CA13-09**

Date of adoption: 04/14/14 Date sent: 4/21/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 09/04/13

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

The Planning Commission recommended the City Council revise the ordinance to allow Governmental Services as a permitted Use in the Industrial Business Campus (IBC) zone. The City Council made additional revisions to the ordinance before adopting Engrossed Ordinance 31-13 on April 14, 2014.

Local contact (name and title): Bryce Bishop, Planner II

Phone: 503-540-2399 E-mail: bbishop@cityofsalem.net

Street address: 555 Liberty Street SE, Room 305 City: Salem Zip: 97301

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Engrossed Ordinance 31-13 adopts the remaining chapters of the City's Unified Development Code (UDC). The purpose of the UDC is to reorganize and streamline the City's existing zoning and development codes. Page one of the ordinance identifies those sections of code that have been amended, renumbered, and/or repealed. The table of contents for the UDC, which is attached, identifies the new chapters that have been added to the code and the corresponding old chapters that have been replaced.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

- Planning Commission Staff Report dated: November 5, 2013
- Planning Commission Notice of Recommendation dated: November 8, 2013
- City Council Staff Reports dated: December 9, 2013 and March 24, 2014
- UDC Table of Contents



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

April 21, 2014

NOTICE OF FINAL DECISION:

Engrossed Ordinance No. 31-13 (Adopting Remaining Chapters of UDC)

Relating to Land Use; Creating New Provisions; Amending Salem Revised Code (SRC) Section 41.150, 41.160, 41.190, 50.255, 50.260, 65.020, 65.070, 65.160, 72.086, 73.260, 75.020, 75.160, 76.040, 77.160, 77.120, 78.040, 78.180, 79.020, 79.040, 86.015, 86.110, 102.040, 215.005, 215.010, 215.015, 215.025, 215.035, 215.040, 215.045, 215.050, 215.055, 220.005, 220.010, 225.005, 225.010, 230.085, 240.005, 240.010, 245.005, 250.005, 255.005, 255.010, 255.050, 255.065, 260.085, 265.005, 265.010, 265.015, 265.020, 270.005, 270.015, 270.020, 300.010, 300.020, 300.100, 300.120, 300.210, 300.300, 300.410, 300.420, 300.500, 300.510, 300.520, 300.600, 300.610, 300.620, 300.710, 300.940, 300.990, 300.1110, 900.200, 900.210, 900.235; Renumbering and Amending SRC 66.010, 66.020, 66.030, 66.050, 66.080, 66.082, 66.090, 66.100, 66.110, 66.115, 66.120, 66.125, 66.135, 66.140, 66.160, 66.170, 66.300, 66.330, 66.350, 66.370, 66.450, 66.500, 66.505, 66.525, 66.560, 66.565, 66.590, 66.595, 66.605, 66.610, 82.070, 300.830, 300.850, 300.860, 300.870; Renumbering SRC 66.035, 66.195, 66.310, 66.320, 66.340, 66.360, 66.380, 66.390, 66.400, 66.410, 66.420, 66.430, 66.440, 66.510, 66.515, 66.520, 66.530, 66.535, 66.540, 66.545, 66.550, 66.555, 66.570, 66.575, 66.580, 66.585, 66.600, 300.810, 300.820, 300.840, and 300.880; and Repealing SRC Chapters 63, 68, 69, 80, 110, 111, 113, 116, 118, 119, 121, 122, 123, 124, 125, 126, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 143A, 143B, 143C, 143D, 143E, 143F, 143G, 143H, 143I, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162; SRC 66.060; SRC 66.070; SRC 66.145; SRC 66.200; SRC 76.170, FIGURE 76A; SRC 77.150; SRC 230.101; SRC 300.240; SRC 300.800; and that certain document entitled "The City of Salem Development Design Handbook"

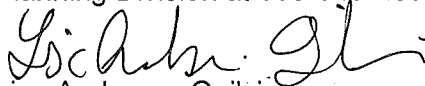
YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Engrossed Ordinance No. 31-13 on April 14, 2014. Engrossed Ordinance No. 31-13 amends the Salem Revised Code by adopting the remaining chapters of the Unified Development Code (UDC). The engrossed ordinance is available online at:

<http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/Engrossed-Ordinance-31-13.pdf>

If you would like to a hard copy, please contact Bryce Bishop, Case Manager, as noted below.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after April 21, 2014**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, and adopted modifications, is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301, during normal business hours. If you have further questions, you may contact the Case Manager, Bryce Bishop, at the City of Salem Planning Division at 503-540-2399 or bbishop@cityofsalem.net.


Lisa Anderson-Ogilvie,
AIC Urban Planning Administrator

Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173

1 **ENGROSSED**

ORDINANCE BILL NO. 31-13

2 AN ORDINANCE RELATING TO LAND USE; CREATING NEW PROVISIONS;
3 AMENDING SRC 41.150, 41.160, 41.190, 50.255, 50.260, 65.020, 65.070, 65.160, 72.086,
4 73.260, 75.020, 75.160, 76.040, 77.160, 77.120, 78.040, 78.180, 79.020, 79.040, 86.015, 86.110,
5 102.040, 215.005, 215.010, 215.015, 215.025, 215.035, 215.040, 215.045, 215.050, 215.055,
6 220.005, 220.010, 225.005, 225.010, 230.085, 240.005, 240.010, 245.005, 250.005, 255.005,
7 255.010, 255.050, 255.065, 260.085, 265.005, 265.010, 265.015, 265.020, 270.005, 270.015,
8 270.020, 300.010, 300.020, 300.100, 300.120, 300.210, 300.300, 300.410, 300.420, 300.500,
9 300.510, 300.520, 300.600, 300.610, 300.620, 300.710, 300.940, 300.990, 300.1110, 900.200,
10 900.210. 900.235; RENUMBERING AND AMENDING SRC 66.010, 66.020, 66.030, 66.050,
11 66.080, 66.082, 66.090, 66.100, 66.110, 66.115, 66.120, 66.125, 66.135, 66.140, 66. 160, 66.170,
12 66.300, 66.330, 66.350, 66.370, 66.450, 66.500, 66.505, 66.525, 66.560, 66.565, 66.590, 66.595,
13 66.605, 66.610, 82.070, 300.830, 300.850, 300.860, 300.870; RENUMBERING SRC 66.035,
14 66.195, 66.310, 66.320, 66.340, 66.360, 66.380, 66.390, 66.400, 66.410, 66.420, 66.430, 66.440,
15 66.510, 66.515, 66.520, 66.530, 66.535, 66.540, 66.545, 66.550, 66.555, 66.570 , 66.575, 66.580,
16 66.585, 66.600, ~~82.070~~, 300.810, 300.820, 300.840, AND 300.880; AND REPEALING SRC
17 CHAPTERS 63, 68, 69, 80, 110, 111, 113, 116, 118, 119, 121, 122, 123, 124, 125, 126, 130,
18 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 143A, 143B, 143C, 143D,
19 143E, 143F, 143G, 143H, 143I, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156,
20 157, 158, 159, 160, 161, 162; SRC 66.060; SRC 66.070; SRC 66.145; SRC 66.200; SRC 76.170,
21 FIGURE 76A; SRC 77.150; SRC 230.101; SRC 300.240; SRC 300.800; AND THAT CERTAIN
22 DOCUMENT ENTITLED "THE CITY OF SALEM DEVELOPMENT DESIGN
23 HANDBOOK";

24 *The City of Salem ordains as follows:*

25 **Section 1. Findings.** The Facts and Findings that are contained in the staff report that is
26 attached hereto as "Exhibit A," and incorporated herein by reference, are hereby adopted as
27 findings.

28 **Section 2.** The following SRC Chapter 110 is added to the Salem Revised Code:

29 **110.001. Title.** Chapters 110 through 900 of the Salem Revised Code shall be known as the
30 "Unified Development Code" or "UDC." Unless the context otherwise specifically requires,

1 references to “the code” in the Unified Development Code are references to other titles in the
2 Salem Revised Code.

3 **110.005. Authority.** The City of Salem Charter confers upon the City Council the authority to
4 adopt all forms of regulations for the public health, safety and welfare, including those related to
5 land use. Oregon Revised Statutes, including Chapters 92, 197, and 227, also provide authority
6 for the adoption of regulations related to land use.

7 **110.010. Purpose.** The purpose of the Unified Development Code is to implement the Salem
8 Area Comprehensive Plan through a comprehensive land use and development code governing
9 all land within the corporate limits of the City and establishing regulations to:

- 10 (a) Promote and protect the health, safety, and general welfare of the public;
- 11 (b) Provide for the orderly growth and development of the City;
- 12 (c) Ensure an appropriate mix of land uses to provide for the economic and social
13 benefits which result from the orderly, planned use of land;
- 14 (d) Ensure the provision of adequate public facilities and services;
- 15 (e) Allow for adequate open space;
- 16 (f) Protect property from risks and dangers;
- 17 (g) Preserve and restore historic resources; and
- 18 (h) Preserve and enhance environmental resources, the natural scenic beauty of the
19 area, and aesthetic qualities of the community.

20 **110.015. Organization.** The UDC is organized under the following major sections:

- 21 (a) **General Administration (Division 100).** The “General Administration” chapters
22 govern the overall administration and enforcement of the UDC and establish definitions
23 for selected terms and methods of measurement under the UDC.
- 24 (b) **Land Use and Development Review (Division 200).** The “Land Use and
25 Development Review” chapters govern the various types of land use and development
26 review applications under the UDC. These chapters identify the specific submittal
27 requirements, the applicable review procedure types, and the approval criteria for such
28 applications.
- 29 (c) **Procedures (Division 300).** The “Procedures” chapter governs the applicable
30 procedures for the review and processing of land use and development review

1 applications, and legislative land use proceedings, under the UDC. The chapter
2 establishes general submittal requirements, specific procedure types for the processing
3 of land use and development review applications, and requirements for public notice,
4 hearings, and appeals.

5 **(d) Use Classifications (Division 400).** The “Use Classifications” chapter governs the
6 classification of land uses under the UDC. The chapter establishes general categories
7 of land uses. Uses falling within these categories are defined by their functional
8 characteristics. Examples of activities which meet those characteristics are provided.
9 The land uses in Chapter 400 form the basis for identifying uses allowed in the City’s
10 zones and overlay zones.

11 **(e) Zones (Division 500).** The “Zone” chapters establish the City’s different zones.
12 These chapters identify the land uses that are allowed within each zone, and also
13 establish development standards (e. g., lot standards, setbacks, and height) applicable
14 within each zone. The City’s zones are shown on the City’s official zoning map. Zones
15 are intended reserve land for planned land uses, provide compatibility between different
16 uses, and implement planned housing densities.

17 **(f) Overlay Zones (Division 600).** The “Overlay Zones” chapters establish the City’s
18 different overlay zones. These chapters establish additional regulations beyond those
19 of the base zone in order fulfill specific community objectives within identified areas of
20 the City. Overlay zones are shown on the City’s official zoning map. Overlay zone
21 standards apply in addition to the standards of the base zone, or, in some cases, may
22 supersede them.

23 **(g) Special Requirements (Division 700).** The “Special Requirements” chapters
24 establish special standards that apply to specific uses in some or all zones where those
25 uses are allowed. The standards in these chapters apply in addition to the standards of
26 the zones, or, in some cases, may supersede them.

27 **(h) Development Standards (Division 800).** The “Development Standards” chapters
28 establish standards generally applicable to development throughout the City, including,
29 but not limited to, standards for City utilities, streets, driveways and driveway
30 approaches, off-street parking and loading, landscaping, tree preservation, and sensitive

lands. These standards are used in preparing development plans and reviewing development applications.

(i) **Sign Code (Division 900).** The “Sign Code” chapter establishes the regulations applicable to all signage in the UDC. The chapter establishes the types of signs allowed within the City’s zones and overlay zones and their applicable development standards.

110.020. Zones and Overlay Zones, Generally. Land in the City is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height, and other development standards. Property may also be subject to an overlay zone. An overlay zone establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone.

110.025. Zones.

(a) **Zones.** The zones applicable to land within the City are listed in Table 110-1:

TABLE 110-1

ZONES

Table 110-1: Zones			
Broad Zone Category	Zone	Abbreviation	SRC Chapter
Agricultural	Exclusive Farm Use	EFU	500
Residential	Residential Agriculture	RA	510
	Single Family Residential	RS	511
	Duplex Residential	RD	512
	Multiple Family Residential-I	RM-I	513
	Multiple Family Residential-II	RM-II	514
	Multiple Family High-Rise Residential	RH	515
Commercial	Neighborhood Commercial	CN	520
	Commercial Office	CO	521
	Commercial Retail	CR	522
	Commercial General	CG	523
	Central Business District	CB	524
Mixed-Use	Fairview Mixed-Use	FMU	530
	South Waterfront Mixed-Use	SWMU	531
	Neighborhood Center Mixed-Use	NCMU	532
Public	Public Amusement	PA	540
	Public and Private Cemeteries	PC	541
	Public and Private Educational Services	PE	542
	Public and Private Health Services	PH	543
	Public Service	PS	544
	Capitol Mall	PM	545

Table 110-1: Zones

Broad Zone Category	Zone	Abbreviation	SRC Chapter
Industrial and Employment	Employment Center	EC	550
	Industrial Commercial	IC	551
	Industrial Business Campus	IBC	552
	Industrial Park	IP	553
	General Industrial	IG	554
	Intensive Industrial	II	555

(b) Unless otherwise specifically provided, wherever the broad zone category terms “agricultural zone,” “residential zone,” “commercial zone,” “mixed-use zone,” “public zone,” or “industrial and employment zone” are used under the UDC, they shall be deemed to refer to all zones falling under that broad zone category. For example, “residential zone” includes the RA, RS, RD, RM-I, RM-II, and RH zones; “commercial zone” includes the CN, CO, CR, CG, and CB zones; and “industrial and employment zone” includes the EC, IC, IBC, IP, IG, and II zones.

110.030. Overlay Zones.

(a) **Overlay Zones.** The overlay zones applicable to land within the City are listed in Table 110-2:

**TABLE 110-2
OVERLAY ZONES**

Table 110-2: Overlay Zones

Overlay Zone	SRC Chapter
Willamette Greenway Overlay Zone	600
Flood Plain Overlay Zone	601
Airport Overlay Zone	602
Portland/Fairgrounds Road Overlay Zone	603
Pine Street Mixed-Use Area Overlay Zone	604
Northgate Mixed-Use Area Overlay Zone	605
Wallace Road Corridor Overlay Zone	606
West Salem Gateway Overlay Zone	607
West Salem General Industrial Overlay Zone	608
Patterson Street Corridor Overlay Zone	609
Edgewater Street Corridor Overlay Zone	610
Second Street Corridor Overlay Zone	611
Walker School Residential Area Overlay Zone	612
Broadway/High Street Retail Overlay Zone	613
Broadway/High Street Housing Overlay Zone	614
Broadway/High Street Transition Overlay Zone	615
Riverfront High Density Residential Overlay Zone	616

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Table 110-2: Overlay Zones	
Overlay Zone	SRC Chapter
Riverfront Overlay Zone	617
Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone	618
Mixed-Use Overlay Zone	619
Salem Hospital Overlay Zone	620
Superior/Rural Overlay Zone	621
Oxford/West Nob Hill Overlay Zone	622
Oxford/Hoyt Overlay Zone	623
Hoyt/McGilchrist Overlay Zone	624
Saginaw Street Overlay Zone	625
Commercial/High Density Residential Overlay Zone	626
22 nd and Electric Overlay Zone	627
State Street Overlay Zone	628
McNary Field Overlay Zone	629
South Gateway Overlay Zone	630
Compact Development Overlay Zone	631
General Retail /Office Overlay Zone	632
Front Street Overlay Zone	633

110.035. Official Zoning Map. The boundaries of zones and overlay zones shall be depicted on an official map titled the Salem Zoning Map. The Salem Zoning Map may be maintained in digital form. The Salem Zoning Map may be divided into geographic units for convenience of use, and to more readily identify locations on the map, and may contain any additional information that reflects the application of the UDC to property within the City.

110.040. Interpretation of Zone Boundaries and Overlay Zone Boundaries. Where uncertainty exists as to the boundary of any zone or overlay zone as shown on the Salem Zoning Map, the Director shall apply the following rules to determine the location of the boundary:

- (a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be deemed to follow such centerlines.
- (b) Boundaries indicated as approximately following platted lot lines shall be deemed to follow such platted lot lines.
- (c) Boundaries indicated as approximately following city limits shall be deemed to follow city limits.
- (d) Boundaries indicated as following railroad lines shall be deemed to fall midway between the main tracks.
- (e) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be deemed to follow such

1 centerlines.

2 (f) Boundaries indicated as parallel to or extensions of features indicated in
3 subsections (a) through (e) of this section shall be deemed to be parallel to or
4 extensions of such features.

5 (g) Where the boundary is based on a legal description adopted by ordinance, the
6 legal description shall establish the boundary.

7 (h) Where two or more legal descriptions adopted by ordinance establish conflicting
8 boundaries, the legal description set forth in the most recent action shall be deemed to
9 establish the boundary.

10 (i) Where a legal description adopted by ordinance and a depiction on the Salem
11 Zoning Map establish conflicting boundaries, the legal description shall be deemed to
12 establish the boundary.

13 (j) Where a legal description adopted by ordinance includes a scrivener's error, the
14 Director shall refer an amendment to the Council to correct the error.

15 **110.045. Application, Compliance, and Scope of Regulations.**

16 (a) The UDC is intended to provide minimum regulations for the use and development
17 of land, and shall apply uniformly to land, uses, buildings, and structures unless
18 otherwise allowed by the UDC.

19 (b) The UDC applies to the owners of record, to persons undertaking the development
20 or the use of land, and to those persons' assigns and successors in interest.

21 **110.050. Relationship to Salem Revised Code Regulations.**

22 (a) Unless otherwise provided in the UDC, if a conflict exists between standards in the
23 UDC, the most restrictive standard shall govern.

24 (b) Unless otherwise provided in the UDC, if a standard in the UDC conflicts with
25 other rules or regulations in the Salem Revised Code, the most restrictive standard shall
26 govern.

27 **110.055. Relationship to State and Federal Regulations.**

28 (a) The UDC shall not be construed in any way to impair or interfere with any
29 applicable state or federal law or regulation relating to the use or development of land,
30 or any buildings, structures, or other improvements thereon.

1 (b) Where a reference to state or federal law or regulation is included in the UDC, such
2 reference:

3 (1) Is provided for information purposes only and does not necessarily constitute
4 a complete listing of the applicable laws or regulations; and

5 (2) Shall not imply any responsibility by the City for enforcement.

6 **110.060. Relationship to Private Regulations and Restrictions.**

7 (a) The UDC shall be applied independently of, and without regard to, any private
8 easement, covenant, condition, restriction, or other legally enforceable interest in, or
9 obligation imposed on, the use or development of land.

10 (b) The City does not enforce any easement, covenant, condition, restriction, or other
11 agreement between private parties, nor is the UDC generally intended to abrogate,
12 annul, or impair such easements, covenants, conditions, restrictions, or agreements. In
13 those instances where the UDC imposes a greater restriction or higher standards than
14 required by an easement, covenant, condition, restriction, or other agreement between
15 private parties, or where the UDC otherwise conflicts with those private party
16 agreements, the UDC shall control.

17 **110.065. Compliance with Standards.** No property shall be developed, redeveloped, or
18 changed in use; no building, structure, or premises shall be used or occupied; and no building or
19 structure or portion thereof shall be erected, constructed, moved, structurally altered, or enlarged
20 unless done so:

21 (a) In conformity with all applicable regulations in the UDC;

22 (b) In compliance with all conditions imposed in any applicable land use action; and

23 (c) Only after applying for and securing all permits, licenses, or other approvals
24 required by applicable laws and ordinances.

25 **110.070. Director; Authority; Enforcement.**

26 (a) The Director shall have authority to administer and enforce, to render written and
27 oral interpretations of, and to adopt administrative rules and procedures necessary and
28 proper for the administration and enforcement of, the UDC.

29 (b) Nothing in the UDC shall be construed to create mandatory enforcement
30 obligations for the City. The enforcement shall be a function of the availability of

1 sufficient financial resources consistent with adopted budgetary priorities and
2 prosecutorial priorities within the range of discretion delegated to the Director. Neither
3 the Director nor the City shall be liable for any damages for failure to enforce the UDC.

4 **110.075. Formal Interpretations.**

5 **(a) Purpose.** The purpose of a formal interpretation is to clarify ambiguous provisions
6 in the UDC and their application in particular circumstances.

7 **(b) Procedure.** In-lieu of the procedures set forth in SRC Chapter 300, formal
8 interpretations shall follow the procedures set forth in this section.

9 **(c)** The Director is authorized to issue formal interpretations of the UDC. Requests for
10 formal interpretations shall be submitted on a form provided by the Director.

11 **(1)** The Director shall make a written interpretation of the specific provision of
12 the UDC subject to the request for formal interpretation. Appeals of formal
13 interpretations by the Director shall be to the City Council.

14 **(2)** In lieu of issuing an interpretation under paragraph (1) of this subsection, the
15 Director may refer the request for formal interpretation to the Hearings Officer, in
16 which case the Hearings Officer shall make a written interpretation of the specific
17 provision of the UDC subject to the formal interpretation request. Appeals of
18 formal interpretations referred to the Hearings Officer shall be to the City
19 Council.

20 **(d) Notice.** Notice of adoption of the formal interpretation shall be provided within 10
21 days of the date the interpretation is issued. Notice shall be:

22 **(1)** Provided to the applicant, all City-recognized neighborhood associations, and
23 anyone who has submitted a written request to receive notification of formal
24 interpretations; and

25 **(2)** Posted on the City's website.

26 **(e) Appeal and Review.** Unless appealed, or review is initiated by the City Council
27 pursuant to SRC Chapter 300, the formal interpretation shall become final 21 days after
28 the date it appears on the City Council agenda.

29 **(f) Record of Formal Interpretations.** The Director shall keep a permanent file of all
30 formal interpretations.

1 (g) **Effect of Formal Interpretation.** Formal interpretations which have become final
2 shall control future application and enforcement of the UDC, unless superseded by
3 subsequent formal interpretations.

4 **110.080. Rules of Construction.** The following rules of construction shall be used in
5 interpreting the UDC.

6 (a) An interpretation shall be consistent with generally accepted principles of statutory
7 construction as recognized by the Oregon courts, and shall not, by way of
8 interpretation, add new restrictions, standards, or policies that are not apparent or
9 necessarily implied within the text or context of the provision.

10 (b) In making an interpretation, the duty is to simply ascertain and declare what is, in
11 terms or in substance, contained in the provision.

12 (c) No interpretation shall insert what has been omitted or omit what has been inserted.

13 (d) Where there are several provisions relating to the same subject, a construction shall
14 be given where, if possible, all provisions will be given effect.

15 (e) As used in the UDC, words used in the present tense include the future, the singular
16 number includes the plural, and the word "shall" is mandatory and not directory.

17 (f) An interpretation shall consider the Salem Area Comprehensive Plan, where
18 applicable. No interpretation shall be inconsistent with the Salem Area Comprehensive
19 Plan.

20 (g) In construing an ambiguous provision, the legislative history of the provision may
21 be considered.

22 (h) In making interpretations, great weight shall be given to prior interpretations of the
23 same or any related provision.

24 (i) Chapters in the UDC contain purpose statements which are intended to provide
25 general explanatory information concerning the Chapter. The content of these sections
26 does not constitute approval criteria.

27 **110.085. Amendments to the UDC.**

28 (a) **Procedure Type.** Amendments to the UDC are legislative land use decisions, and
29 are processed according to the Legislative Procedures set forth in SRC Chapter 300.

30 (b) **Criteria.** An amendment to the UDC may be made if:

1 (1) The amendment is in the best interest of the public health, safety, and welfare
2 of the City; and

3 (2) The amendment conforms with the Salem Area Comprehensive Plan,
4 applicable Statewide Planning Goals, and applicable administrative rules adopted
5 by the Department of Land Conservation and Development.

6 **110.090. Fees and Charges.** Fees and charges for applications and other services provided
7 pursuant to the UDC shall be set by resolution of the City Council. Fees and charges shall be
8 paid at the time of application submittal, or, if no application is required, at the time the request
9 for a particular service is made. No application shall be deemed complete until the fee or charge
10 for such application has been paid in full. For applications or services requiring payment of a
11 deposit, the amount of the deposit shall be credited against the exact final calculated costs. If
12 applicable, any unused portion of the deposit shall be refunded once all incurred fees are paid.

13 **110.095. Computation of Time.**

14 (a) Unless otherwise specifically provided in the UDC, where a period of time is
15 expressed as a number of days, such period of time shall mean consecutive calendar
16 days. The period of time shall be calculated by excluding the first day, the day on
17 which the period begins to run, and including the last day, the day on which the period
18 ends. If the last day falls on a Saturday, Sunday, or legal holiday, the period of time
19 shall extend to the next following business day. The period of time shall end at 5 p.m.
20 on the last day.

21 (b) Unless otherwise specifically provided in the UDC, where a period of time is
22 expressed as between particular hours, the period of time shall begin and end on the
23 same day unless the first hour stated is after noon and the second hour stated is before
24 noon, in which case the period of time shall end at the second hour stated on the day
25 following the first hour stated.

26 **110.100. Performance Guarantees.**

27 (a) An applicant shall provide a performance guarantee, where required by the UDC or
28 by SRC 77.120, to ensure completion of a required improvement. The amount of the
29 performance guarantee shall be equal to 100 percent of the estimated construction costs
30 of the required improvement, as determined by the Public Works Director. The

1 performance guarantee shall remain in place until the required improvements have been
2 completed by the applicant and accepted by the City.

3 **(b)** The Public Works Director has discretion to determine which performance
4 guarantee, or combination of performance guarantees, is acceptable to insure the
5 completion of the required improvement, as set forth in subsection (c).

6 **(c)** The performance guarantees that may be provided to ensure completion of a
7 required improvement are:

8 **(1)** A surety bond executed by a surety company authorized to transact business
9 in the State of Oregon, in a form approved by the City Attorney.

10 **(2)** A deposit of cash or negotiable securities with the City, together with an
11 agreement that provides:

12 **(A)** The applicant shall forfeit the deposit to the City upon the Public
13 Works Director declaring that the required improvements have been not
14 completed in a satisfactory manner, or that there has been a default under
15 the improvement agreement; and

16 **(B)** The Public Works Director may release portions of the deposit as
17 progress payments, in such amounts and at such times as a corresponding
18 proportion of the required improvements are completed to the satisfaction
19 of the Public Works Director.

20 **(3)** A deposit of cash or negotiable securities with an escrow agent or trust
21 company, selected by the Public Works Director, together with an escrow
22 agreement that provides:

23 **(A)** The deposit may be disbursed only upon written approval of the
24 Public Works Director;

25 **(B)** The Public Works Director may release portions of the deposit as
26 progress payments, in such amounts and at such times as a corresponding
27 proportion of the required improvements are completed to the satisfaction
28 of the Public Works Director; and

29 **(C)** The escrow agent or trust company shall release the deposit to the
30 City upon receipt of a statement from the Public Works Director stating

1 that the required improvements have been not completed in a satisfactory
2 manner, or that there has been a default under the improvement agreement.

3 **(4)** A guaranty agreement between the City, the applicant, and one or more
4 financial or lending institutions, in a form approved by the City Attorney. The
5 guaranty agreement shall provide:

6 **(A)** An unconditional provision that funds in an amount equal to 100
7 percent of the estimated construction cost of the required improvements
8 are available and guaranteed as payment for the construction cost of the
9 required improvements; and

10 **(B)** The lending institution shall release funds to the City upon receipt of
11 a statement from the Public Works Director stating that the required
12 improvements have not been completed in a satisfactory manner, or that
13 there has been a default under the improvement agreement.

14 **(5)** An irrevocable standby letter of credit issued by a financial institution
15 acceptable to the Public Works Director, in a form approved by the City Attorney.

16 The irrevocable standby letter of credit shall:

17 **(A)** Name the City as the beneficiary; and

18 **(B)** Provide for automatic extensions equal to the original term, unless the
19 issuing financial institution gives not less than 60 days written notification
20 to the Public Works Director prior to its expiration, and the issuing
21 institution agrees that any unused portion of the credit shall be available
22 upon presentation of the City's sight draft within sixty days of the issuing
23 bank's receipt of notice of non renewal.

24 **(6)** For subdivisions and partitions, a no-build agreement between the applicant
25 and City, in a form approved by the City Attorney. The no-build agreement shall:

26 **(A)** Provide that no building permits for any buildings or structures within
27 the subdivision or partition shall be issued until all required improvements
28 have been substantially completed, as certified by the Public Works
29 Director;

30 **(B)** Be binding on the applicant and the applicant's heirs, successors and

1 assigns until such time as all improvements are complete;
2 (C) Be recorded in the deed records of the appropriate county; and
3 (D) Provide that upon completion and acceptance by the City of the
4 required improvements, that the Public Works Director shall record a
5 certificate of completion releasing the property from the no-build
6 agreement in the deed records of the appropriate county.

7 **(d) City Remedies if Applicant Fails to Construct Required Improvement.**

8 (1) If an applicant fails to complete a required improvement, the City may seek
9 any remedy available at law or in equity to remedy such failure, including but not
10 limited to money damages and specific performance of an improvement
11 agreement for which performance security has been provided.

12 (2) In addition to the remedies set forth in paragraph (1) of this subsection, if an
13 applicant fails to complete a required improvement, the Director may estimate the
14 cost of completing the required improvement, obtain the necessary funds from
15 one of the performance guarantees specified in SRC 110.100(c)(1)-(5), and
16 complete the improvement. If the funds are insufficient to cover the costs of
17 completion, the City may hold the funds obtained until additional funds have been
18 provided by the applicant, or expend the funds on a modified improvement or on
19 such portion of the required improvement as is deemed reasonable by the Public
20 Works Director, provided, however, that such action by the Public Works Director
21 shall not relieve the applicant of the obligation to construct the required
22 improvement.

23 **110.105. Inspection and Right of Entry.** When necessary to investigate a suspected violation
24 of the UDC, or an application for or revocation of any permit issued under the UDC, the Director
25 may enter on any site, building, or structure open to the public for the purpose of investigation,
26 provided entry is done in accordance with law. Absent a search warrant, no site, building, or
27 structure that is closed to the public shall be entered without the consent of the owner or
28 occupant. No owner or occupant or agent thereof, shall, after being presented with a search
29 warrant, refuse to permit entry authorized by the warrant. If entry is refused, the Director shall
30 have recourse to the remedies provided by law to secure entry.

1 **110.110. Civil Enforcement.**

2 **(a) Stop Work Orders.**

3 (1) The Director may order development or other work regulated by the UDC
4 stopped whenever the Director has reason to believe that:

5 (A) The work is not authorized by a valid permit or approval;

6 (B) Inaccurate information was used to obtain the permit or approval;

7 (C) The development or other work is being performed in violation of a
8 provision of the UDC or the term of a permit or approval; or

9 (D) The development or other work is, or threatens to become, an
10 imminent hazard to property or public health, safety, or welfare.

11 (2) The City shall post a written notice of the stop work order at the site, or serve
12 such notice on any person engaged in the work or causing such work to be
13 performed. The notice shall specify the nature of the violation or problem which
14 must be remedied prior to resuming work. Upon the posting or service of notice,
15 all persons engaged in the development or other work or causing the work to be
16 performed shall immediately stop such development or other work until
17 authorized in writing by the Director to proceed. Failure to stop work shall be
18 independent grounds for penalties and additional enforcement actions.

19 (3) Persons violating the UDC, or the terms of a permit or approval issued under
20 the UDC, shall be responsible for restoring damaged areas in conformance with a
21 plan approved by the Director which provides for repair of any environmental or
22 property damage and restoration of the site. The plan shall result in conditions
23 upon the site which, to the greatest extent practical, equal the conditions that
24 would have existed had the violation not occurred, as verified by the Director.

25 (4) Any person to whom a stop work order is issued pursuant to this section may
26 file a written notice of appeal in the manner prescribed in SRC Chapter 20J.
27 Notwithstanding any provisions of this code to the contrary, the filing of an
28 appeal shall not stay an order issued hereunder, which shall remain in effect until
29 the final determination of the appeal, or the Director issues a revised order lifting
30 the stop work order.

1 **(b) Stop Use Orders.**

2 (1) The Director may order a use or activity stopped or limited when:

3 (A) The use or activity is not a permitted use, special use, conditional use,
4 or nonconforming use properly authorized under the UDC; or

5 (B) The use or activity violates the terms of any land use approval or
6 permit issued pursuant to the UDC.

7 (2) The Director shall post a written stop use order on the property and serve a
8 copy of the order on any person engaged in the use on the property, and on the
9 property owner, if different. The order shall fix a time limit within which
10 compliance must be reached. Unless compliance is reached, no person shall use
11 or occupy the property in violation of the order after the time limit has expired.

12 (3) Any person to whom an order is issued pursuant to this section may file a
13 written notice of appeal in the manner prescribed in SRC Chapter 20J.

14 Notwithstanding any provisions of this code to the contrary, the filing of an
15 appeal shall not stay an order issued hereunder, which shall remain in effect until
16 the final determination of the appeal, or the Director issues a revised order lifting
17 the stop use order.

18 **(c) Civil Penalty.** Any person who fails to comply with the requirements of the UDC,
19 or the terms of a permit or approval issued thereunder, who undertakes an activity
20 regulated by the UDC without first obtaining a permit, or who fails to comply with a
21 stop work order or stop use order issued pursuant to this Chapter shall also be subject to
22 an administrative civil penalty as provided in SRC Chapter 20J, not to exceed \$2,000
23 per violation. Each day that a permit violation continues shall constitute a separate
24 violation.

25 **(d) Civil Penalties Against Agents.** Any person who acts as the agent of, or
26 otherwise assists, a person who engages in an activity which would be subject to a civil
27 penalty, may likewise be subject to a civil penalty.

28 **(e) Abatement.** Any use, building, or structure established, operated, erected, moved,
29 altered, enlarged, painted, or maintained contrary to the UDC is a public nuisance and
30 may be abated as provided in SRC Chapter 50.

1 **(f) Reconsideration.** Any person aggrieved by any decision, action, or determination,
2 including stop work and stop use orders, made by the Director pursuant to this section
3 may seek reconsideration by filing a written request for reconsideration with the
4 Director within 10 days after notice of such decision, action, or determination has been
5 provided to the user; provided, however, the filing of a request for reconsideration shall
6 not be a prerequisite for the filing of an appeal. The notice shall set forth in detail the
7 facts supporting the request for reconsideration. The Director's decision, action, or
8 determination shall remain in effect during such period of reconsideration.

9 **(g) Appeals.** Any person aggrieved by any decision, action, or determination,
10 including stop work and stop use orders, made by the Director pursuant to this section
11 may appeal the decision to the Hearings Officer by following the process set forth in
12 SRC 20J.220. The hearing on the appeal shall follow the contested case procedures set
13 forth in SRC 20J.240-20J.430.

14 **(h) Proceedings by City Attorney.** The City Attorney, upon request of the Director,
15 may institute any legal proceedings in circuit court necessary to enforce the provisions
16 of the UDC. Proceedings may include, but are not limited to, injunctions to prohibit the
17 continuance of any use, occupation, building, structure, or sign, or the carrying on of
18 other conduct or activities in violation of any provision of the UDC.

19 **(i) Remedies not Exclusive.** The remedies provided in this Chapter are cumulative
20 and not mutually exclusive and are in addition to any other right, remedies, and
21 penalties available under any other provision of law.

22 **110.115. Unlawful Use of Property.**

23 **(a)** It shall be unlawful for any person to engage in any use on any real property if the
24 use is not a permitted use, special use, or authorized conditional use in the zone or
25 overlay zone where the property is located.

26 **(b)** A violation of this section is an infraction.

27 **110.120. Unlawful Failure to Obtain a Permit or Approval.**

28 **(a)** It shall be unlawful for a person to engage in any activity for which a permit or
29 other approval is required by the UDC without first obtaining a permit or approval
30 therefor.

1 (b) A violation of this section is an infraction.

2 **110.125. Unlawful Development of Land.**

3 (a) It shall be unlawful to knowingly develop or redevelop buildings, structures, or
4 land, or to construct or structurally alter a building or structure, or to grade, excavate, or
5 fill any premises, in violation of any applicable standard in the UDC, or in violation of
6 any permit or approval issued pursuant to the UDC.

7 (b) A violation of this section is an infraction.

8 **110.130. Unlawful Occupancy or Maintenance.**

9 (a) It shall be unlawful to occupy or maintain a building, structure, or premises in a
10 manner that violates any applicable development standard of the UDC, or any permit or
11 approval issued pursuant to the UDC.

12 (b) A violation of this section is an infraction.

13 **110.135. Violation of Stop Work and Stop Use Orders.**

14 (a) It shall be unlawful to knowingly violate a stop work order or stop use order issued
15 pursuant to SRC 110.110.

16 (b) A violation of this section is a misdemeanor.

17 **110.140. Excavation, Injury, Destruction, or Alteration of Archeological Resources.**

18 (a) It shall be unlawful for a person to knowingly excavate, injure, destroy, or alter an
19 archaeological site or to knowingly remove an archaeological object located on public
20 or private lands unless that activity is authorized by a permit issued under ORS
21 390.235. As used in this section, "archaeological site" and "archaeological object" shall
22 have the meanings set forth in ORS 358.905.

23 (b) A violation of this section is a misdemeanor.

24 **110.145. Demolition of Historic Resources.**

25 (a) It shall be unlawful to knowingly or negligently demolish a historic contributing
26 building or individually listed resource, without first obtaining a historic resource
27 demolition permit under SRC Chapter 230.

28 (b) A violation of this section is a misdemeanor.

29 **110.150. Unlawful Activity in Floodplain Overlay Zone.**

- 1 (a) No person shall construct, locate, extend, convert, alter any structure, or intensify the
- 2 use of land, or construct, locate, or extend any obstruction within the floodplain
- 3 established by SRC Chapter 601 without fully complying with SRC Chapter 601 and
- 4 any other applicable state or federal regulations.
- 5 (b) No person shall negligently, recklessly, or intentionally violate any condition
- 6 imposed by a Floodplain Development Permit or variance issued pursuant to SRC
- 7 601.130.
- 8 (c) No person shall make, cause, suffer, or permit any intensification, change of use, or
- 9 development within any floodplain without full compliance with the terms of SRC
- 10 Chapter 601, Floodplain Overlay Zone.
- 11 (d) A violation of this section is a misdemeanor.

12 **110.155. False Information.**

- 13 (a) It shall be unlawful for any person to knowingly make a false or fraudulent
- 14 statement, representation, or certification in any application, record, report, plan, or
- 15 other document filed or required to be maintained pursuant to the UDC.
- 16 (b) A violation of this section is a misdemeanor.

17 **Section 3.** The following SRC Chapter 111 is added to the Salem Revised Code:

18 **111.001. Definitions, Generally.** Unless the context otherwise specifically requires, terms used

19 in the UDC shall have the meanings set forth in this Chapter; provided, however:

- 20 (a) Where chapter specific definitions are included in another chapter of the UDC,
- 21 those definitions are the controlling definitions; and
- 22 (b) Where a term is not defined within the UDC, the term shall have its ordinary
- 23 accepted meaning within the context in which it is used. *Webster's Third New Int'l*
- 24 *Dictionary* (unabridged ed. 2002) shall be the standard reference to ordinary accepted
- 25 meanings.

26 **111.005. "A" Definitions.**

- 27 (a) **Abutting:** Touching along a boundary or point.
- 28 (b) **Accessory building or structure:** A building or structure that is incidental and
- 29 subordinate to, and dependent upon, the principal use on the same premises.
- 30 (c) **Adjacent:** Near or close, but not necessarily contiguous with.

1 (d) Adjoin: To abut.

2 (e) Adult day care home: Day care for 5 or fewer adults provided in the home of the
3 adult day care provider.

4 (f) Adult day care center: Day care for adults in a non-residential structure.

5 (g) Alley: A public way not less than 10 feet and not more than 20 feet in width that is
6 primarily used as a secondary means of motor vehicle access to abutting property.

7 (h) Ambulance service facility: A building used for the administrative offices of an
8 ambulance service, the housing of emergency medical personnel, and the ordinary
9 maintenance and repair of emergency vehicles and equipment.

10 (i) Ambulance station: A building, or a specific portion of a building or development,
11 that is utilized for the housing of on-call emergency medical ambulance personnel.

12 (j) Apartment: A building that contains three or more dwelling units and which is
13 designed, built, rented, leased, let or hired out to be occupied, or which is occupied as
14 the home or residence of three or more families living independently of each other and
15 doing their own cooking in the said building; or a building in condominium ownership
16 containing three or more dwelling units.

17 (k) Arcade: A continuous covered arched passageway located parallel to a building,
18 street, or open space, and open and accessible to the public.

19 (l) Arterial street: A major arterial street or minor arterial street.

20 **111.010. "B" Definitions.**

21 (a) Bed and breakfast: A single family dwelling where short-term commercial lodging
22 and a morning meal are provided to travelers for compensation.

23 (b) Buildable width: The distance along the street right-of-way, exclusive of side
24 setbacks, wetlands, and riparian corridors, that is sufficiently deep to accommodate a
25 lot depth of 70 feet and meet setback requirements. Where a development fronts on a
26 street which is curved, the buildable width shall be measured radial to the curve.

27 (c) Building: Any structure used or intended for supporting or sheltering any use or
28 occupancy.

29 (d) Building articulation: Design emphasis given to walls, roofs, windows, balconies,
30 entries, and other architectural features to divide buildings into smaller identifiable

1 pieces, reduce the appearance of building bulk and mass, provide visual interest, and
2 introduce elements of scale.

3 (e) Building Official: The Administrator of the Building and Safety Division of the
4 Department of Community Development of the City of Salem, Oregon, or the Building
5 Official's designee.

6 (f) Building offset: A change in vertical planes along the exterior facade of a building
7 used to divide the building into smaller identifiable pieces and reduce the appearance of
8 building bulk and mass. An offset that does not continue the entire length of the
9 building, and therefore, configured as a "bump out," counts as one building offset.
10 Decks or covers over entryways do not count as building offsets.

11 (g) Building offset interval: The space between building offsets.

12 **111.015. "C" Definitions.**

13 (a) Canopy tree: A deciduous shade tree planted primarily for its high crown of
14 foliage.

15 (b) Carport: A permanent structure used for the parking or storage of vehicles which is
16 unenclosed on two or more sides.

17 (c) Central Salem Development Program (CSDP) Area: That area of the city within
18 the following boundaries: Beginning at the SE corner of 12th Street SE and Mission
19 Street SE in Section 27 Township 7 South Range 3 West in Marion County, Oregon;
20 Thence Northerly along the East line of 12th Street SE to its intersection with the East
21 Right-of-Way line of the Southern Pacific Railroad; Thence continuing Northerly along
22 said East line of Railroad to the North side of "D" Street NE; Thence Westerly along
23 the North side of "D" Street NE to the West Side of Fifth Street NE; Thence Northerly
24 along the West side of Fifth Street NE to the North side of Market Street NE; Thence
25 Easterly along the North side of Market Street NE to an Alley running between Fifth
26 Street NE and Church Street NE; Thence Northerly along Said Alley to the North side
27 of Gaines Street NE; Thence Easterly along the North side of Gaines Street to the West
28 side of Church Street NE; Thence Northerly along the West Side of Church Street to
29 the North line of an Alley running between Hood Street NE and Shipping Street NE;
30 Thence Westerly along the North side of Said Alley to the East bank of the Willamette

1 River; Thence Southerly along the East Bank of the Willamette River and Willamette
2 Slough to the Westerly projection of the South line of Mission Street SE; Thence
3 running Easterly along the South side of Mission Street SE to the Place of Beginning
4 (see Figure 111-3).

5 **(d) Child or children:** A person under 13 years of age, or a person under 18 years of
6 age who has special needs or disabilities and requires a level of care that is above
7 normal for the child's age.

8 **(e) Child day care center:** A facility that provides day care for 17 or more children.

9 **(f) Child day care home:** Day care for 16 or fewer children provided in the home of
10 the child day care provider.

11 **(g) City infrastructure:** Public infrastructure providing vehicular and pedestrian
12 transportation, City utilities, and parks.

13 **(h) City utilities:** Public improvements providing water, wastewater, and stormwater
14 facilities.

15 **(i) Collector street:** A street that allows traffic within an area or neighborhood to
16 connect to an arterial street, and designated as such in the Salem Transportation System
17 Plan. Collector streets shall have priority over local streets in the installation of any
18 traffic control devices. Single family and duplex access onto collector streets may be
19 limited according to Public Works Design Standards.

20 **(j) Columnar tree:** A tree species that is tall and cylindrical or tapering.

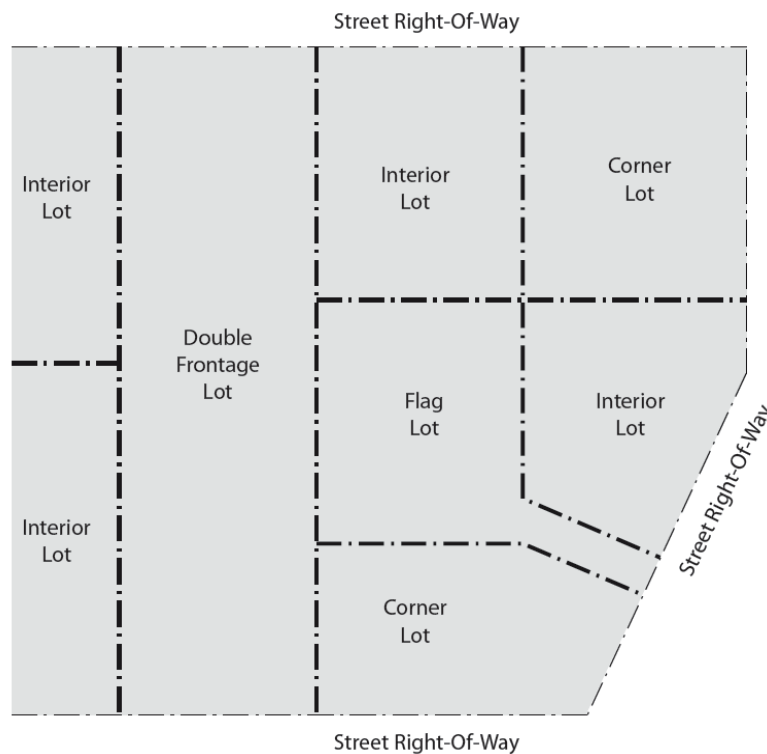
21 **(k) Common open space:** Open area intended for shared use and enjoyment in a
22 development. Common open space includes landscaping, walkways, play areas,
23 swimming pools, roof gardens, or other open areas which provide active or passive
24 recreational or visual amenities for residents. Common open space does not include
25 parking areas, streets, or other areas designed for motor vehicle circulation or storage.

26 **(l) Complex:** A group of buildings, structures, or other development that is
27 functionally or conceptually integrated, regardless of the ownership of the development
28 or underlying land, and regardless of whether located on one or more lots or parcels.

1 (m) Contiguous: Touching along a boundary or point. Unless otherwise provide under
2 the UDC, any properties that are separated by public right-of-way shall not be
3 considered contiguous.

4 (n) Corner lot: A lot abutting two or more intersecting streets, where the interior angle
5 formed by the intersection of the streets does not exceed 135 degrees; or a lot having
6 two or more adjacent front lot lines in which the interior angle formed by the extensions
7 of the front lot lines in the direction which they take at their intersections with the side
8 lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a
9 curve at its point of intersection with a side lot line, the tangent to the curve at that point
10 shall be considered the direction of the front lot line (see Figure 111-1).

11
12 **FIGURE 111-1**
13 **LOT TYPES**



24
25
26
27
28
29
30 (o) Cottage housing: A development consisting of at least two or more attached and/or
detached dwelling units on one lot as a legal nonconforming use as of May 15, 1979.

1 (p) Court apartment: A dwelling unit which is one of three or more dwelling units
2 contained in two or more buildings on the same lot.

3 (q) Crime Prevention Through Environmental Design: Specific measures taken to
4 enhance the safety of residents and minimize the potential for crime through the
5 physical design of a development.

6 (r) Cul-de-sac: A dead end street having a turnaround area at the dead end.

7 (s) Curb line: The line indicating the edge of the vehicular roadway within the overall
8 right-of-way.

9 **111.020. "D" Definitions.**

10 (a) dbh: The diameter of a tree measured in inches at a height of 4.5 feet above grade.
11 When a fork in the trunk occurs at or above 4.5 feet, the dbh is the smallest diameter at
12 4.5 feet or below. When the fork occurs below 4.5 feet, or the tree splits into multiple
13 stems at ground level, each stem is considered a separate tree trunk and is measured
14 accordingly. Dbh is also known as diameter at breast height.

15 (b) Dead-end street: A street which terminates without a turnaround area and is
16 intended to continue through at some future time.

17 (c) Development: To construct or alter a structure, to make alterations or
18 improvements to the land or to make a change in use or appearance of land, to divide or
19 reconfigure land, or to create, alter, or terminate a right of access. Development does
20 not include:

21 (1) Maintenance and repair, usual and necessary for the continuance of an
22 existing use;

23 (2) Reasonable emergency procedures necessary for the safety or operation of
24 property; or

25 (3) Interior or exterior remodeling that does not increase the square footage or
26 height of a structure, or substantially alter the appearance of a structure.

27 (d) Development site: An individual lot or multiple contiguous lots accommodating a
28 single development or a complex.

29 (e) Director: The City Manager, or the department head charged by the City Manager
30 with the implementation and enforcement of the UDC, or that department head's

1 designee.

2 (f) Double frontage lot: A lot that has frontage on two streets that do not intersect at
3 the lot's boundaries (see Figure 111-1).

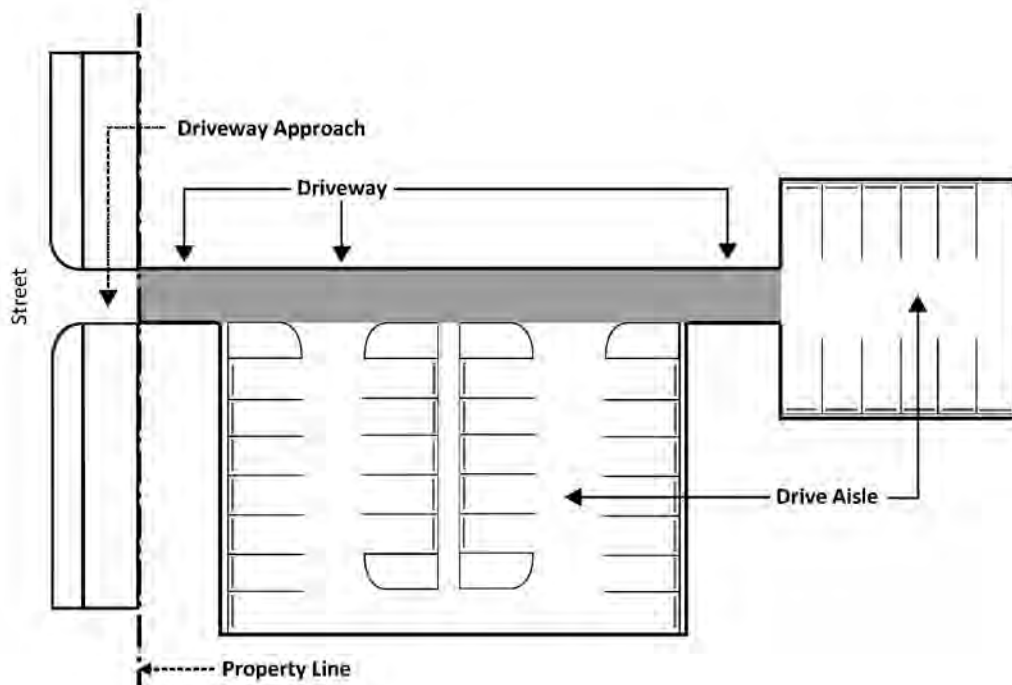
4 (g) Downhill lot: A hillside lot which slopes downhill from the front lot line.

5 (h) Downtown Parking District: That certain district, established under SRC Chapter
6 7, which provides for the financing and administration of programs for economic
7 promotion and public parking for motor vehicles in the Central Business District of the
8 City of Salem (see Figure 111-4).

9 (i) Drive-through: A facility where goods or services are provided to a patron of a
10 business while in their motor vehicle, and typically including queuing lanes leading to
11 drive-up service windows or service areas. A drive-through does not include Motor
12 Vehicle Services, as set forth in SRC 400.055(b).

13 (j) Driveway: An area providing vehicular access to a site that begins at the property
14 line and extends into the site; or an area providing vehicular circulation between
15 parking areas on a site (see Figure 111-2). A driveway does not include maneuvering
16 areas or drive aisles within parking areas.

17 **FIGURE 111-2**
18 **DRIVEWAY**



1 sight, air, or passage.

2 (d) Fill or backfill: A deposit of earth or other natural or manmade material placed by
3 artificial means.

4 (e) Finished grade: The final grade upon completion of excavation, fill, or paving.

5 (f) Flag lot: A lot that is set back from the street at the rear or at the side of another lot,
6 with vehicular access to the street provided by a flag lot accessway (see Figure 111-1).

7 (g) Flag lot accessway: A portion of a lot that provides legal access from a street to
8 one or more flag lots. An accessway may be through fee-simple ownership as part of a
9 flag lot or by an access easement with associated reciprocal and irrevocable access
10 rights for all lots using the accessway.

11 (h) Floor area: The area within the exterior walls of a building or structure, or portion
12 thereof, exclusive of vent shafts and courts. The floor area of an unenclosed building or
13 structure, or portion thereof, is the usable area under the horizontal projection of the
14 roof or floor above.

15 (i) Floor area ratio (FAR): A measure of the intensity of a development, expressed as a
16 ratio of total building floor area to total lot area.

17 (j) Frontage: That portion of real property which abuts a street, whether or not access
18 to the property is accorded thereby, and whether or not a building or structure faces the
19 street. In context, when coupled with the term "alley," "frontage" has the same
20 meaning with respect to an abutting alley.

21 **111.035. "G" Definitions.**

22 (a) Garage: A building or portion thereof used for the parking or storage of vehicles.

23 (b) Grade: The lowest point of elevation of the ground or paved surface excluding
24 stairwells and area wells at the point's contact with a building's foundation, a property
25 line, or a street, depending upon the context.

26 (c) Grading: The act of excavating and filling.

27 (d) Guest house: An accessory building maintained for the purpose of providing
28 temporary and gratuitous living accommodations, but dependent upon the main
29 dwelling for cooking or bathroom facilities, or both.
30

1 (e) Guest room: Any room or rooms used or intended to be used by a guest for
2 sleeping purposes.

3 **111.040. “H” Definitions.**

4 (a) Habitable space: Space within a structure for living, sleeping, eating, or cooking.
5 Bathrooms, closets, halls, storage or utility space, and similar areas are not considered
6 habitable space.

7 (b) Hillside lot: A lot having an average cross slope of 15 percent or more and that is
8 residentially zoned or developed for uses falling under Household Living.

9 (c) Household pet: A domesticated animal that is kept in the home for pleasure rather
10 than for a commercial purpose such as breeding, boarding, grooming, or medical care.
11 Common household pets include cats, dogs, hamsters, gerbils, guinea pigs, canaries,
12 parakeets, parrots, turtles, lizards, and tropical fish.

13 **111.045. “I” Definitions.**

14 (a) Infill lot: A residential flag lot created by the partition of land after February 8,
15 2006.

16 (b) Interior lot: Any lot, other than a corner lot or double frontage lot (see Figure 111-
17 1).

18 (c) Interior lot line: A lot line that is not adjacent to a street.

19 **111.050. (Reserved for “J” Definitions)**

20 **111.055. (Reserved for “K” Definitions)**

21 **111.060. “L” Definitions.**

22 (a) Land division: The act of dividing land to create lots or parcels. A property line
23 adjustment is not a land division.

24 (b) Land use action: The City’s process of reviewing an application for a land use or
25 limited land use decision.

26 (c)~~(b)~~ Livestock:

27 (1) One or more members of any species of cattle, swine, sheep, goat, horse or
28 other equine, llama, alpaca or related ruminant, or poultry, excluding chickens,
29 regardless of the purpose for which they may be kept; and
30

1 (2) Any species of rabbit, bee, fur-bearing animal, or chicken kept for sale, for
2 sale of by-products, for livestock increase, or for value increase.

3 ~~(d)(e)~~ Loading space: An off-street space for the parking of a vehicle while loading or
4 unloading.

5 ~~(e)(d)~~ Local street: A street not designated as a collector, minor arterial, major arterial,
6 or parkway in the Salem Transportation System Plan. A local street primarily serves to
7 provide direct access to abutting land and offers the lowest level of traffic mobility.

8 ~~(f)(e)~~ Lot: A single unit of land that is created by a subdivision of land. Except where
9 otherwise stated, the term “lot” includes the term “parcel.”

10 ~~(g)(f)~~ Lot line: One of the property lines forming the exterior boundaries of a lot.

11 **111.065. “M” Definitions.**

12 (a) Major arterial: A street for moving large volumes of intra-city and regional traffic,
13 and designated as such in the Salem Transportation System Plan. A fully improved
14 major arterial serves as the main radial, and provides peripheral routes through the City.
15 The ultimate cross-sectional width of a major-arterial is multi-lane, as shown in the
16 Salem Transportation System Plan.

17 (b) Manufactured dwelling: A residential trailer, mobile home, or manufactured home.
18 A manufactured dwelling does not include any building or structure constructed to
19 conform to the Oregon Structural Specialty Code or the One and Two Family Dwelling
20 code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630, or any unit
21 identified as a recreational vehicle by the manufacturer.

22 (c) Manufactured dwelling park: Any place where four or more manufactured
23 dwellings are located on a development site and intended for residential use.
24 Manufactured dwelling park does not include a lot or lots located within a subdivision
25 being rented or leased for occupancy by no more than one manufactured dwelling per
26 lot if the subdivision was approved pursuant to SRC Chapter 205.

27 (d) Manufactured home: A structure constructed for movement on the public
28 highways that has sleeping, cooking, and plumbing facilities, that is intended for human
29 occupancy, that is being used for residential purposes, and that was constructed after
30 June 15, 1976 and in accordance with federal manufactured housing construction and

1 safety standards and regulations in effect at the time of construction.

2 (e) Minor arterial: A street providing primarily intra-area and inter-neighborhood
3 access, and designated as such in the Salem Transportation System Plan. A fully
4 improved minor arterial has a minimum of two travel lanes with left-turn pockets and
5 center left-turn lanes.

6 (f) Mobile home: A structure constructed for movement on the public highways that
7 has sleeping, cooking, and plumbing facilities, that is intended for human occupancy,
8 that is being used for residential purposes, that was constructed between January 1,
9 1962, and June 15, 1976, and met the construction requirements of Oregon mobile
10 home law in effect at the time of construction.

11 **111.070. “N” Definitions.**

12 (a) Native vegetation: Plant species which are indigenous to Oregon and appropriate
13 to local site conditions such as hydrology, soils, light availability, and slope aspect.

14 (b) Natural grade: The grade of the land in an undisturbed state.

15 (c) Neighborhood: A localized area within the City with a development pattern that
16 provides infrastructure and services which meets the needs of persons residing or
17 working in the area. A neighborhood encompasses a larger area than vicinity.

18 (d) Neighborhood association: A neighborhood organization that is officially
19 recognized as provided in SRC Chapter 64.

20 (e) Nightclub: An establishment open at night that provides music and space for
21 dancing, and usually serves alcohol.

22 (f) Nuisance vegetation: Native and non-native plant species with a tendency to
23 dominate plant communities, or which are considered harmful to humans, and which
24 are designated as nuisance vegetation in the tree and vegetation technical manual.

25 **111.075. “O” Definitions.**

26 (a) Office complex: A group of businesses falling primarily under the Business and
27 Professional Services use category that form a centralized unit and that have a joint
28 parking area available for use by patrons of any single business.

29 (b) Off-street parking area: An area of a development site used for short-term off-
30 street parking of vehicles. An off-street parking area includes aisles and maneuvering

1 areas within the parking area.

2 (c) Open space: Land designated to preserve community livability, significant plant
3 materials, and natural resources.

4 (d) Owner: The owner of record of real property as shown on the latest tax rolls or
5 deed records of the county, and includes a person who furnishes evidence that the
6 person is purchasing property under a written recorded or unrecorded land sale contract.

7 **111.080. "P" Definitions.**

8 (a) Parcel: A single unit of land that is created by a partition of land.

9 (b) Parking space: A designated space in a parking area for the parking of one motor
10 vehicle.

11 (c) Parking structure: A structure, or portion thereof, that provides two or more levels
12 of parking.

13 (d) Parkway: A street for moving large volumes of both intra-city traffic and regional
14 traffic at higher speeds, and designated as such in the Salem Transportation System
15 Plan. A fully improved parkway is a divided highway with a minimum of four travel
16 lanes and extremely limited access.

17 (e) Partition: Dividing land to create not more than three parcels of land within a
18 calendar year, but does not include:

19 (1) Dividing land as a result of a lien foreclosure, foreclosure of a recorded
20 contract for the sale of real property, or the creation of cemetery lots;

21 (2) A property line adjustment;

22 (3) Dividing land as a result of the recording of a subdivision or condominium
23 plat;

24 (4) Selling or granting by a person to a public agency or public body of property
25 for state highway, county road, city street or other right of way purposes if the
26 road or right of way complies with the applicable comprehensive plan and ORS
27 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property sold or
28 granted for state highway, county road, city street or other right of way purposes
29 shall continue to be considered a single unit of land until the property is further
30 subdivided or partitioned; or

1 **(5)** Selling or granting by a public agency or public body of excess property
2 resulting from the acquisition of land by the state, a political subdivision, or
3 special district for highways, county roads, city streets, or other right of way
4 purposes when the sale or grant is part of a property line adjustment incorporating
5 the excess right of way into adjacent property. The property line adjustment shall
6 be approved or disapproved by the applicable local government. If the property
7 line adjustment is approved, it shall be recorded in the deed records of the county
8 where the property is located.

9 **(f)** Pedestrian connection: A continuous, unobstructed, and reasonably direct route
10 between two points that is intended and suitable for pedestrian use.

11 **(g)** Pedestrian pathway: Any sidewalk, footpath, or trail which provides on-site
12 pedestrian access and circulation.

13 **(h)** Pedestrian Scale: Site and building design elements that are dimensionally less
14 than those intended to accommodate automobile traffic, flow, and buffering. Examples
15 include ornamental lighting of limited height; bricks, pavers or other modules of paving
16 with small dimensions; a variety of planting and landscaping materials; arcades or
17 awnings that reduce the height of walls; and signage and signpost details that can only
18 be perceived from a short distance.

19 **(i)** Planning Administrator: The Administrator of the Planning Division, Department
20 of Community Development of the City of Salem, Oregon, or the Planning
21 Administrator's designee.

22 **(j)** Plaza: An area generally open to the public on a controlled basis, and usually
23 adjoining and connecting directly to a sidewalk, pedestrian walkway, transit stop, or
24 building entrance, that provides a place for individuals to sit, stand, or rest. Plazas
25 typically include low walls or planters and landscaping to create a semi-enclosed space
26 and to buffer and separate the plaza from adjoining parking lots and vehicle
27 maneuvering areas. Plazas also typically include amenities such as seating, art, and
28 fountains.

1 (k) Primary building entrance: The principal pedestrian entrance into a building. A
2 building may have more than one primary building entrance. A primary building
3 entrance does not include a service or employee-only entrance.

4 (l) Private open space: A semi-enclosed area which is intended for use by the
5 occupants of an individual dwelling unit. Private open space may include porches,
6 patios, balconies, terraces, roof top gardens, verandas, and decks.

7 (m) Property line: The boundary line between two units of land.

8 (n) Public right-of-way or right-of-way: The present and future streets, roadways,
9 alleys, public highways, avenues, and pedestrian ways in the City, which may be held
10 by the City in fee, easement, or dedication.

11 (o) Public utilities: Privately owned improvements providing the following services:
12 natural gas; electricity; telephone, internet, and other electronic data or communication
13 services; and cable television.

14 (p) Public Works Director: The Director of the Department of Public Works of the
15 City of Salem, or such director's designee.

16 **111.085. (Reserved for "Q" Definitions)**

17 **111.090. "R" Definitions.**

18 (a) Recreational vehicle:

19 (1) A vehicle, with or without motive power, that is designed for sport or
20 recreational use, or human occupancy on an intermittent basis, such as motor
21 homes, off-road vehicles, dune buggies, boats, snowmobiles, and other similar
22 vehicles; or

23 (2) A portable vehicular structure designed for sport or recreation use, or for
24 human occupancy on an intermittent basis, that is capable of being towed or
25 transported on the highway by a motor vehicle, such as travel trailers, fifth-wheel
26 trailers, campers, and other similar portable vehicular structures.

27 (b) Recycling depot: A building, or portion thereof, not more than 1,000 square feet in
28 floor area used for the collection, sorting, and temporary storage of waste and discarded
29 materials which may be reprocessed elsewhere into usable raw materials. Recycling
30 depot does not include a structure maintained solely to provide shelter for no more than

1 three types of recyclable material, such as paper, tin cans, and bottles, deposited by
2 members of the public and collected at regular intervals for further transfer or
3 processing elsewhere.

4 **(c) Residential Facility:** As defined under ORS 197.660, a residential care, residential
5 training, or residential treatment facility, as those terms are defined in ORS 443.400,
6 that provides residential care alone or in conjunction with treatment or training or a
7 combination thereof for 6 to 15 individuals who need not be related. Staff persons
8 required to meet licensing requirements shall not be counted in the number of facility
9 residents, and need not be related to each other or to any resident of the residential
10 facility.

11 **(d) Residential Home:** As defined under ORS 197.660, a residential treatment or
12 training home, as defined in ORS 443.400, a residential facility registered under ORS
13 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825
14 that provides residential care alone or in conjunction with treatment or training or a
15 combination thereof for 5 or fewer individuals who need not be related. Staff persons
16 required to meet licensing requirements shall not be counted in the number of facility
17 residents, and need not be related to each other or to any resident of the residential
18 home.

19 **(e) Residential trailer:** A structure constructed for movement on the public highways
20 that has sleeping, cooking, and plumbing facilities, that is intended for human
21 occupancy, that is being used for residential purposes, and that was constructed before
22 January 1, 1962.

23 **(f) Riparian corridor:** The area adjacent to a waterway, consisting of the area of
24 transition from an aquatic ecosystem to a terrestrial ecosystem. The riparian corridor
25 boundary is measured:

- 26 **(1)** Fifty feet horizontally from the top of bank on each side of a waterway with
27 less than 1,000 cubic feet per second average annual stream flow; and
- 28 **(2)** Seventy five feet horizontally from the top of bank on each side of a
29 waterway with 1,000 or more cubic feet per second average annual stream flow
30 (Willamette River).

- 1 (g) Riparian restoration: Actions undertaken to improve degraded, or recover lost,
2 ecological or habitat functions in the area adjacent to a waterway in the zone of
3 transition from an aquatic ecosystem to a terrestrial ecosystem, determined by the City
4 to provide net ecological benefits, not reduce the stream’s capacity to convey flood
5 flows in a flood plain or flood way, nor pose an impediment to fish passage.
- 6 (h) R-VIS: The percentage of light in the visible spectrum, 380 to 780 nanometers,
7 that is reflected from the glass surface. R-VIS is also known as visible light reflectance

8 **111.095. “S” Definitions.**

- 9 (a) Scrap and waste materials dealers: Establishments primarily engaged in the
10 assembling, breaking up, sorting, and wholesale distribution of scrap and waste
11 materials.
- 12 (b) Screening: A method of blocking or obscuring view of an area through the use of
13 fencing, walls, berms, densely planted vegetation, of a combination thereof.
- 14 (c) Setback: The distance between a building, accessory structure, vehicle use area, or
15 other structure or area and a property line, special setback line, flag lot accessway,
16 easement, or other specified point.
- 17 (d) Shopping center: A group of businesses falling primarily under primarily the
18 Retail Sales and Service use category that form a centralized unit and that have a joint
19 parking area available for use by patrons of any single business.
- 20 (e) Single family dwelling: A detached freestanding dwelling unit located on its own
21 lot.
- 22 (f) Solid waste disposal site: Land used for disposal of solid waste, including lumber;
23 tile; bricks; concrete rubble; siding; roofing; asphalt; structural metal work; plaster and
24 gypsum board; mortar stones; concrete blocks; pipe; plumbing fixtures; electrical
25 wiring and fixtures; and shredded or split tires. A solid waste disposal site does not
26 include land used for the disposal of leaves, prunings, and grass clippings; household
27 appliances; machinery; motor vehicles and parts, other than shredded or split tires; or
28 any putrescible substance. Solid waste disposal sites do not involve the collection or
29 storage of items for sale or reuse in any form.
- 30

1 (g) Solid waste transfer station: A fixed or mobile facility normally used as an adjunct
2 of a solid waste collection system or resource recovery system between a collection
3 route and a disposal site, including, but not limited to, a large hopper, railroad gondola,
4 or barge. See ORS 459 and OAR Chapter 340.

5 (h) Story: The horizontal division of a building, making up the area between two
6 adjacent levels, but excluding that portion of the building that comprises the horizontal
7 division that is the roof, unless that area includes living space.

8 (i) Stream enhancement: means to modify the stream channel width, length, depth,
9 alignment, location, profile, bank shape, or in-stream structures for the purpose of
10 improving ecological or habitat functions determined by the City to be degraded or lost
11 in the immediate project area, specific stream corridor, or watershed.

12 (j) Street: A public or private way that is created to provide ingress or egress to one or
13 more lots, parcels, areas, or tracts of land, excluding a private way that is created to
14 provide ingress or egress to land in conjunction with the use of the land for forestry,
15 mining, or agricultural purposes. "Street" includes "highway," "thoroughfare,"
16 "parkway," "throughway," "road," "avenue," "boulevard," "lane," "court," "place,"
17 "loop," "drive," "circle," and other such terms. The term "street" does not include
18 alleys or flag lot accessways.

19 (k) Street tree: A tree planted in proximity to a street in order to provide canopy over
20 the street, to provide shade, and soften the street environment.

21 (l) Structural alteration: Any alteration, addition, or removal of any structural member
22 of a building, other than a minor alteration. As used in this subsection:

23 (1) Minor alteration means the alteration, replacement, or repair of a structural
24 member so as not to alter structural integrity or the manner in which structural
25 integrity was achieved before the alteration, replacement, or repair;

26 (2) Structural integrity means the capacity of the building and its component
27 parts, other than non-bearing walls, fixtures, electrical systems, plumbing
28 systems, mechanical systems, openings, and ornamental appendages, to withstand
29 the forces, stresses, and loads which are contemplated in the Oregon Structural
30 Specialty Code for the type of construction involved; and

1 (3) Structural member means any component part of a building which contributes
2 to structural integrity.

3 (m) Structure: That which is built or constructed; an edifice or building of any kind; or
4 any piece of work artificially built up or composed of parts joined together in some
5 definite manner; any of which is an addition to or fixture on real property. Such term
6 does not include paving, or mobile homes.

7 (n) Subject property: The real property that is the subject of any land use proceeding.
8 For notification purposes, subject property includes not only the real property that is the
9 subject of the land use proceeding for which notice is required, but also any contiguous
10 property in which the applicant or owner holds a legal or equitable interest.

11 **111.100. “T” Definitions.**

12 (a) Temporary: Unless otherwise provided under the UDC, a limited duration more
13 than two hours but less than six months, and which does not involve the construction or
14 alteration of any permanent structure.

15 (b) Townhouse: A dwelling unit constructed in a row of two or more attached units,
16 where each dwelling unit is located on its own lot and shares a common side wall or
17 walls with the adjacent units. A townhouse is also called a rowhouse.

18 (c) Turnaround area: A paved area of a sufficient size and configuration that a motor
19 vehicle having a curb-to-curb turning radius of 30 feet or less may maneuver around to
20 head in the opposite direction without having to move in reverse more than once.

21 (d) T-VIS: The percentage of light in the visible spectrum, 380 to 780 nanometers,
22 that is transmitted through the glass. T-VIS is also known as visible light
23 transmittance.

24 **111.105. “U” Definitions.**

25 (a) Unit of land: A lot, parcel, or other tract of land described by a metes and bounds,
26 which is lawfully established and which has been recorded. A lot, parcel, or tract is
27 “lawfully established” only if:

28 (1) The lot or parcel was created in compliance with all applicable legal
29 requirements for a land division in effect at the time it was created; or

30 (2) The lot, parcel, or tract has been validated pursuant to SRC 205.060.

1 (b) Uphill lot: A hillside lot which slopes uphill from the front lot line.

2 (c) Use standard: Any standard or condition imposed by the UDC, or a decision in a
3 land use action, which regulates, restricts, prohibits, or allows the conduct of a use. A
4 use standard does not include a development standard.

5 (d) Utility or utilities: Water; wastewater; stormwater facilities; natural gas;
6 electricity; telephone, internet, and other electronic data or communication services;
7 and cable television. As the context requires, the term “utility” or “utilities” may
8 include City utilities or public utilities.

9 **111.110. “V” Definitions.**

10 (a) Vehicle display area: An area of a development site where motor vehicles,
11 recreational vehicles, trailers, boats, or other vehicles are displayed for sale or lease.

12 (b) Vehicle storage area: An area of a development site used for the storage of motor
13 vehicles, utility trailers, recreational vehicles, boats, aircraft, or other vehicles.

14 (c) Vehicle use area: An area of a development site used for parking, storage, display,
15 loading, maneuvering, access, or circulation of vehicles. A vehicle use area includes
16 off-street parking areas, vehicle storage areas, vehicle display areas, loading areas,
17 driveways, and drive-through lanes.

18 (d) Vertical window: A window with a vertical dimension greater than its horizontal
19 dimension.

20 (e) Vicinity: Land that is surrounding, near, or within close proximity of a particular
21 place. Vicinity is smaller in size than a neighborhood.

22 (f) Vision clearance area: The area adjacent to the intersection of a street, alley, flag
23 lot accessway, or driveway where an unobstructed clear field of vision is required to
24 ensure safe visibility for vehicular, bicycle, and pedestrian traffic.

25 **111.115. “W” Definitions.**

26 (a) Wetland: An area inundated or saturated by surface water or groundwater at a
27 frequency and duration sufficient to support, and under normal circumstances does
28 support, a prevalence of vegetation typically adapted for life in saturated soil
29 conditions.
30

1 (b) Wetland restoration: To restore former wetlands, create new wetlands, or enhance
2 existing wetlands for the purpose of improving ecological or habitat functions.

3 Restoration means to reestablish wetland hydrology to a former wetland. Creation
4 means to successfully convert an area that has never been a wetland to wetland
5 conditions. Enhancement means the alteration and/or active management of degraded
6 wetlands for the sustainable recovery or improvement of lost or degraded wetland
7 functions and values.

8 (c) Wildlife: Any animal defined as wildlife under ORS Chapter 496.

9 (d) Wildlife rehabilitation: The restoration of injured, sick, or immature wildlife,
10 except cougars, wolves, and bears, that are native to Oregon to a condition where they
11 are capable of being released into the wild or, if incapable of survival on their own,
12 retained for educational purposes or transferred to an organization, educational
13 institution, museum, publicly funded zoo, or other facility as determined by the Oregon
14 Department of Fish and Wildlife.

15 (e) Wildlife rehabilitator: An individual who is licensed as a Wildlife Rehabilitator by
16 the Oregon Department of Fish and Wildlife and actively engaged in wildlife
17 rehabilitation.

18 (f) Wildlife rehabilitation facility: Any building, structure, or land being used for the
19 purpose of wildlife rehabilitation.

20 **111.120. (Reserved for “X” Definitions)**

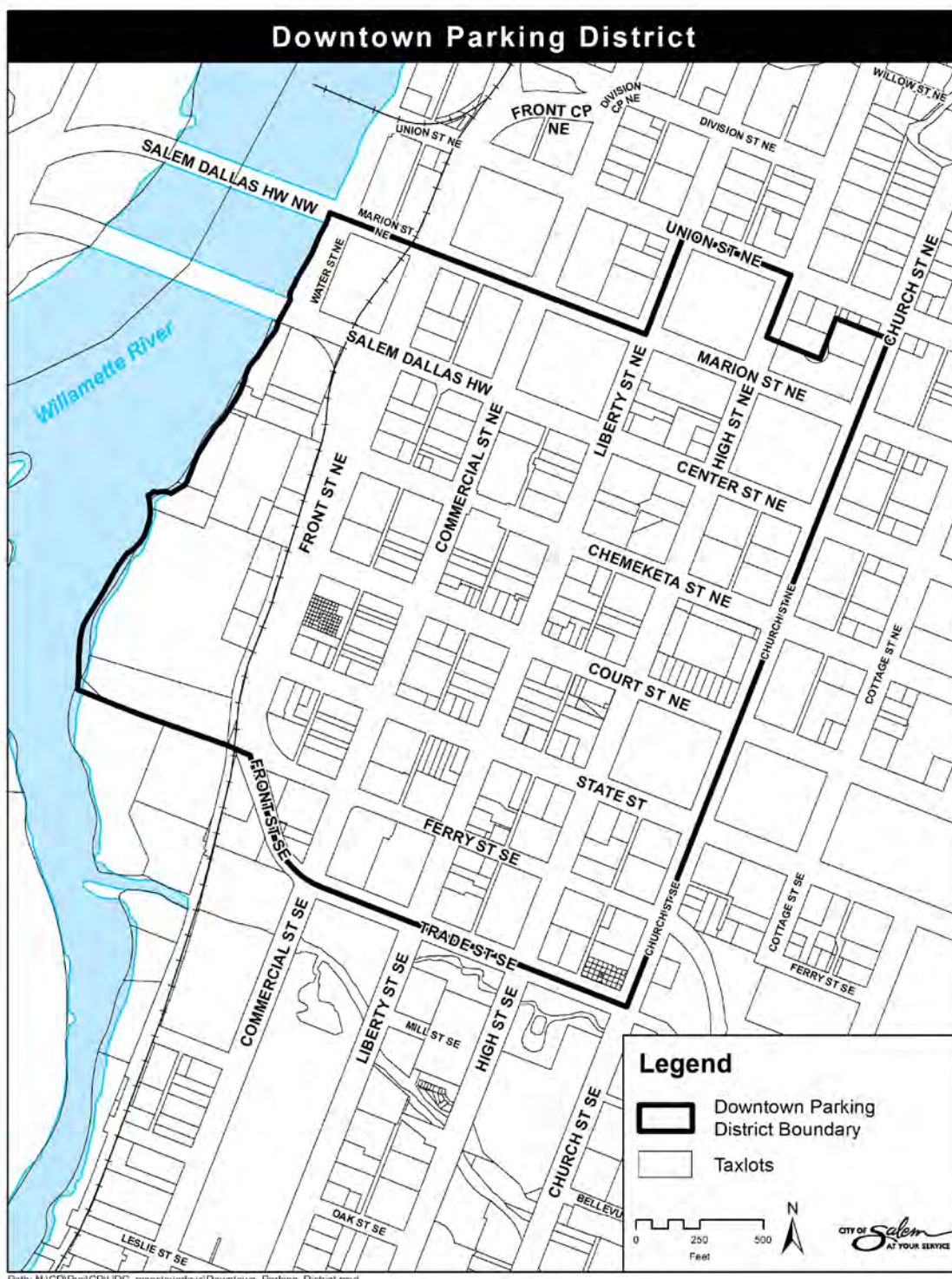
21 **111.125. (Reserved for “Y” Definitions)**

22 **111.130. “Z” Definitions.**

23 (a) Zero side yard dwelling: A detached dwelling unit located on its own lot and
24 constructed contiguous to one, but not both, interior side lot lines.

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**FIGURE 111-4
DOWNTOWN PARKING DISTRICT**



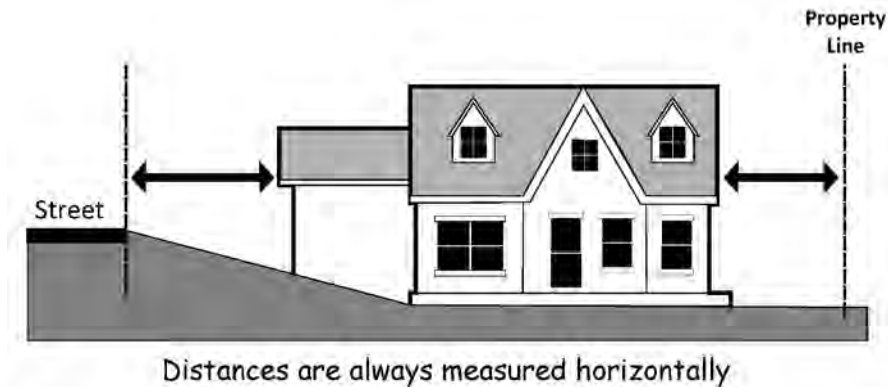
1 **Section 4.** SRC Chapter 112 is added to the Salem Revised Code as follows:

2 **112.001. Purpose.** The purpose of this Chapter is to establish methods for measurements in the
3 UDC.

4 **112.005. Cul-de-sac Length.** Cul-de-sac length shall be measured from the nearest right-of-
5 way line of the nearest intersecting street to the throat or point of beginning of the turnaround
6 area.

7 **112.010. Distance.** Unless otherwise provided under the UDC, all distances shall be calculated
8 by measuring the horizontal distance between two points (see Figure 112-1).

9
10 **FIGURE 112-1**
11 **DISTANCE**



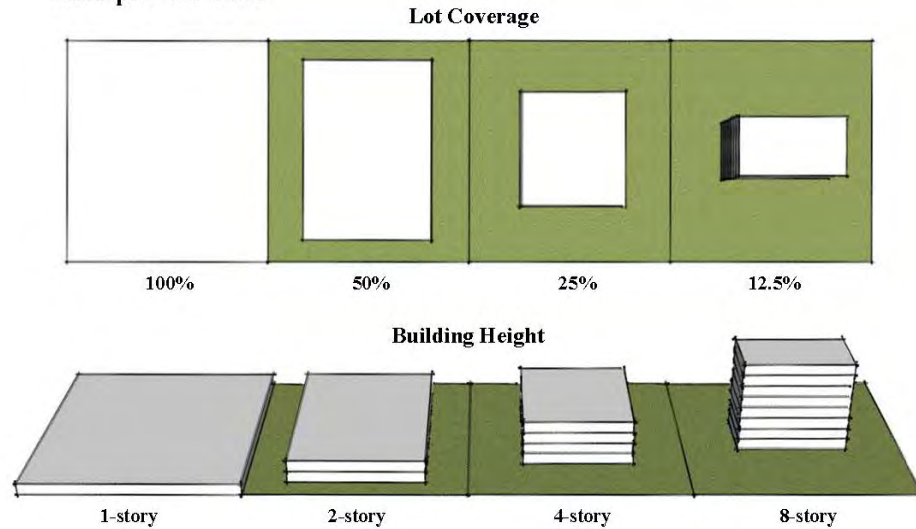
112.015. Dwelling Unit Density. The number of dwelling units permitted on property shall be calculated by dividing the lot area in square feet by 43,560 and multiplying that figure by the minimum or maximum density allowed. Any fractional number shall be rounded to the next highest whole number.

112.020. Floor Area Ratio. Floor area ratio shall be calculated by dividing the total floor area of all buildings on a lot by the lot area (see Figure 112-2).

**FIGURE 112-2
FLOOR AREA RATIO**

$$\text{Floor Area Ratio} = \frac{\text{Total Floor Area of All Buildings}}{\text{Lot Area}}$$

Example: 1.0 FAR



112.025. Fractions. Unless otherwise provided under the UDC, where a regulation is expressed in terms of a minimum numerical requirement, any computation that yields a fraction of less than 0.5 shall be rounded down to the nearest whole number and any computation that yields a fraction of 0.5 or greater shall be rounded up to the next nearest whole number.

112.030. Ground Floor Windows. Unless otherwise provided under the UDC, where a minimum percentage of windows are required on the ground floor of a building, the percentage of windows shall be calculated by:

- (a) Dividing the total area of windows on the ground floor of the building by the area of the ground floor of the building; or
- (b) Dividing the total width of windows along the ground floor of the building by the length of the ground floor of the building. This method of calculation may be used only if the windows have a vertical dimension that equals 6 feet or more in height.

112.035. Height.

1 (a) **Calculation.** Height is calculated by measuring the vertical distance between two
2 points, a base point and a top point. Unless otherwise provided under the UDC, the
3 base point is the lowest point on the grade abutting that which is being measured, and
4 the top point is the highest point on that which is being measured.

5 (b) **Structures Exceeding Maximum Height.** When the UDC provides that a
6 building or structure may exceed a maximum height by a specified amount, the amount
7 allowed greater than the maximum height shall be measured from the top point of the
8 building or structure.

9 (c) **Height of Buildings and Structures.** Unless otherwise provided under the UDC,
10 building and structure height shall be measured as set forth under this subsection.

11 (1) **Base point.** The base point for purposes of determining building and
12 structure height shall be:

13 (A) The elevation of the highest adjoining sidewalk or ground surface
14 within a 5-foot horizontal distance of the exterior wall of the building or
15 structure, when such sidewalk or ground surface is not more than 10 feet
16 above the lowest grade within the 5-foot horizontal distance; or

17 (B) An elevation that is 10 feet higher than the lowest grade within a 5-
18 foot horizontal distance of the exterior wall of the building or structure,
19 when the elevation of the highest adjoining sidewalk or ground surface
20 within a 5-foot horizontal distance of the exterior wall of the building or
21 structure is 10 feet or more above lowest grade within such 5-foot
22 horizontal distance.

23 (2) **Top point.** The top point for purposes of measuring building and structure
24 height shall be:

25 (A) The highest point of the coping of a flat roof (see Figure 112-3A).

26 (B) The average height of a shed roof.

27 (C) The average height of the highest gable of a pitched or hipped roof
28 (see Figure 112-3B).

29 (D) The deck line of a curb, gambrel, or mansard roof (see Figure 112-
30 3C).

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(E) For a stepped or terraced building, the highest point of any step or terrace of the building.

FIGURE 112-3A
BUILDING HEIGHT – FLAT ROOF

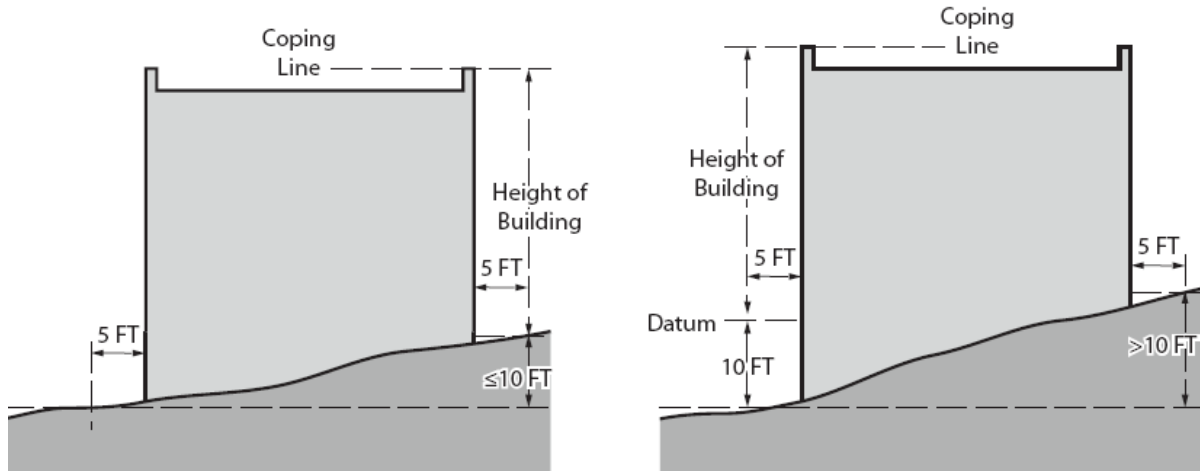
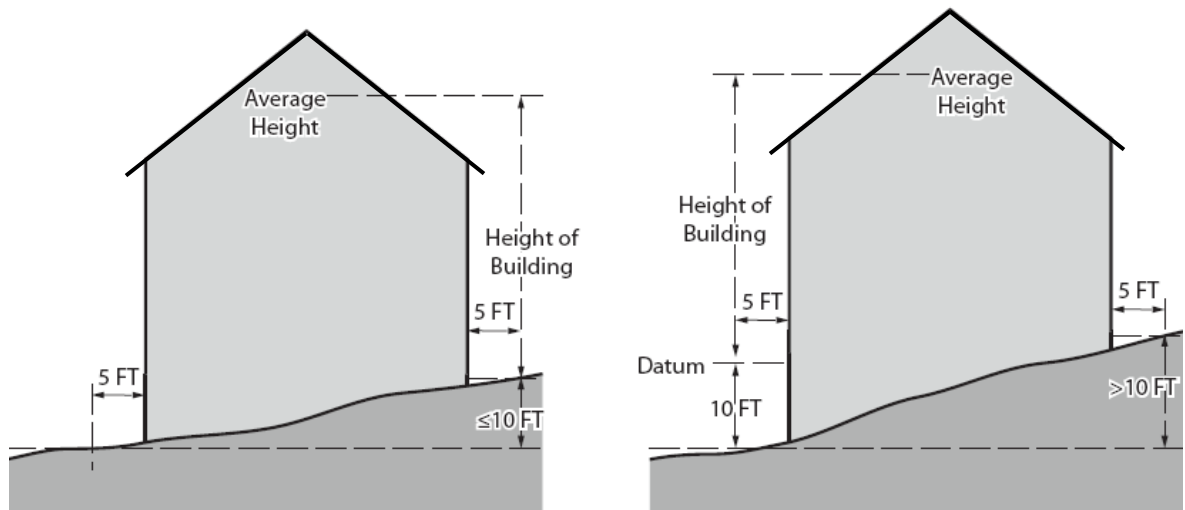
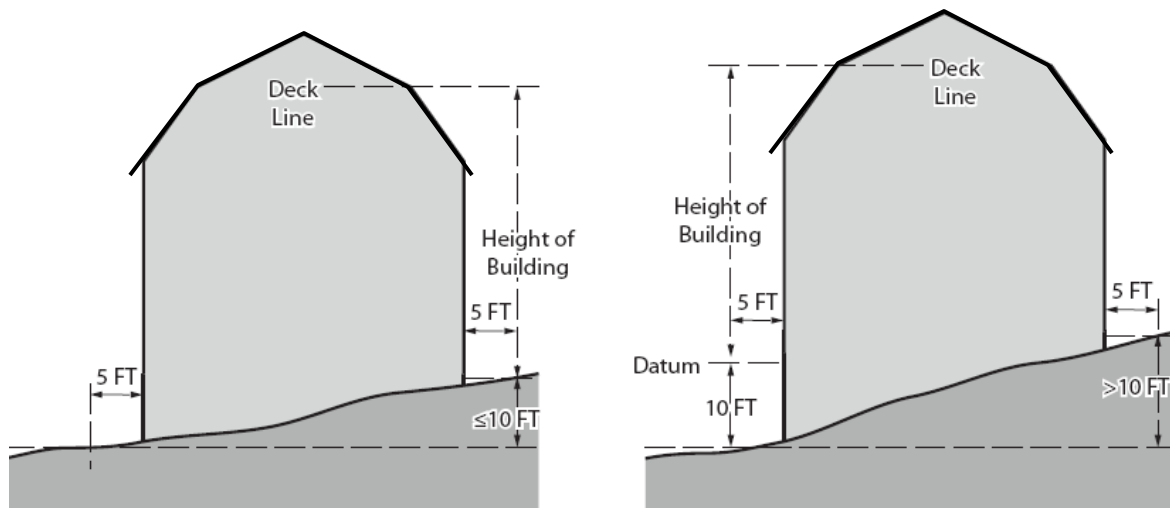


FIGURE 112-3B
BUILDING HEIGHT – PITCHED OR HIPPED ROOF



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**FIGURE 112-3C
BUILDING HEIGHT – CURB, GAMBREL, AND MANSARD ROOF**



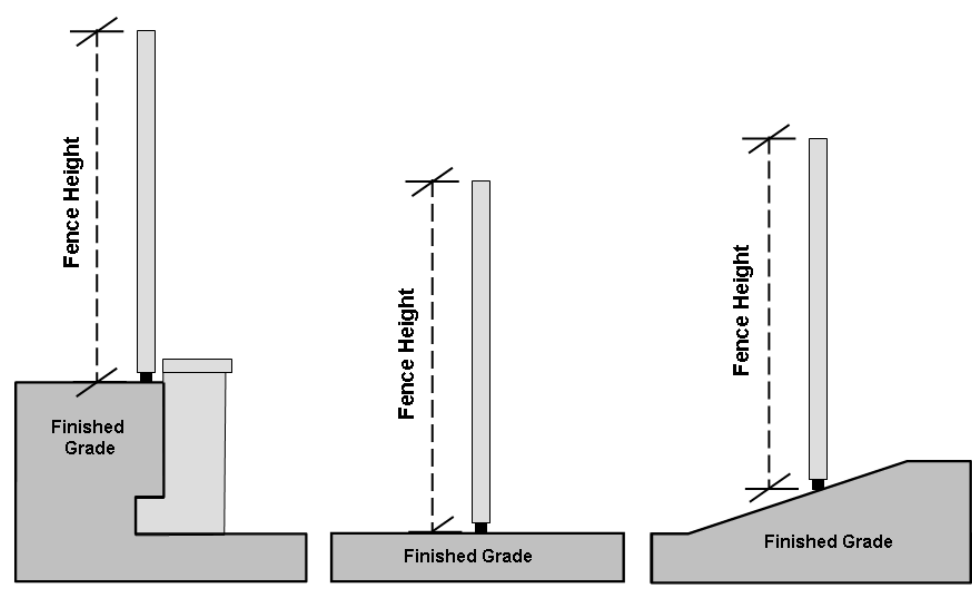
(d) Height of Fences.

(1) Except as provided in paragraph (2) of this subsection, fence height shall be measured from the finished grade upon which the fence is constructed to the top of the fence (see Figure 112-4).

(2) The height of fences along public rights-of-way shall be measured from the sidewalk to the top of the fence. If no sidewalk exists, the height of the fence shall be measured from the curb to the top of the fence. If no curb exists, the height of the fence shall be measured from the finished shoulder grade of the right-of-way to the top of the fence.

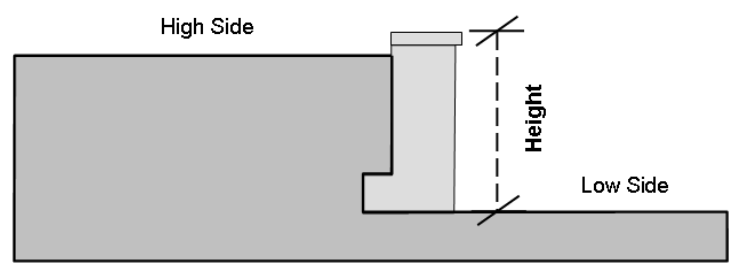
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FIGURE 112-4
MEASUREMENT OF FENCE HEIGHT



(e) **Height of Retaining Walls.** Retaining walls shall be measured from the finished grade on the lower side of the retaining wall to the top of the retaining wall (see Figure 112-5).

FIGURE 112-5
MEASUREMENT OF RETAINING WALL HEIGHT



(f) **Height of Porches, Decks, and Patios.** Porch, deck, and patio height shall be measured from the finished grade directly beneath the outside edge of the porch, deck, or patio to the top of the floor of the porch, deck, or patio.

1 (g) **Measurement of Height within Airport Overlay Zone.** Notwithstanding any
2 other provision in this section, height within the Airport Overlay Zone shall be
3 measured from mean sea level elevation to the highest point of the building, structure,
4 object, or vegetative growth.

5 **112.040. Lot Coverage.** Lot coverage is the percentage of a lot covered by structures. Unless
6 otherwise provided under the UDC, lot coverage shall be calculated by dividing the total area of
7 the lot covered by structures by the total area of the lot; provided, however, the following
8 structures, or portions thereof, shall not be included in calculating lot coverage:

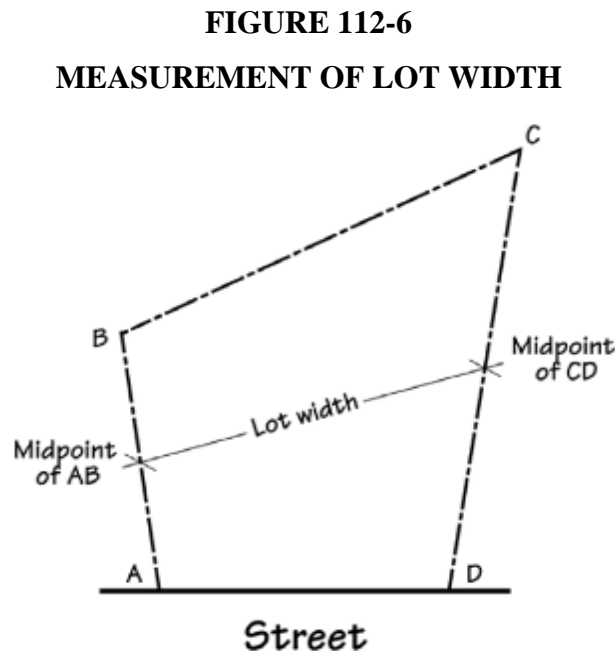
9 (a) Any unroofed portion of a structure.

10 (b) Any structure that is less than 5 feet in height and that has less than 20 square feet
11 of gross floor area, including, but not limited to, pet shelters and play houses.

12 **112.045. Lot Dimensions.**

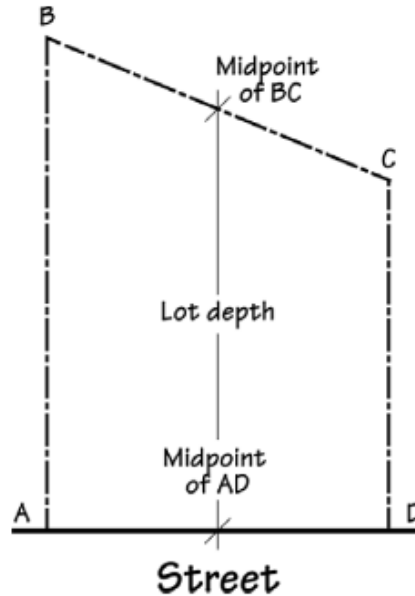
13 (a) **Lot Area.** Lot area is the total horizontal area in square feet or acres contained
14 within a lot. Lot area shall be measured exclusive of any flag lot accessway.

15 (b) **Lot Width.** Lot width is the horizontal distance between the side lot lines. Lot
16 width shall be measured at a point halfway between the front and rear lot lines (see
17 Figure 112-6). Lot width shall be measured exclusive of any flag lot accessway.



1 (c) **Lot Depth.** Lot depth is the horizontal distance between the front and rear lot lines.
2 Lot depth shall be measured at a point halfway between the side lot lines (see Figure
3 112-7). Lot depth shall be measured exclusive of any flag lot accessway.
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5 **FIGURE 112-7**
6 **MEASUREMENT OF LOT DEPTH**



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18 (d) **Street Frontage.** Street frontage shall be measured exclusive of any flag lot
19 accessway.
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21 **112.050. Setbacks.**

22 (a) **Generally.** Setbacks are measured along a line that is perpendicular to the property
23 line and extended from the property line inward toward the center of the lot. If the
24 property line is curved, the setback shall be measured along a line that is a radius to the
25 curve and extended from the lot line inward to the center of the lot.

26 (b) **Garage or Carport Vehicle Entrance Setback Abutting Street or Flag Lot**
27 **Accessway.** The setback for the vehicle entrance of a garage or carport facing a street
28 or flag lot accessway shall be measured from one of the following lines, whichever is
29 closest to the proposed vehicle entrance of the garage or carport:
30

- (1) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (2) The outside curbline; or
- (3) The edge of the sidewalk furthest from the street.

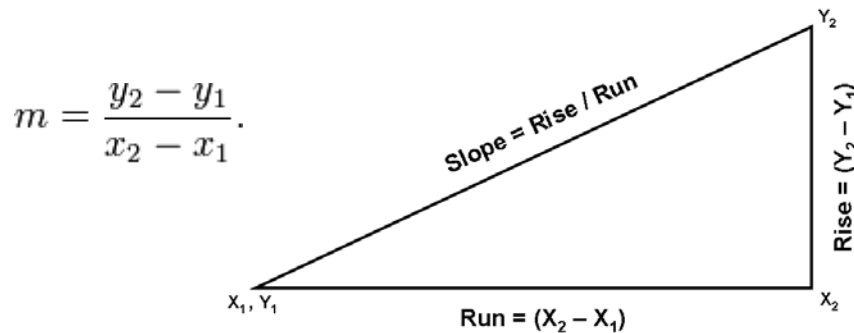
(c) **Setbacks Abutting Flag Lot Accessway.** Setbacks abutting a flag lot accessway shall be measured from one of the following lines, whichever is most interior to the lot or parcel:

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

112.055. Slope. Slope is the ratio of the "rise" divided by the "run" between two points.

(a) **Calculating Slope.** Slope is calculated as the ratio of the altitude change ("rise") to the horizontal distance ("run") between two points on a line. Given two points (x_1, y_1) and (x_2, y_2) on a line, the slope (m) of the line is calculated as shown in Figure 112-8:

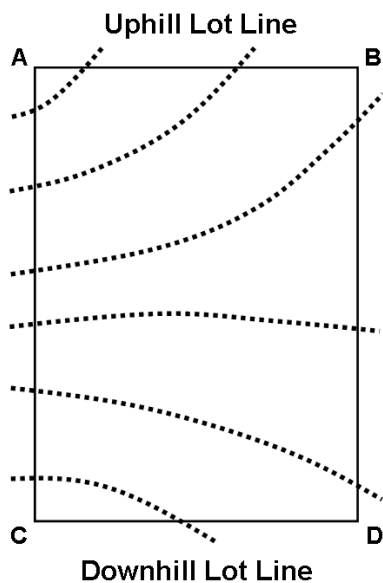
**FIGURE 112-8
SLOPE**



(b) **Calculating Average Cross Slope.** Average cross slope is calculated by dividing the average change in elevation between the uphill lot line and the downhill lot line by the average distance between the uphill lot line and the downhill lot line (see Figure 112-9).

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**FIGURE 112-9
AVERAGE CROSS SLOPE**



$$\text{Average Slope} = \frac{\text{Average Elevation Uphill Lot Line} - \text{Average Elevation Downhill Lot Line}}{\text{Average Distance Between the Uphill and Downhill Lot Lines}}$$

$$\frac{\left(\frac{A + B}{2}\right) - \left(\frac{C + D}{2}\right)}{\left(\frac{\text{Length of Line AC} + \text{Length of Line BD}}{2}\right)}$$

112.060. Yards.

(a) **Front Yard.** The front yard is the area located between the the main building and the front lot line, and extending across the full width of the lot (see Figure 112-10).

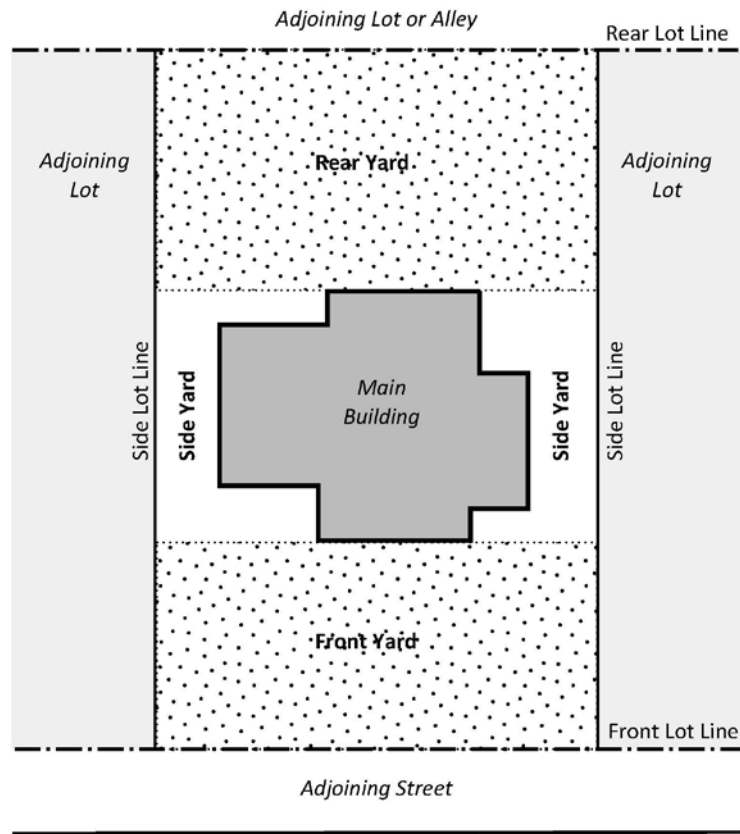
Unless otherwise provided under the UDC, front yard depth is the horizontal distance between the front lot line and the point on the foundation of the main building that is nearest to the front lot line.

(b) **Side Yard.** A side yard is the area located between the main building and a side lot line, and extending between the front yard and rear yard (see Figure 112-10).

(c) **Rear Yard.** The rear yard is the area located between the main building and the rear lot line, and extending across the full width of the lot (see Figure 12-10). Unless otherwise provided under the UDC, rear yard depth is the horizontal distance between the rear lot line and the point on the foundation of the main building that is nearest to the rear lot line

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FIGURE 112-10
YARDS



Section 5. The following SRC Chapter 205 is added to the Salem Revised Code:

205.001. Purpose. The purpose of this chapter is to provide regulations governing the division and reconfiguration of land.

205.005. Partition Tentative Plan.

(a) **Applicability.** Except as provided in ORS 92.010(9), no land shall be divided into three or fewer parcels within a calendar year without receiving tentative partition plan approval as set forth in this section.

(b) **Procedure Type.** A tentative partition plan is processed as a Type II procedure under SRC Chapter 300.

1 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type II
2 application under SRC Chapter 300, an application for tentative partition plan shall
3 include the information required in SRC 205.030.

4 **(d) Criteria.** A tentative partition plan shall be approved if all of the following criteria
5 are met:

6 **(1)** The tentative partition plan complies with the standards of this Chapter and
7 with all applicable provisions of the UDC, including, but not limited to the
8 following:

9 **(A)** Lot standards, including, but not limited to, standards for lot area, lot
10 width and depth, lot frontage, and designation of front and rear lot lines;

11 **(B)** City infrastructure standards; and

12 **(C)** Any special development standards, including, but not limited to,
13 floodplain development, special setbacks, geological or geotechnical
14 analysis, and vision clearance.

15 **(2)** The tentative partition plan does not impede the future use or development of
16 the property or adjacent land.

17 **(3)** Development within the tentative partition plan can be adequately served by
18 City infrastructure.

19 **(4)** The street system in and adjacent to the tentative partition plan conforms to
20 the Salem Transportation System Plan.

21 **(5)** The street system in and adjacent to the tentative partition plan is designed so
22 as to provide for the safe, orderly, and efficient circulation of traffic into, through,
23 and out of the partition.

24 **(6)** The tentative partition plan takes into account the topography and vegetation
25 of the site so the need for variances is minimized to the greatest extent
26 practicable.

27 **(7)** The layout, size, and dimensions of the parcels within the tentative partition
28 plan take into account the topography and vegetation of the site, such that the
29 least disruption of the site, topography, and vegetation will occur from the
30 reasonable development of the parcels.

1 ~~(8) Adequate measures have been planned to alleviate identified natural or~~
2 ~~human-produced hazards or limitations to development, including, but not limited~~
3 ~~to, wetlands, unstable areas, and stream side setbacks. For development in~~
4 ~~wetlands and unstable areas, the following measures shall apply:~~

5 ~~(A) For wetlands these shall be the measures required by the Division of~~
6 ~~State Lands for regulatory wetlands.~~

7 ~~(B) For unstable areas these measures shall be documentation, as~~
8 ~~approved by the Public Works Department, that streets and building sites~~
9 ~~are on geologically stable soil considering the stress and loads to which~~
10 ~~the soil may be subjected.~~

11 ~~(8)(9)~~ When the tentative partition plan is for property located more than 300 feet
12 from an available sewer main, and the property will not connect to City water and
13 sewer:

14 (A) The property is zoned residential;

15 (B) The property has received a favorable site evaluation from the county
16 sanitarian for the installation of an on-site sewage disposal system; and

17 (C) The proposed parcels are at least 5 acres in size and, except for flag
18 lots, have no dimension that is less than 100 feet.

19 **(e) Conditions of Approval for Partitions in Areas Unserved by City Sewer.** In
20 addition to any conditions imposed pursuant to SRC 300.820, when the tentative
21 partition plan is for property located more than 300 feet from an available sewer main,
22 and the property will not connect to City water and sewer, the following conditions
23 shall be imposed:

24 (1) The parcels shall only be used for residential purposes;

25 (2) All buildings and structures shall meet required setbacks from future street
26 rights-of-way; and

27 (3) A non-remonstrance agreement shall be signed and recorded against the
28 property agreeing to connect to the City's sewer and water systems when they
29 become available, and waiving the right to object to any future City sewer and
30 water project benefiting the property.

1 (f) **Expiration.** Tentative partition plan approval shall expire as provided in SRC
2 300.850, unless an application for final plat is submitted within the time limits set forth
3 in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

4 **205.010. Subdivision Tentative Plan.**

5 (a) **Applicability.** No land shall be divided into four or more lots within a calendar
6 without receiving tentative subdivision plan approval as set forth in this section.

7 (b) **Procedure Type.** A tentative subdivision plan is processed as a Type II procedure
8 under SRC Chapter 300.

9 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
10 application under SRC Chapter 300, an application for tentative subdivision plan shall
11 include the information required in SRC 205.030.

12 (d) **Criteria.** A tentative subdivision plan shall be approved if all of the following
13 criteria are met:

14 (1) The tentative subdivision plan complies with the standards of this Chapter
15 and with all applicable provisions of the UDC, including, but not limited to, the
16 following:

17 (A) Lot standards, including, but not limited to, standards for lot area, lot
18 width and depth, lot frontage and designation of front and rear lot lines.

19 (B) City infrastructure standards.

20 (C) Any special development standards, including, but not limited to,
21 floodplain development, special setbacks, geological or geotechnical
22 analysis, and vision clearance.

23 (2) The tentative subdivision plan does not impede the future use or development
24 of the property or adjacent land.

25 (3) Development within the tentative subdivision plan can be adequately served
26 by City infrastructure.

27 (4) The street system in and adjacent to the tentative subdivision plan conforms
28 to the Salem Transportation System Plan.

29 (5) The street system in and adjacent to the tentative subdivision plan is designed
30 so as to provide for the safe, orderly, and efficient circulation of traffic into,

1 through, and out of the subdivision.

2 (6) The tentative subdivision plan provides safe and convenient bicycle and
3 pedestrian access from within the subdivision to adjacent residential areas and
4 transit stops, and to neighborhood activity centers within one-half mile of the
5 development. For purposes of this criterion, neighborhood activity centers
6 include, but are not limited to, existing or planned schools, parks, shopping areas,
7 transit stops, or employment centers.

8 (7) The tentative subdivision plan mitigates impacts to the transportation system
9 consistent with the approved Traffic Impact Analysis, where applicable.

10 (8) The tentative subdivision plan takes into account the topography and
11 vegetation of the site so the need for variances is minimized to the greatest extent
12 practicable.

13 (9) The tentative subdivision plan takes into account the topography and
14 vegetation of the site, such that the least disruption of the site, topography, and
15 vegetation will result from the reasonable development of the lots.

16 ~~(10) Adequate measures have been planned to alleviate identified natural or~~
17 ~~human-produced hazards or limitations to development, including, but not limited~~
18 ~~to, wetlands, unstable areas, stream side setbacks and flood plains. For~~
19 ~~development in wetlands and unstable areas, the following measures shall apply:~~

20 ~~(A) For wetlands these shall be the measures required by the Division of~~
21 ~~State Lands for regulatory wetlands.~~

22 ~~(B) For unstable areas these measures shall be documentation, as~~
23 ~~approved by the department of public works, that streets and building sites~~
24 ~~are on geologically stable soil considering the stress and loads to which~~
25 ~~the soil may be subjected.~~

26 (10)~~(11)~~ When the tentative subdivision plan requires an Urban Growth
27 Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is
28 designed in a manner that ensures that the conditions requiring the construction of
29 on-site infrastructure in the Urban Growth Preliminary Declaration will occur,
30 and, if off-site improvements are required in the Urban Growth Preliminary

1 Declaration, construction of any off-site improvements is assured.

2 **(e) Expiration.** Tentative subdivision plan approval shall expire as provided in SRC
3 300.850, unless an application for final plat is submitted within the time limits set forth
4 in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

5 **205.015. Phased Subdivision Tentative Plan.**

6 **(a) Applicability.** The subdivision of land may be phased. No land shall be divided as
7 a phased subdivision without receiving tentative phased subdivision plan approval as
8 set forth in this section. When the subdivision of land is phased, one tentative plan is
9 approved for the entire phased subdivision, and each individual phase receives separate
10 final plat approval.

11 **(b) Procedure Type.** A tentative phased subdivision plan is processed as a Type II
12 procedure under SRC Chapter 300.

13 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type II
14 application under SRC Chapter 300, an application for tentative phased subdivision
15 plan shall include:

16 (1) The information required in SRC 205.030; and

17 (2) A phasing plan that indicates the tentative boundaries of each phase, the
18 sequencing of the phases, the tentative configuration of lots in each phase, and a
19 plan for the construction of all required city infrastructure in each phase.

20 **(d) Approval Criteria.** A tentative phased subdivision plan shall be approved if all of
21 the following criteria are met:

22 (1) The tentative phased subdivision plan meets all of the criteria for tentative
23 subdivision plan approval set forth in SRC 205.010(d).

24 (2) Connectivity for streets and City utilities between each phase ensures the
25 orderly and efficient construction of required public improvements among all
26 phases.

27 (3) Each phase is substantially and functionally self-contained and self-sustaining
28 with regard to required public improvements.

29 (4) Each phase is designed in such a manner that all phases support the
30 infrastructure requirements for the phased subdivision as a whole.

1 (e) **Modification Pursuant to Final Plat Approval.** If the approval of a final plat for
2 a phase of a phased subdivision requires the change of a boundary of a subsequent
3 phase, or a change to the conditions of approval, the tentative phased subdivision plan
4 shall be modified prior to approval of the final plat.

5 (f) **Expiration.** Tentative phased subdivision plan approval shall expire as provided in
6 SRC 300.850, unless an application for final plat is submitted for each phase within the
7 time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC
8 300.850(b).

9 **205.020. Manufactured Dwelling Park Subdivision Tentative Plan.**

10 (a) **Applicability.** No manufactured dwelling park or mobile home park existing as of
11 July 2, 2001, shall be subdivided without receiving tentative manufactured dwelling
12 park subdivision plan approval as set forth in this section.

13 (b) **Procedure Type.** A tentative manufactured dwelling park subdivision plan is
14 processed as a Type II procedure under SRC Chapter 300.

15 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
16 application under SRC Chapter 300, an application for tentative manufactured dwelling
17 park subdivision plan shall include the information required in SRC 205.030.

18 (d) **Criteria.** A tentative manufactured dwelling park subdivision plan shall be
19 approved if all of the following criteria are met:

20 (1) The manufactured dwelling park proposed to be subdivided is in compliance
21 with the development standards for manufactured dwelling parks or a mobile
22 home parks applicable at the time the park was approved, or the park is a
23 nonconforming use. For purposes of this subsection, a park is in compliance if
24 the City did not issue a written notice of noncompliance prior to July 2, 2001.

25 (2) The tentative manufactured dwelling parking subdivision plan does not
26 increase or decrease the number of lots, as defined in ORS 446.003, approved for
27 the park, change the external boundary lines or setback requirements, or make
28 other development changes; provided, however, the tentative manufactured
29 dwelling park subdivision plan may provide for a reduction in the number of lots
30

1 if the reduction involves only lots that have never been used for the placement of
2 manufactured dwellings.

3 (3) The tentative manufactured dwelling park subdivision plan restricts the use of
4 lots in the subdivision to the installation of manufactured dwellings, and restricts
5 any other property in the subdivision to use as common property, as defined in
6 ORS 94.550, or for public purposes.

7 (4) The applicant has recorded with the county the waiver of right to
8 remonstrance required under ORS 92.835.

9 (5) The tentative manufactured dwelling park subdivision plan is in compliance
10 with the applicable requirements of ORS 92.010 to 92.179.

11 (e) **Conditions of Approval.** Notwithstanding SRC 300.820, the Review Authority
12 may only impose conditions on the approval of a tentative manufactured dwelling park
13 subdivision plan that:

14 (1) Were conditions of the original manufactured dwelling park approval; and

15 (2) Are required by ORS 92.830 to 92.845.

16 (f) **Expiration.** Tentative manufactured dwelling park subdivision plan approval shall
17 expire as provided in SRC 300.850, unless an application for final plat is submitted
18 within the time limits set forth in SRC 300.850, or an extension is granted pursuant to
19 SRC 300.850(b).

20 **205.025. Replat.**

21 (a) **Applicability.** A replat is required to reconfigure lots or parcels and public
22 easements in a recorded partition or subdivision plat, to increase or decrease the
23 number of lots in a subdivision, or where multiple property line adjustments require a
24 replat. No replat shall occur without receiving tentative replat approval as set forth in
25 this section.

26 (b) **Procedure Type.** A tentative replat is processed as a Type II procedure under
27 SRC Chapter 300.

28 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
29 application under SRC Chapter 300, an application for tentative replat shall include the
30

1 information required in SRC 205.030. If the replat will vacate any easement, the
2 tentative replat plan shall show the easement proposed to be vacated.

3 **(d) Criteria.** A tentative replat shall be approved if all of the following criteria are
4 met:

5 **(1)** The tentative replat does not propose to vacate any public street or road, or
6 any recorded covenants or restrictions.

7 **(2)** The tentative replat will not create nonconforming units of land or non-
8 conforming development, or increase the degree of nonconformity in existing
9 units of land or development.

10 **(3)** The tentative replat complies with the standards of this Chapter and with all
11 applicable provisions of the UDC.

12 **(4)** The tentative replat complies with all applicable provisions of ORS Chapter
13 92.

14 **(5)** The tentative replat is not prohibited by any existing City land use approval or
15 previous condition of approval, affecting one or both of the units of land.

16 **(6)** The tentative replat does not adversely affect the availability of, or access to,
17 City infrastructure or public or private utilities or streets.

18 **(e) Notice to Utilities.** When a utility easement is proposed to be realigned, reduced in
19 width, or eliminated by a replat, notice of the tentative replat application shall be
20 mailed as provided in SRC 300.520(b)(1) to all affected utility companies or public
21 agencies. Any utility company that desires to maintain an easement that would be
22 realigned, reduced in width, or eliminated by a proposed replat must notify the Director
23 in writing within 14 days of the mailing date of the notice. If an objection to the
24 realignment, reduction in width, or elimination of an easement is received within the 14
25 day period, the utility easement shall not be realigned, reduced in width, or eliminated.

26 **(f) Expiration.** Tentative replat approval shall expire as provided in SRC 300.850,
27 unless an application for final plat is submitted within the time limits set forth in SRC
28 300.850, or an extension is granted pursuant to SRC 300.850(b).

1 **205.030. Additional Submittal Requirements.** Applications to subdivide, partition, or replat
2 land shall include, in addition to the submittal requirements under SRC Chapter 300, the
3 following:

4 (a) A tentative plan map, of a size and form and in the number of copies meeting the
5 standards established by the Director, containing the following information:

6 (1) A title block on each sheet indicating the proposed subdivision or phased
7 subdivision name, or, if available, the partition number; the names and addresses
8 of the landowner; the names and addresses of the professional engineers or
9 surveyors responsible for preparing the plan; date; and township, range and
10 section of the subject property;

11 (2) Scale and north arrow;

12 (3) The location of all property lines within 50 feet of the perimeter of the subject
13 property;

14 (4) The boundaries, dimensions, and area of each proposed lot or parcel;

15 (5) The location, width, and names of all existing streets, flag lot accessways, and
16 public accessways abutting the perimeter of the subject property;

17 (6) The location, width, curve radius, grade, and names of all proposed streets,
18 flag lot accessway, and public accessways;

19 (7) The location of all existing and proposed easements;

20 (8) The location, dimensions, and use of all existing and proposed public areas,
21 including, but not limited to, stormwater management facilities and detention
22 facilities;

23 (9) The location, dimensions, and use of any existing buildings and structures on
24 the subject property, indicating which will remain and which will be removed;

25 (10) The location of any canals, ditches, waterways, detention facilities, sewage
26 disposal systems, and wells on the subject property, indicating which will remain
27 and which will be removed or decommissioned;

28 (11) The location of any natural topographic features on the subject property,
29 including, but not limited to, creeks, drainage ways as shown on the most recent
30 USGS maps, wetlands as shown on the Local Wetland Inventory, and flood

1 plains; and

2 (12) For subdivisions and phased subdivisions, site topography shown at 5-foot
3 contour intervals, or 2-foot contour intervals for areas within a flood plain;

4 (b) *A current title report for the property:*

5 (c)~~(b)~~ A completed tree inventory on a form as provided by the Director and, if
6 required under SRC Chapter 808 a Tree Conservation Plan;

7 (d)~~(e)~~ A geological assessment or geo-technical report, if required by SRC Chapter
8 810;

9 (e)~~(d)~~ A description of the proposed stormwater management system, including pre
10 and post construction conditions, prepared in accordance with the Public Works Design
11 Standards;

12 (f)~~(e)~~ A schematic plan showing the location of existing and proposed City
13 infrastructure;

14 (g)~~(f)~~ For residentially zoned property, where the partition or subdivision will result in
15 a lot or parcel that is one-half acre or larger, a plan for the lot or parcel showing the
16 location of lot or parcel lines and other details of layout, and demonstrating that future
17 further division of the lot or parcel may readily be made without violating the
18 development standards of the UDC and without interfering with the orderly extension
19 and connection of adjacent streets.

20 (h)~~(g)~~ For partitions of property located more than 300 feet from an available sewer
21 main, and the property will not connect to City water and sewer, a plan showing:

22 (1) The location of lot lines and other details of layout demonstrating that the
23 further division and full development of the property to the urban densities
24 allowed by the Comprehensive Plan may readily be made in conformance with
25 the development standards of the UDC, and without interfering with the orderly
26 extension and connection of adjacent streets.

27 (2) The approximate location of City infrastructure following full development to
28 the urban densities allowed by the Comprehensive Plan.

29 (i)~~(h)~~ For subdivisions and phased subdivisions:

30 (1) A completed trip generation estimate on forms provided by the City;

- (2) A Traffic Impact Analysis, if required under SRC Chapter 803; and
- (3) A statement from the County Surveyor approving the name of the subdivision or phased subdivision.

205.035. Final Plat.

(a) **Applicability.** No final plat of a partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat shall be recorded without receiving final plat approval as set forth in this section.

(b) **Procedure.** Final plats are exempt from the procedures of SRC Chapter 300, and shall instead follow the procedures set forth in this section. Final plats shall be reviewed by the City prior to recording with county. Applications for final plat shall be submitted prior to expiration of tentative plan approval.

(c) **Criteria.** A final plat shall be approved if all of the following criteria are met:

(1) The final plat is in substantial conformance with the approved tentative plan or tentative replat.

(2) For phased subdivisions in commercial and industrial zones, unless the divergence from the tentative plan would require a modification of any condition of approval, the final plat for each phase may diverge from the tentative plan and still be in substantial conformance with the approved tentative plan for that phase if there is:

(A) A decrease or increase in the number of lots within the particular phase;

(B) A change in the location or width of public rights-of-way within the specific phase; provided, however, the change does not materially affect connectivity, does not increase or decrease the number of connections to streets set forth in the tentative plan, does not change the point of connection with existing or planned streets, and does not change the street designation from one classification to another;

(C) A change in the location or width of a public utility easement, so long as the change does not adversely affect connectivity with constructed or planned utilities;

1 ~~*SRC 110.100. shall estimate the cost of completing the work, call upon*~~
2 ~~*the bond or deposit for funds necessary to cover the cost, and complete the*~~
3 ~~*improvement from funds collected under the performance guarantee. If*~~
4 ~~*the funds collected under the performance guarantee are insufficient to*~~
5 ~~*install the required improvement, the City may either hold the collected*~~
6 ~~*funds until additional funds are authorized for the improvement or expend*~~
7 ~~*the collected funds on a revised improvement or on a portion of the*~~
8 ~~*improvement as determined reasonable by the Director.*~~

9 (7) If applicable, the owner has entered into a fee-in-lieu of construction
10 agreement pursuant to SRC 200.400-200.420.

11 **(d) Approval or Rejection of Final Plat.**

12 (1) If the Director finds that the final plat does not meet the approval criteria set
13 forth in subsection (c) of this section, the Director shall notify the applicant of the
14 deficiencies and afford the applicant opportunity to comply. Rejection of a final
15 plat does not affect tentative plan or tentative replat approval.

16 (2) If the Director finds that the final plat meets the approval criteria set forth in
17 subsection (c) of this section, the Director shall endorse approval on the final plat,
18 and the applicant may process and record the final plat.

19 **(e) Recording of Final Plat.** The approved final plat shall be recorded within 10 years
20 of the effective date of the tentative plan or tentative replat approval. No building
21 permits for development of lots or parcels shall be issued until the final plat is recorded.

22 **(f) Operation and Maintenance of Facilities and Common Property.** Where
23 facilities and common property, including, but not limited to, private streets, parking
24 areas, privately owned pedestrian walkways and bikeways, and landscape strips, are
25 included within the development, the recorded covenants, conditions, and restrictions
26 for the development shall include a provision that such facilities and common property
27 be perpetually operated and maintained by a property owners' association. Each
28 property owner shall be a member of the property owners' association. The association
29 shall have the power to levy and assess against privately owned property in the
30 development all necessary costs for operation and maintenance of such facilities and

1 common property. The documents creating such association shall be approved by the
2 Director.

3 **(g) Operation and Maintenance of Flag Lot Accessways.** Where a flag lot
4 accessway serving more than one lot or parcel is included within a development,
5 reciprocal and irrevocable access rights for all lots or parcels served by the flag lot
6 accessway shall be included on the final plat and in the deeds for the individual lots or
7 parcels. Maintenance of the flag lot accessway shall be shared between the owners of
8 the properties served by the flag lot accessway and an agreement requiring maintenance
9 of the flag lot accessway shall be recorded in the deeds for the individual lots or
10 parcels.

11 **205.040. Partitions Which Can Be Further Divided.** For partitions of residentially zoned
12 property, when the area of a proposed partition is such that it can be further divided resulting in
13 four or more lots or parcels, the development standards applicable to subdivisions set forth in
14 SRC Chapter 803 shall apply. Any improvements resulting from the application of such
15 standards to the proposed partition shall be constructed, or the applicant shall enter into a deferral
16 agreement which shall be attached to all property within the partition.

17 **205.045. Special Platting Standards for Conservation Lots or Parcels.** Conservation lots or
18 parcels are lots or parcels that are created as part of a partition, subdivision, phased subdivision,
19 manufactured dwelling park subdivision, or replat for the purpose of preservation and
20 management of significant natural resources through the sale or transfer to a public agency or a
21 non-profit entity. As used in this section, significant natural resources include, but are not
22 limited to, areas of wildlife habitat, riparian areas, areas of sensitive ecological areas, or areas
23 that contain rare or endangered species. Conservation lots or parcels proposed as part of a
24 partition, subdivision, phased subdivision, manufactured dwelling park subdivision, or replat
25 shall be approved subject to the following:

26 (a) A conservation lot or parcel shall be primarily undeveloped and in a natural state.

27 (b) A conservation lot or parcel shall have no minimum standards for lot area, width,
28 depth, or frontage.

29 (c) A conservation lot or parcel shall be designated as such on the tentative plan and
30 the final plat.

1 (d) The deed conveying the conservation lot or parcel shall contain a covenant that
2 requires long-term preservation and management of the lot or parcel as a significant
3 natural resource.

4 **205.050. Expedited Land Division.** An expedited land division, as defined by ORS
5 197.360(1), provides an alternative to the standard review procedures for land divisions set forth
6 in SRC Chapter 300. When an applicant requests an expedited land division, the application
7 shall be processed as provided in ORS 197.360 through ORS 197.380, in lieu of the procedures
8 set forth in SRC Chapter 300.

9 **205.055. Property Line Adjustments.**

10 (a) **Applicability.** A property line adjustment is required to relocate or eliminate all or
11 a portion of a common property line between two abutting units of land that were
12 lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments shall
13 not be used to create an additional unit of land, or to create units of land that are non-
14 conforming. No property line shall be relocated or eliminated without property line
15 adjustment approval as set forth in this section.

16 (b) **Procedure Type.** A property line adjustment is processed as a Type I procedure
17 under SRC Chapter 300.

18 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I
19 application under SRC Chapter 300, an application for a property line adjustment shall
20 include:

21 (1) A copy of recorded deeds for the existing units of land;

22 (2) A site plan, drawn to scale, indicating:

23 (A) The dimensions and areas of the units of land before and after the
24 proposed property line adjustment;

25 (B) Setbacks, building separations, lot coverage, vehicular access, and
26 public and private utilities;

27 (3) A copy of the proposed property line adjustment deed containing:

28 (A) The names of the owners;

29 (B) Legal description of the adjusted lines;

30 (C) References to original recorded deeds; and

1 (D) Place for the signatures of all parties, along with proper
2 acknowledgment.

3 (d) **Criteria.** A property line adjustment shall be approved if all of the following
4 criteria are met:

- 5 (1) The property line adjustment will not create an additional unit of land;
- 6 (2) The property line adjustment will not create nonconforming units of land or
7 nonconforming development, or increase the degree of nonconformity in existing
8 units of land or existing development;
- 9 (3) The property line adjustment involves only units of land that were lawfully
10 established, where the instruments creating the units of land have been properly
11 recorded;
- 12 (4) The property line adjustment is not prohibited by any existing City land use
13 approval, or previous condition of approval, affecting one or both of the units of
14 land;
- 15 (5) The property line adjustment does not involve the relocation or elimination of
16 any public easement or right-of-way; and
- 17 (6) The property line adjustment does not adversely affect the availability or
18 access to public and private utilities or streets.

19 (e) **Multiple Property Line Adjustments.** If more than three property line adjustment
20 applications affecting the same unit of land are proposed within a six month period, the
21 property line adjustments shall be processed as follows:

- 22 (1) When the units of land are within a recorded plat, the property line
23 adjustments affecting the units of land shall be by replat; and
- 24 (2) When the units of land are not within a recorded plat, the property line
25 adjustments affecting the units of land shall be by partition.

26 (f) **Monumentation.** Property line adjustments shall be surveyed and monumented as
27 required by state law. For property line adjustments involving units of land each
28 greater than 10 acres in size, the City Surveyor may waive the survey and
29 monumentation requirement for good cause shown by the property owners, including,
30 but not limited to, an intention by one of the property owners to further divide the

1 property within the two years after the date of approval, or a demonstration that there
2 are other recently established monuments nearby to which the adjusted property
3 boundaries are tied.

4 **(g) Expiration; Recording.**

5 (1) Property line adjustment approval shall expire as provided in SRC 300.850,
6 unless a property line adjustment deed is recorded in the deed records of the
7 county.

8 (2) Multiple property line adjustments processed according to SRC 205.055(e)
9 shall expire as provided in SRC 300.850 according to the expiration period
10 specified for the required application.

11 (3) Evidence demonstrating that the property line adjustment deed has been
12 recorded with the county shall be provided to the Director.

13 **205.060. Validation of Unit of Land.**

14 **(a) Applicability.** The purpose of this section is to provide a process whereby a unit
15 of land unlawfully created may be lawfully established. This section shall only be used
16 to validate units of land created before January 1, 2007. For purposes of this section:

17 (1) A unit of land is unlawfully created if the unit of land was created through a
18 sale that did not comply with the criteria applicable to the creation of the unit of
19 land at the time of sale; and

20 (2) A unit of land does not include a unit of land created solely to establish a
21 separate tax account, a unit of land created by gift, or a unit of land created
22 through any other method that is not considered a sale.

23 **(b) Procedure Type.** A validation of a unit of land is processed as a Type III
24 procedure under SRC Chapter 300.

25 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type III
26 application under SRC Chapter 300, an application for the validation of a unit of land
27 shall include the following information:

28 (1) The recorded deed or land sales contract that created the unit of land;

29 (2) A copy of the land division and zoning regulations applicable to the property at
30 the time in which the unit of land was created; and

1 (3) A plat prepared in accordance with SRC 205.035 and ORS 92.

2 (d) **Criteria.** The validation of a unit of land shall be approved if the following criteria
3 are met:

4 (1) The unit of land is not a lawfully established unit of land;

5 (2) The unit of land was created through sale by deed or land sales contract
6 executed and recorded before January 1, 2007;

7 (3) The unit of land could have complied with applicable criteria for the creation of
8 the unit of land in effect when the unit of land was sold; and

9 (4) The plat complies with SRC 205.035 and ORS 92.

10 (e) Notwithstanding subsection (d)(3) of this section, the Review Authority may
11 approve an application to validate a unit of land that was unlawfully created prior to
12 January 1, 2007, if approval was issued for a permit to allow the construction or
13 placement of a dwelling or other building on the unit of land after the sale.

14 (f) **Expiration; Recording.**

15 (1) The validation of a unit of land shall expire as provided under SRC 300.850
16 unless the plat of the validated unit of land is recorded with the applicable county.

17 (2) A copy of the recorded plat shall be provided to the Director within 30 days of
18 the date of recording with the county.

19 (g) **Effect of Validation of Unit of Land.** Development or improvement of a unit of
20 land validated pursuant to this section must comply with all applicable requirements of
21 the UDC in effect at the time a complete application for development or improvement
22 of the unit of land is submitted.

23 **205.065. Property Boundary Verification.**

24 (a) **Applicability.** The purpose of this section is to provide a process whereby the
25 outside boundary of two or more contiguous units of land held under the same
26 ownership may be established as the property line for purposes of application of the
27 Building Code.

28 (b) **Procedure Type.** A property boundary verification is processed as a Type I
29 procedure under SRC Chapter 300.

1 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I
2 application under SRC Chapter 300, an application for property boundary verification
3 shall include:

4 (1) A copy of the recorded deeds for the existing units of land; and

5 (2) A copy of the proposed legal description defining the outside boundary of the
6 units of land to be considered as a single lot for purposes of the Building Code.

7 (d) **Criteria.** A property boundary verification shall be approved if the following
8 criteria are met:

9 (1) The proposed property boundary verification involves units of land that are
10 under the same ownership; and

11 (2) The proposed legal description accurately defines the outside boundary of the
12 units of land to be considered as a single lot for purposes of the Building Code.

13 (e) **Recording.** The approved legal description defining the outside boundary of the
14 units of land to be considered as a single lot for purposes of the Building Code shall be
15 recorded with the county. Prior to issuance of a building permit, a copy of the recorded
16 legal description shall be provided to the Director.

17 **205.070. Modification of Approval.**

18 (a) **Applicability.** The approval of a tentative partition plan, tentative subdivision
19 plan, tentative phased subdivision plan, tentative manufactured dwelling park
20 subdivision plan, or tentative replat may be modified after its effective date if the
21 proposed modification meets the criteria set forth in this section. Modifications that do
22 not meet the criteria in this section require submittal of a new application for tentative
23 partition plan, tentative subdivision plan, tentative phased subdivision plan, tentative
24 manufactured dwelling park subdivision plan, or tentative replat.

25 (b) **Procedure Type.** Modifications pursuant to this section are processed as a Type I
26 procedure under SRC Chapter 300.

27 (c) **Submittal Requirements.** In addition to the submittal requirements under SRC
28 Chapter 300, an application for a modification pursuant to this section shall include the
29 following:
30

1 (1) For modification of a tentative partition plan approval, the information
2 required under SRC 205.005(c).

3 (2) For modification of a tentative subdivision plan approval, the information
4 required under SRC 205.010(c).

5 (3) For modification of a tentative phased subdivision plan approval, the
6 information required under SRC 205.015(c).

7 (4) For modification of a tentative manufactured dwelling park subdivision plan
8 approval, the information required under SRC 205.020(c).

9 (5) For modification of a tentative replat approval, the information required under
10 SRC 205.025(c).

11 (d) **Criteria.** An application for modification pursuant to this section shall be
12 approved if all of the following criteria are met:

13 (1) The proposed modification is not substantially inconsistent with the
14 conditions of the original approval; and

15 (2) The proposed modification will not result in significant changes to the
16 physical appearance of the development, the use of the site, and the impacts on
17 surrounding properties.

18 (e) **Expiration.** The effect of a modification upon the expiration period of the original
19 approval, if any, shall be established in the modification decision.

20 **Section 6.** The following SRC Chapter 210 is added to the Salem Revised Code:

21 **210.001. Purpose.** The purpose of this Chapter is to provide a means to develop real property
22 with greater latitude in site development standards, common areas, and open space than is
23 allowed through traditional zoning; to establish standards necessary to assure well planned,
24 harmonious development within planned unit developments; and to provide for increased
25 amenities in the development of residential uses within certain zones.

26 **210.005. Planned Unit Development Allowed Only in Certain Zones and Overlay Zones.**

27 Planned unit developments are allowed only within the following zones and overlay zones:

28 (a) **Zones.**

29 (1) Residential Agricultural (RA);

30 (2) Single Family Residential (RS);

- (3) Duplex Residential (RD);
- (4) Multiple Family Residential-I (RM-I);
- (5) Multiple Family Residential-II (RM-II); and
- (6) Multiple Family High-Rise Residential (RH).

(b) Overlay Zones.

- (1) The General Commercial (CG) zoned portions of the Pine Street Mixed-Use Overlay Zone.

210.010. Uses. Except as otherwise provided in this section, uses allowed in the zone or overlay zone are allowed within a PUD; provided however, certain uses may be restricted in location to convenience service areas or retail service areas as set forth in this Chapter.

- (a) **Additional Permitted Uses.** The uses set forth in Table 210-1 are additional permitted uses within a PUD regardless of the zone or overlay zone.

**TABLE 210-1
ADDITIONAL PERMITTED USES**

Table 210-1: Additional Permitted Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	
Two Family	P	
Multiple Family	P	

210.015. Planned Unit Development with Land Division.

- (a) If individual lots or parcels are proposed to be created within a PUD, a subdivision or partition shall be required with the PUD tentative plan. The PUD tentative plan and the subdivision or partition shall be processed as a consolidated application under SRC 300.120(c).

- (b) Notwithstanding any other provision of the UDC, the applicable approval criteria and development standards for a PUD tentative plan with a subdivision or partition shall be the approval criteria and development standards set forth in this chapter.

210.020. Planned Unit Development Pre-Application Conference Submittal Requirements; Notice.

1 (a) **Submittal Requirements.** In addition to the submittal requirements for a pre-
2 application under SRC Chapter 300, an application for PUD pre-application conference
3 shall include:

4 (1) Maps in general schematic form containing the following:

5 (A) The topography of the site, with either contour lines or elevations at
6 key locations;

7 (B) Proposed land uses;

8 (C) The approximate location of existing buildings or structures on the
9 site, noting any that are to be retained;

10 (D) The approximate location of existing buildings, structures, and land
11 uses on properties abutting the site;

12 (E) The approximate location of proposed buildings or structures on the
13 site, except for those areas of the site that will contain only lots for single
14 family dwellings;

15 (F) The approximate number of proposed dwelling units in any residential
16 building, other than a single family dwelling;

17 (G) The approximate location of all proposed streets, walkways, and
18 parking facilities;

19 (H) Public uses on the site including schools, parks, playgrounds, open
20 spaces and trails; and

21 (I) The general location of any existing significant natural or cultural
22 features on the site.

23 (2) A written statement providing an explanation of the character of the proposed
24 planned unit development and the manner in which it has been designed to take
25 advantage of the planned development concept;

26 (b) **Notification to Neighborhood.** Within 7 days after the pre-application
27 conference, any City-recognized neighborhood association whose boundaries within
28 which the proposed planned unit development is located shall be notified of the
29 proposal and its location, size, and general development concept.

30 **210.025. Planned Unit Development Tentative Plan.**

1 (a) **Applicability.** No land shall be developed as a planned unit development without
2 receiving PUD tentative plan approval as set forth in this section.

3 (b) **Procedure Type.** A PUD tentative plan is processed as a Type III procedure under
4 SRC Chapter 300.

5 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type III
6 application under SRC Chapter 300, an application for PUD tentative plan shall include
7 the following:

8 (1) A PUD tentative plan map, of a size and form and in the number of copies
9 meeting the standards established by the Planning Administrator, containing the
10 following information:

11 (A) Site topography, in sufficient detail to determine the grades and
12 character of the site as it relates to the proposed improvements and to the
13 adjacent area;

14 (B) The proposed location, layout, and widths of all streets and sidewalks,
15 and whether they will be public or private;

16 (C) The location, layout, surfacing, and landscaping of all off-street
17 parking areas;

18 (D) Property boundary lines;

19 (E) Proposed lot or parcel lines, if lots or parcels will be created;

20 (F) The location of existing and proposed City infrastructure;

21 (G) The location of all existing and proposed easements;

22 (H) If an outdoor storage area is proposed, a landscaping plan for the area
23 that includes the location of existing trees and an indication whether they
24 are to be retained or removed;

25 (I) If a convenience service area or retail service area is proposed, a
26 landscaping plan for the area that includes the location of existing trees
27 and an indication whether they are to be retained or removed;

28 (J) If common open space is proposed, the particular uses to which the
29 common open space will be put;
30

1 (K) Areas proposed for parks, scenic ways, playgrounds, schools, public
2 buildings, and other similar activities and whether such areas are to be
3 public or private;

4 (L) If the planned unit development is to be constructed in phases, an
5 indication of the area of each phase, the sequence of construction, and the
6 area and location of any common open space that will be provided with
7 each phase;

8 (M) Except for lots or parcels that will contain single family dwellings,
9 for each existing or proposed building or structure on the site:

10 (i) The location and size of the building or structure;

11 (ii) The intended use of the building or structure, including, but
12 not limited to, convenience service areas, retail service areas, and
13 boat and recreational vehicle storage areas; and

14 (iii) The number of dwelling units in any residential building other
15 than a single family dwelling.

16 (N) The location of all buildings on abutting properties.

17 (2) Elevation drawings of all typical proposed buildings or structures, other than
18 single family dwellings. The drawings should be accurate and to scale but need
19 not be final working drawings.

20 (3) A completed Trip Generation Estimate for the proposed development, on
21 forms provided by the City;

22 (4) A Traffic Impact Analysis, if required under SRC Chapter 803;

23 (5) A completed tree inventory on forms provided by the Planning Administrator
24 and, if required under SRC Chapter 808, a Tree Conservation Plan;

25 (6) A geological assessment or geotechnical report, if required under SRC
26 Chapter 810, or a certification from an engineer that landslide risk on the site is
27 low and that there is no need for further landslide risk assessment; and

28 (7) If unique or innovative design concepts will be employed, a written
29 description and conceptual drawings illustrating the concepts, along with an
30 identification of the specific goals and policies in the Salem Area Comprehensive

1 Plan that will be furthered through use of such concepts, and an explanation of
2 how the goals and polices will be furthered.

3 **(d) Criteria.** A PUD tentative plan shall be approved if the following criteria are met:

4 **(1)** The PUD tentative plan conforms to the development standards of this
5 Chapter.

6 **(2)** The PUD tentative plan provides one or more of the following:

7 **(A)** Common open space that will be improved as a recreational amenity
8 and that is appropriate to the scale and character of the PUD considering
9 its size, density, and the number and types of dwellings proposed.

10 Examples of recreational amenities include, but are not limited to,
11 swimming pools, golf courses, ball courts, children’s play areas, picnic
12 and barbeque facilities, and community gardens;

13 **(B)** Common open space, which may be landscaped and/or left with
14 natural tree cover, that is permanently set aside for the passive and/or
15 active recreational use of the residents of the PUD and that is appropriate
16 to the scale and character of the PUD considering its size, density, and the
17 number and types of dwellings proposed. Examples of passive and/or
18 active recreational use include, but are not limited to, community gardens,
19 commons, and private parks;

20 **(C)** Common open space that will preserve significant natural or cultural
21 features; or

22 **(D)** Unique or innovative design concepts that further specific identified
23 goals and policies in the Salem Area Comprehensive Plan.

24 **(3)** If a retail service area or a convenience service area is proposed, the area is
25 designed to:

26 **(A)** Adequately provide for privacy and minimize excessive noise on
27 adjacent uses;

28 **(B)** Provide for adequate and safe ingress and egress; and

29 **(C)** Minimize the impact of vehicular traffic on adjacent residential uses.

30 **(e) Expiration.** Planned unit development tentative plan approval shall expire as

1 provided in SRC 300.850, unless an application for PUD final plan is submitted within
2 the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC
3 300.850(b).

4 **210.030. Planned Unit Development Final Plan.**

5 **(a) Applicability.** No final plan of a PUD shall be recorded without receiving PUD
6 final plan approval as set forth in this section. An application for PUD final plan
7 approval must be submitted prior to expiration of PUD tentative plan approval.

8 **(b) Procedure Type.** A PUD final plan is processed as a Type II procedure under
9 SRC Chapter 300.

10 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type II
11 application under SRC Chapter 300, an application for PUD final plan approval shall
12 include the following:

13 **(1)** A PUD final plan, in a form acceptable for recording in the county deed
14 records, containing the information required under this paragraph. For PUD plans
15 that include a land division, the PUD final plan shall include the information
16 required under this paragraph, and shall be in the form required for final plats
17 under SRC Chapter 205 and ORS Chapter 92.

18 **(A)** The location, layout, and widths of all streets and sidewalks, and
19 whether they are public or private;

20 **(B)** The location, layout, surfacing, and landscaping of all off-street
21 parking areas;

22 **(C)** The location of all easements;

23 **(D)** If approved in the PUD tentative plan, the location of any
24 convenience service area, retail service area, or outdoor storage area;

25 **(E)** The location of any common open space and the particular uses to
26 which the common open space will be put;

27 **(F)** The location of areas proposed for parks, scenic ways, playgrounds,
28 schools, public buildings, and other similar uses and whether such areas
29 are public or private;

1 (G) For each existing or proposed building or structure on the site, other
2 than single family dwellings:

- 3 (i) The location and size of the building or structure;
- 4 (ii) The intended use of the building or structure, including, but
5 not limited to, convenience service areas, retail service areas, and
6 boat and recreational vehicle storage areas; and
- 7 (iii) The number of dwelling units in any residential building other
8 than a single family dwelling.

9 (2) If the PUD tentative plan included unique or innovative design concepts, a
10 written description and drawings illustrating the concepts.

11 (3) A copy of the articles of the home owners association.

12 (4) Evidence that conditions of approval established as part of PUD tentative plan
13 approval have been met.

14 (d) **Criteria.** A PUD final plan shall be approved if the following criteria are met:

15 (1) Substantial Conformance.

16 (A) The PUD final plan is in substantial conformance with the PUD
17 tentative plan. Substantial conformance for the following specific
18 components of the PUD final plan exists when a comparison of the
19 approved PUD tentative plan with the PUD final plan shows that:

- 20 (i) The number of dwelling units is within 10 percent of the
21 number of dwelling units shown on the PUD tentative plan, but in
22 no case shall the number of dwelling units exceed the limits set
23 forth this Chapter;
 - 24 (ii) Setbacks, and distances between main buildings, are within 10
25 percent of those shown on the PUD tentative plan, but in no case
26 shall the setbacks and distances be reduced below the minimums
27 set forth in this Chapter;
 - 28 (iii) Building sizes do not exceed the building sizes shown on the
29 PUD tentative plan by more than 10 percent.
- 30

1 (iv) Building locations do not depart by more than 10 percent from
2 the building locations shown on the tentative PUD plan;

3 (v) Common open space within the PUD final plan conforms to
4 the following:

5 (aa) If the common open space is to be improved as a
6 recreational amenity, the area designated as common open
7 space has not been reduced by more than 10 percent.

8 (bb) If the common open space is to be permanently set
9 aside for passive and/or active recreational use, the area
10 designated as common open space has not been reduced by
11 more than 10 percent.

12 (cc) If the common open space is to preserve significant
13 natural feature, the area designated as common open space
14 has not been reduced by more than 5 percent.

15 (dd) If the common open space is to preserve a significant
16 cultural feature, the area designated as common open space
17 is identical to that shown on the PUD tentative plan; and

18 (vi) If unique or innovative design concepts are employed, the
19 final design conforms with the unique or innovative design
20 concepts as approved in the PUD tentative plan.

21 (B) Nothing in subparagraph (1)(A) of this paragraph shall be deemed to
22 prohibit a reduction in the number of dwelling units or an increase in the
23 amount of common open space. If the PUD is constructed in phases, the
24 number of dwelling units reduced in one phase shall not be used to
25 increase the number of dwelling units in any subsequent phase; and an
26 increase in common open space in one phase shall not be used to reduce
27 the amount of common open space in any subsequent phase.

28 (C) Notwithstanding the changes allowed under subparagraph (1)(A) of
29 this paragraph, a PUD final plan is not in substantial conformance with the
30 PUD tentative plan if the cumulative effect of the changes made pursuant

1 to subparagraph (1)(A) of this paragraph results in a significant
2 modification to the approved PUD tentative plan.

3 (2) Except as allowed under paragraph (1) of this subsection, the conditions of
4 approval on the PUD tentative plan have been met.

5 (3) The articles of the home owners association satisfy the standards set forth in
6 SRC 210.055(b).

7 (4) For planned unit developments with a land division, SRC 205.035(c)(6) has
8 been met. If the PUD does not include a land division, the City Engineer has
9 determined that each building or structure on the PUD final plan can be
10 adequately served by the following City infrastructure and private improvements:

11 (A) A domestic water supply;

12 (B) A sanitary sewage disposal system;

13 (C) Streets improved to the extent that adequate paved access is provided
14 to each building or structure;

15 (D) A storm water discharge system; and

16 (E) Fire hydrants installed to fire code standards.

17 (5) The owner has entered into an improvement agreement with the City
18 providing that any improvements required to be constructed which are not
19 complete at the time of submission of the PUD final plan will be completed
20 within 18 months of PUD final plan approval, and the owner has furnished
21 sufficient performance security, as provided in SRC 110.100, to ensure
22 completion of the improvements. The time within which the improvements must
23 be completed may be extended for one additional 6-month period, subject to prior
24 written approval from the Director.

25 (6) If applicable, the applicant has executed a fee-in-lieu agreement pursuant to
26 SRC 66.590 through SRC 66.610.

27 **(e) Approval or Rejection of Planned Unit Development Final Plan.** If the
28 Planning Administrator finds that the PUD final plan does not satisfy the PUD final
29 plan approval criteria, the Planning Administrator shall notify the applicant of the
30 deficiencies and afford the applicant opportunity to modify the PUD final plan to

1 eliminate the deficiencies. If the PUD final plan complies with the PUD final plan
2 approval criteria, the Planning Administrator shall notify the applicant that the PUD
3 final plan has been approved.

4 **(f) Recording of Planned Unit Development Final Plan.** The approved PUD final
5 plan shall be recorded within 10 years of the effective date of the PUD tentative plan
6 approval.

7 **210.035. Modification of Approval.**

8 **(a) Modification of Planned Unit Development Tentative Approval.**

9 **(1) Applicability.** The approval of a PUD tentative plan, with or without a land
10 division, may be modified after its effective date if the proposed modification
11 meets the criteria set forth in this section. Modifications that do not meet the
12 criteria in this section require submittal of a new application for PUD tentative
13 plan.

14 **(2) Procedure Type.** Modification of a PUD tentative plan approval is
15 processed as a Type II procedure under SRC Chapter 300.

16 **(3) Submittal Requirements.** In addition to the submittal requirements for a
17 Type II application under SRC Chapter 300, an application for modification of a
18 PUD tentative plan approval shall include the information required under SRC
19 210.025(c).

20 **(4) Criteria.** An application for modification of a PUD tentative plan approval
21 shall be granted if the following criteria are met:

22 **(A)** The proposed modification is not substantially inconsistent with the
23 conditions of the original approval; and

24 **(B)** The proposed modification will not result in significant changes to the
25 physical appearance of the development, the use of the site, and the
26 impacts on surrounding properties.

27 **(5) Expiration.** The effect of a modification upon the expiration period of the
28 original approval, if any, shall be established in the modification decision.

29 **(b) Modification of Planned Unit Development Final Plan Approval.**

1 **(1) Applicability.** The approval of a PUD final plan, with or without a land
2 division, may be modified after its effective date if the proposed modification
3 meets the criteria set forth in this section. Modifications that do not meet the
4 criteria in this section require submittal of a new application for PUD final plan.

5 **(2) Procedure Type.** Modification of a PUD final plan approval is processed as
6 a Type II procedure under SRC Chapter 300.

7 **(3) Submittal Requirements.** In addition to the submittal requirements for a
8 Type II application under SRC Chapter 300, an application for modification of a
9 PUD final plan approval shall include the information required under SRC
10 210.030(c).

11 **(4) Criteria.** An application for modification a PUD final plan approval shall be
12 granted if the following criteria are met.

13 **(A)** The proposed modification is not substantially inconsistent with the
14 conditions of the original approval; and

15 **(B)** The proposed modification will not result in significant changes to the
16 physical appearance of the development, the use of the site, and the
17 impacts on surrounding properties.

18 **(5) Expiration.** The effect of a modification upon the expiration period of the
19 original approval, if any, shall be established in the modification decision.

20 **210.040. Modifications at Time of Building Permit.**

21 **(a)** An applicant may request the following modifications at the time of building
22 permit to development as approved in a PUD final plan:

23 **(1) Lot Coverage.** Lot coverage may be increased by not more than 2 percent,
24 provided the total increase does not exceed 250 square feet per lot.

25 **(2) Front Setback and Setbacks Abutting a Street.** Front setbacks and
26 setbacks abutting a street may be decreased by not more than 10 percent of the
27 depth of the front setback or setback abutting a street.

28 **(3) Side Setbacks.** Side setbacks may be decreased by not more than 1 foot;
29 provided, however, no decrease shall be allowed if the decrease would result in:

30 **(A)** A side setback depth of less than 5 feet for a one story building; or

(B) A side setback depth of less than 6 feet for a building having two or more stories.

(4) **Rear Setback.** Rear setbacks may be decreased by not more than 4 feet or, when additional yard area equal in area to the decrease is provided at another location on the lot, rear setbacks may be decreased by not more than 10 feet.

(b) Modifications pursuant to this section shall be processed as a Type I procedure under SRC Chapter 300. The Planning Administrator shall grant the modification; provided, however, in no case shall such modification result in nonconformance with the standards set forth in this Chapter, or in the conditions of approval.

210.045. Planned Unit Development Standards. Planned unit developments must comply with the development standards set forth in this section.

(a) **General Development Standards.** Planned unit developments shall conform to the general development standards set forth in Table 210-2.

TABLE 210-2

GENERAL DEVELOPMENT STANDARDS

Table 210-2: General Development Standards

Requirement	Standard	Limitations & Qualifications
Minimum Number of Dwelling Units within PUD		
RA, RS, RD, and RH Zones	No Minimum	
RM-I and RM-II Zones	Minimum number of dwelling units required in zone where PUD is located.	
Pine Street Mixed-Use Overlay Zone	Min. 14 d.u./acre	
Maximum Number of Dwelling Units within PUD		
RA, RS, and RD Zones	Maximum number of dwelling units allowed in zone where PUD is located.	The maximum number of dwelling units allowed shall be calculated by dividing the net area of the lot by the minimum lot size for single family dwellings in the zone where the PUD is located. For purposes of this standard, “net area” is the total area of the site minus the total area used for streets and flag lot accessways.
RM-I and RM-II Zones	Maximum number of dwelling units allowed in zone where PUD is located.	
RH Zone; and Pine Street Mixed-	No Maximum	

Table 210-2: General Development Standards

Requirement	Standard	Limitations & Qualifications
Use Overlay Zone		
Maximum Number of Dwellings Units within a Building		
RA, RS, RD, RM-I, RM-II, and RH Zones; and Pine Street Mixed-Use Overlay Zone	No Maximum	The number of dwelling units within an individual building shall not exceed the overall maximum number of dwelling units allowed for the entire PUD.

(b) Setbacks. Unless otherwise provide in this Chapter, setbacks within a PUD shall be provided as set forth in Table 210-3.

**TABLE 210-3
SETBACKS**

Table 210-3: Setbacks

Requirement	Standard	Limitations & Qualifications
PUD PERIMETER SETBACKS - ABUTTING STREET		
Buildings		
All uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable on collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
Accessory Structures		
Accessory to all uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable on collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, accessory structures shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
PUD PERIMETER SETBACKS - NOT ABUTTING STREET		
INTERIOR SIDE		
Buildings		
All uses	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft, but need not exceed 20 ft. in depth.	
Accessory Structures		

Table 210-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Accessory to all uses	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
All uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height, when the interior rear yard abuts the interior rear yard of an RA or RS zoned lot located outside the PUD.
	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable when the interior rear yard does not abut the interior rear yard of an RA or RS zoned lot located outside the PUD.
Accessory Structures		
All uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
PUD INTERIOR SETBACKS - ABUTTING STREET		
Buildings		
All uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
Accessory Structures		
Accessory to all uses	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
	None	Applicable along private streets. When a driveway approach is present, buildings shall be setback to maintain adequate vision clearance as required under SRC Chapter 805.
PUD INTERIOR SETBACKS – NOT ABUTTING STREET		
INTERIOR FRONT		
Buildings		

Table 210-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR SIDE		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR REAR		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	

(c) **Height.** Buildings and accessory structures within a PUD shall conform to the height standards set forth in Table 210-4.

**TABLE 210-4
HEIGHT**

Table 210-4: Height		
Requirement	Standard	Limitations & Qualifications
HEIGHT		
Buildings		
All uses	Max. 35 ft.	Applicable within the RA, RS, RD, RM-I, and RM-II Zones
	No Maximum	Applicable within the RH Zone
	Max. 70 ft.	Applicable within the Pine Street Mixed-Use Overlay Zone
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

(d) **Parking.** Except as provided in this subsection, parking within a PUD shall be developed in conformance with the standards set forth in SRC Chapter 806.

(1) **Minimum Required Parking.** Unless otherwise provided in this Chapter, parking within a PUD shall be provided in amounts not less than those set forth in Table 210-5.

**TABLE 210-5
PARKING**

Table 210-5: Parking		
Zone/Overlay Zone	Minimum Number of Spaces Required	Limitations & Qualifications
RA and RS Zones	2 per dwelling unit	One of the required spaces must be located within a garage or carport; provided, however, an uncovered parking area meeting the standards set forth in SRC 210.045(d)(2)(D) may be permitted in lieu of a garage or carport.
RD, RM-I, RM-II, and RH Zones	2.5 per dwelling unit	Applicable to the first 10 dwelling units.
	2 per dwelling unit	Applicable to each additional dwelling unit over 10 dwelling units.
Pine Street Mixed Use Overlay Zone	1 per dwelling unit	There shall be no limit on the maximum number of parking spaces provided.

(2) Off-Street Parking Development Standards. Parking within a PUD shall conform to the following standards:

(A) Location. Required parking spaces shall be located within the planned unit development, and may be either on-street, off-street, or a combination thereof.

(B) Garage or Carport Vehicle Entrance Setback Abutting Street or Flag Lot Accessway. The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be set back a minimum of 20 feet from one of the following lines, whichever is closest to the proposed vehicle entrance of the garage or carport:

- (i) The street right-of-way line, most interior access easement line, or property line abutting a flag lot accessway;
- (ii) The outside curblines; or
- (iii) The edge of the sidewalk furthest from the street.

(C) Dimensions. On-street parallel parking spaces shall be at least 7 feet in width and 22 feet in length.

(D) Landscaping and Screening. All off-street parking areas, other than those within a garage or carport, or on a driveway leading to a garage or

1 carport, shall be effectively landscaped, designed to minimize the effect of
2 a large number of cars in one area, and screened with ornamental
3 evergreens or architectural features such as fences and walls.

4 **(e) Side lot lines.** As far as is practicable, side lot lines shall run at right angles to the
5 street upon which the lot faces, except that on curved streets they shall be radial to the
6 curve.

7 **(f) Limits on Common Open Space.** Streets, parking areas, traffic circles, and other
8 similar transportation related improvements shall not be considered, or considered to be
9 a part of, common open space.

10 **(g) Utilities.** Except for storm water management facilities, all utility services shall be
11 undergrounded.

12 **210.050. Design Standards for Multiple Family Buildings.**

13 **(a)** When one or more multiple family buildings are proposed within a PUD, the
14 buildings shall conform to the following standards:

15 (1) Buildings shall not present excessive visual mass or bulk.

16 (2) Buildings shall not have long, monotonous exterior walls.

17 (3) Buildings shall be sited with sensitivity to topography and natural landform.

18 (4) Buildings shall be designed to provide an appropriate transition to abutting
19 properties.

20 (5) Buildings shall utilize architectural elements and facade materials to provide
21 visual interest and continuity with other buildings in the PUD.

22 (6) Individual private open space shall be provided for each dwelling unit.

23 (7) When abutting property zoned Residential Agriculture (RA) or Single Family
24 Residential (RS), an appropriate combination of landscaping and screening shall
25 be provided to buffer between the multiple family building and the adjacent RA
26 or RS zoned property.

27 **(b)** For the purposes of this section, “multiple family building” means a building that
28 contains three or more dwelling units.

29 /
30 /

1 **210.055. Home Owners Association.**

2 (a) **Formation; Articles; Contents.** The perpetual maintenance and operation of
3 common open space within a planned unit development shall be provided by a home
4 owners association.

5 (b) The articles of the home owners association shall include the following provisions:

6 (1) Property owners within the planned unit development shall automatically be
7 members of the home owners association with the purchase of a dwelling unit or
8 other property within the planned unit development.

9 (2) The home owners association's principal source of funds shall be an
10 assessment levied against each dwelling unit or other property, which assessment
11 shall be enforceable as a lien against the dwelling unit or property.

12 (3) An identification of the permitted use of the common open space and, if
13 unique or innovative design concepts are used, requirements that the property be
14 maintained in such a way as to preserve the concepts in perpetuity.

15 (4) A prohibition against any changes to the articles which would eliminate the
16 provisions required under paragraphs (1)-(4) of this subsection.

17 (c) **Planned Unit Development Under One Owner.** If the entire planned unit
18 development is to remain under one ownership, the PUD final plan shall include a
19 covenant that requires the formation of a home owners association in compliance with
20 this section if any part of the planned unit development is sold.

21 **210.060. Outdoor Storage Area Development Standards.** If provided within a PUD, outdoor
22 storage areas shall meet the following standards:

23 (a) **Operation.** Outdoor storage areas shall be operated by the PUD home owners
24 association.

25 (b) **Limit on Use.** Use of outdoor storage areas shall be limited exclusively to on-
26 premises storage of home owners association members' boats, recreational vehicles,
27 trailers, or utility trailers, and shall not be used in connection with any commercial
28 activity.

1 (c) **Setbacks.** All outdoor storage space and other outdoor vehicle parking, loading
2 and maneuvering areas in the outdoor storage area shall be set back a minimum of five
3 feet from all lot lines.

4 (d) **Landscaping and Screening.**

5 (1) All unpaved areas within outdoor storage areas not occupied by buildings or
6 structures, and all required setbacks, shall be landscaped and screened.

7 Landscaping shall be provided in the minimum amount of one plant unit, as set
8 forth in SRC Chapter 807, for each 20 square feet of landscaped area.

9 (2) Outdoor storage areas shall be screened from all adjacent properties and from
10 all but one abutting street by a minimum 6-foot high sight-obscuring fence, wall,
11 or hedge.

12 (e) **Surfacing.** All driveways, outdoor storage space, and other outdoor vehicle
13 parking, loading, and maneuvering areas within outdoor storage areas shall be paved
14 with a hard surface material meeting Public Works Design Standards.

15 (f) **Lighting.** Outdoor lighting for outdoor storage areas shall not shine or reflect onto
16 adjacent residentially zoned property, or property used for uses or activities falling
17 under Household Living, or cast glare onto the street.

18 **210.065. Convenience Service Area and Retail Service Areas Development Standards.** If
19 provided within a PUD, convenience service areas and retail services areas shall meet the
20 following standards:

21 (a) **Convenience Service Area.** A convenience service area may be located within a
22 PUD containing less than 150 dwelling units. A convenience service area that
23 conforms to the requirements of this section may be located within a planned unit
24 development without a zone change.

25 (1) **Permitted Activities.** The following activities are permitted within a
26 convenience service area:

27 (A) Newsstands;

28 (B) Barbershop and beauty parlors;

29 (C) Delicatessens, coffee shops, and tea rooms; and

30 (D) Activity rooms and meeting rooms.

1 **(2) Drive-Through Prohibited.** Otherwise permitted activities within a
2 convenience service area shall not be developed with a drive-through.

3 **(b) Retail Service Area.** A retail service area may be located within a PUD
4 containing 150 or more dwelling units. A retail service area that conforms to the
5 requirements of this section may be located within a planned unit development without
6 a zone change.

7 **(1) Permitted Activities.** In addition to the activities permitted within a
8 convenience service area, the following activities are permitted within a retail
9 service area:

- 10 **(A)** Banks;
- 11 **(B)** Craft and hobby shops;
- 12 **(C)** Drugstores;
- 13 **(D)** Grocery stores;
- 14 **(E)** Laundry and dry cleaning pick-up services;
- 15 **(F)** Coin operated dry cleaning establishments;
- 16 **(G)** Post office;
- 17 **(H)** Restaurants;
- 18 **(I)** Variety stores; and
- 19 **(J)** Other similar uses, if approved with the PUD tentative plan and
20 identified in the PUD final plan approval.

21 **(2) Drive-Through Prohibited.** Restaurants, delicatessens, coffee shops, and tea
22 rooms otherwise permitted within a retail service area shall not be developed with
23 a drive-through.

24 **(c) Maximum Square Footage.**

25 **(1)** The gross square footage of building area within a convenience service area
26 or retail service area shall be limited to a maximum of 40 square feet per dwelling
27 unit within the planned unit development.

28 **(2)** No single establishment within a convenience service area or retail service
29 area shall occupy more than 50 percent of the gross square footage permitted
30

1 within the convenience service area or retail service area at the time of the
2 completion of the planned unit development.

3 **(d) Parking.** Off-street parking within a convenience service area or retail service area
4 shall be provided in the minimum amount of one space per 250 square feet of gross
5 floor area.

6 **(e) Construction of Retail Service Area.**

7 (1) Construction of a retail service area shall not commence until at least 150
8 dwelling units have been completed.

9 (2) The gross floor area to be constructed at any time shall not exceed the gross
10 floor area allowed under subsection (c) of this section, based on the number of
11 dwelling units that have been constructed at the time the retail service area is
12 constructed.

13 (3) When 50 percent or more of the dwelling units within the planned unit
14 development have been constructed, the Planning Administrator may authorize
15 construction of the remainder of the retail service area, provided that satisfactory
16 evidence is presented to the Planning Administrator that all of the remaining
17 dwelling units will be constructed.

18 **(e) Activities Enclosed.** Unless otherwise approved within the PUD tentative plan, all
19 commercial activity within a convenience service area or retail service area shall be
20 conducted entirely within an enclosed building.

21 **(f) Landscaping and Screening.**

22 (1) Convenience service areas and retail service areas shall be surrounded by a
23 landscaped area a minimum 20 feet in depth, excluding driveways. The
24 landscaped area shall be planted with a minimum of one plant unit, as set forth in
25 SRC Chapter 807, per 20 square feet of landscaped area.

26 (2) Convenience service areas and retail service areas shall be screened from
27 adjacent residential uses by a minimum 6-foot high sight-obscuring fence or wall.

28 **(g) Storage of Garbage and Refuse.** All solid waste generated by a convenience
29 service area or retail service area shall be stored entirely within the building until the
30 time of disposal.

1 **210.070. Development Agreements.**

2 (a) **Applicability.** The applicant for PUD approval may request a development
3 agreement as authorized in ORS Chapter 94.

4 (b) **Procedure Type.** A development agreement is processed as a Type IV procedure
5 under SRC Chapter 300.

6 (c) **Criteria.** A development agreement shall be approved if the following criteria are
7 met:

8 (1) The development agreement is consistent with UDC.

9 (2) There will be a public benefit which would not otherwise accrue to the City
10 absent the development agreement.

11 (d) **Submittal Requirements.** In addition to the submittal requirements for a Type IV
12 application under SRC Chapter 300, an application for a development agreement shall
13 include the information required in ORS 94.504(2) and the following:

14 (1) A master plan containing the general layout of major infrastructure and public
15 utilities, including, but not limited to, major streets and major utility lines;

16 (2) A description of the type and density of development by area;

17 (3) The general location of any convenience service areas or retail service areas;
18 and

19 (4) Such other additional information the Planning Administrator may require.

20 (e) **Effect of Approval of Development Agreement.** Each phase in a PUD that has an
21 accompanying development agreement shall comply with the approved PUD final plan
22 and the development agreement. Fees and charges applicable to use or development
23 under the development agreement shall be as provided at the time of such use or
24 development.

25 **210.075. Other Provisions.** In addition to the standards set forth in this Chapter, development
26 within a PUD must comply with all other applicable development standards of the UDC,
27 including, but not limited to, the following chapters:

28 (a) Trees and Shrubs SRC Chapter 86

29 (b) General Development Standards SRC Chapter 800

30 (c) Public Improvements SRC Chapter 802

- 1 (d) Streets and Right-of-Way Improvement SRC Chapter 803
- 2 (e) Driveway Approaches SRC Chapter 804
- 3 (f) Vision Clearance SRC Chapter 805
- 4 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 5 (h) Landscaping and Screening SRC Chapter 807
- 6 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 7 (j) Wetlands SRC Chapter 809
- 8 (k) Landslide Hazards SRC Chapter 810
- 9 (l) Sign Code SRC Chapter 900

10 **Section 7.** The following SRC Chapter 235 is added to the Salem Revised Code:

11 **235.001. Purpose.** The purpose of this Chapter is to establish the approval criteria and
 12 development standards applicable to manufactured dwelling parks and the placement of
 13 manufactured dwellings, accessory structures, and park buildings within manufactured dwelling
 14 parks. The development standards in this Chapter are in addition to the standards contained in
 15 the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured
 16 Dwelling Installation Specialty Code.

17 **235.005. Definitions.** Unless the context otherwise specifically requires, as used in this
 18 Chapter, the following mean:

- 19 (a) Park building: Any non-residential building used for park purposes, such as
 20 washrooms, office buildings, recreation buildings, and similar structures.
- 21 (b) Expand: To increase the park area and/or increase the number of spaces.
- 22 (c) Park street: A private way which affords principal means of access to abutting
 23 individual manufactured dwelling spaces and park buildings.
- 24 (d) Space: Any area or portion of a manufactured dwelling park which is designated
 25 or used for occupancy by one manufactured dwelling.
- 26 (e) Stand: That portion of a space reserved for the location of the manufactured
 27 dwelling.
- 28 (f) Theater space: A space within a manufactured dwelling park which has a width
 29 that is greater than its depth, in order to accommodate the siting of manufactured
 30 dwellings with the longer dimension of the dwelling parallel to the street.

1 **235.010. Manufactured Dwelling Park Permit.**

2 (a) **Applicability.** No manufactured dwelling park shall be established or expanded
3 without receiving manufactured dwelling park permit approval as set forth in this
4 section.

5 (b) **Procedure Type.** A manufactured dwelling park permit is processed as a Type II
6 procedure under SRC Chapter 300.

7 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
8 application under SRC Chapter 300, an application for a manufactured dwelling park
9 permit shall include the following:

10 (1) A site plan, of a size and form and in the number of copies meeting the
11 standards established by the Planning Administrator, containing the following
12 information:

13 (A) A title block indicating the type of application, applicant's name,
14 date, and location of subject property,

15 (B) Scale and north arrow;

16 (C) Property boundary lines with dimensions and the total area of the site;

17 (D) The boundaries, dimensions, and area of each proposed manufactured
18 dwelling park space;

19 (E) The location, width, and names of all existing streets abutting the
20 perimeter of the subject property;

21 (F) The location, width, grade, and names of all proposed streets within
22 the manufactured dwelling park;

23 (G) The location of all proposed primary and accessory structures and
24 other improvements, including fences, walls, and driveway and driveway
25 approach locations, indicating distance to such structures from all property
26 lines and adjacent on-site structures;

27 (H) Loading areas, if included within the proposed development;

28 (I) The size and location of solid waste and recyclables storage and
29 collection areas and the amount of overhead clearance above such
30 enclosures, if included within the proposed development;

1 (d) **Criteria.** A manufactured dwelling park permit shall be approved if the following
2 criteria are met:

3 (1) The proposed manufactured dwelling park complies with the standards of this
4 chapter and with all applicable provisions of the UDC.

5 (2) The proposed manufactured dwelling park complies with the standards of the
6 Oregon Manufactured Dwelling and Park Specialty Code and the Oregon
7 Manufactured Dwelling Installation Specialty Code.

8 **235.015. Modification of Manufactured Dwelling Park Permit Approval.**

9 (a) **Applicability.** A manufactured dwelling park permit approval may be modified
10 after its effective date if the proposed modification meets the criteria set forth in this
11 section. Proposed modifications that do not meet the criteria in this section require
12 submittal of a new application for manufactured dwelling park permit.

13 (b) **Procedure Type.** Modification of a manufactured dwelling park permit approval
14 is processed as a Type II procedure under SRC Chapter 300.

15 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
16 application under SRC Chapter 300, an application for modification of a manufactured
17 dwelling park permit approval shall include the information required under SRC
18 235.010(c).

19 (d) **Criteria.** An application for modification of a manufactured dwelling park permit
20 approval shall be granted if the following criteria are met:

21 (1) The proposed modification is not substantially inconsistent with the
22 conditions of the original approval; and

23 (2) The proposed modification will not result in significant changes to the
24 physical appearance of the development, the use of the site, and the impacts on
25 surrounding properties.

26 (e) **Expiration.** The effect of a modification upon the expiration period of the original
27 approval, if any, shall be established in the modification decision.

28 **235.020. Standards for Manufactured Dwelling Parks.** In addition to the requirements of the
29 Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured

1 Dwelling Installation Specialty Code, manufactured dwelling parks shall comply with the
 2 standards set forth in this section.

3 (a) **General Development Standards.** Manufactured dwelling parks shall conform
 4 to the general development standards set forth in Table 235-1.

5 **TABLE 235-1**

6 **MANUFACTURED DWELLING PARK GENERAL DEVELOPMENT STANDARDS**

7 **Table 235-1: Manufactured Dwelling Park General Development Standards**

Standard	Requirement	Limitations & Qualifications
PARK SIZE		
RA and RS Zones	Min. 1 acre	
	Max. 12 acres	
RM-I and RM-II Zones	Min. 1 acre	
	No Max.	
PARK-TO-PARK SEPARATION		
RA and RS Zones	Min. 500 ft.	Park-to-park separation is measured from the closest point of the proposed manufactured dwelling park to another manufactured dwelling park. For purposes of this standard, a manufactured dwelling park held in common ownership shall constitute a single manufactured dwelling park, notwithstanding the existence of internal public streets.
RM-I and RM-II Zones	None	
PARK SPACE SIZE		
RA and RS Zones	Min. 4,000 sq. ft.	
RM-I and RM-II Zones	Min. 4,000 sq. ft.	Applicable to spaces abutting an RA or RS zone district.
	Min. average of 3,000 sq. ft., provided no space shall be less than 2,000 sq. ft.	Applicable to spaces not abutting an RA or RS zone district.
PARK SPACE WIDTH		
RA and RS Zones	Min. 40 ft.	Not applicable to theater spaces. Theater spaces are subject to SRC 235.020(b).
RM-I and RM-II Zones	Min. 30 ft.	
PARK SPACE DEPTH		
RA and RS Zones	Min. 70 ft.	Not applicable to theater spaces. Theater spaces are subject to SRC 235.020(b).
	Max. 300% of average width	
RM-I and RM-II Zones	Min. 40 ft.	

1 **(b) Theater Spaces.** Within the RA and RS zones, a minimum of 10 percent of the
2 spaces within a manufactured dwelling park shall be theater spaces. Theater spaces
3 shall meet minimum space size requirements; and shall have a minimum space depth
4 of 50 feet and a minimum space width that is greater than the depth.

5 **(c) On-site Storage.** All trash enclosures and outdoor storage of furniture, tools,
6 equipment, building materials, or supplies belonging to the management of the park
7 shall be screened. Screening shall be a minimum 6-foot high sight-obscuring fence,
8 wall, or hedge.

9 **(d) Fire Hydrants.** Fire hydrants shall be provided according to the standards and
10 specifications on file in the office of the Public Works Director and applicable state
11 law. Fire hydrants shall be installed and provide fire flow as required by the fire code
12 official.

13 **(e) Driveways and Driveway Approaches.** Within 100 feet of the intersection of a
14 park street with a public street, driveway approaches shall conform to the standards
15 set forth in SRC Chapter 804. Driveways providing access from a public street shall
16 be a minimum 20 feet in depth.

17 **235.025. Types of Manufactured Dwellings Permitted.** Within the RA, RS, RM-I, and RM-II
18 zones, the following types of manufactured dwellings are permitted within a manufactured
19 dwelling park:

20 **(a) RA and RS Zones.** Only manufactured homes meeting State manufactured
21 dwelling construction and safety standards are permitted.

22 **(b) RM-1 and RM-II Zones.** Only manufactured dwellings meeting State
23 manufactured dwelling construction and safety standards are permitted.

24 **235.030. Standards for Manufactured Dwellings, Accessory Structures, and Park**
25 **Buildings within Manufactured Dwelling Parks.** In addition to the requirements of the
26 Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured
27 Dwelling Installation Specialty Code, manufactured dwellings, accessory structures, and park
28 buildings within manufactured dwelling parks shall comply with the standards set forth in this
29 section.

(a) **Park Perimeter Setbacks.** Setbacks from the perimeter boundary of a manufactured dwelling park shall be provided as set forth in Table 235-2.

**TABLE 235-2
PARK PERIMETER SETBACKS**

Table 235-2: Park Perimeter Setbacks		
Requirement	Standard	Limitations & Qualifications
PARK PERIMETER SETBACKS - ABUTTING STREET		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II Zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
RA, RS, RM-I, and RM-II Zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Park Buildings		
RA, RS, RM-I, and RM-II Zones	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
PARK PERIMETER SETBACKS – NOT ABUTTING STREET		
INTERIOR SIDE		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II Zones	Min. 5 ft.	
Accessory Structures		
RA, RS, RM-I, and RM-II Zones	Min. 5 ft.	
Park Buildings		
RA, RS, RM-I, and RM-II Zones	Min. 14 ft.	For any portion of a park building not more than one-story in height.
	Min. 20 ft.	For any portion of a park building greater than one-story in height.
INTERIOR REAR		
Manufactured Dwellings		
RA, RS, RM-I, and RM-II Zones	Min. 14 ft.	For any portion of a manufactured dwelling not more than one-story in height.
	Min. 20 ft.	For any portion of a manufactured dwelling greater than one-story in height.
Accessory Structures		
RA, RS, RM-I, and RM-II Zones	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
Park Buildings		
RA, RS, RM-I, and RM-II Zones	Min. 14 ft.	For any portion of a park building not more than one-story in height.

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Table 235-2: Park Perimeter Setbacks		
Requirement	Standard	Limitations & Qualifications
	Min. 20 ft.	For any portion of a park building greater than one-story in height.

(b) Space Coverage; Height. Manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks shall conform to the space coverage and height standards set forth in Table 235-3.

**TABLE 235-3
SPACE COVERAGE; HEIGHT**

Table 235-3: Space Coverage; Height		
Requirement	Standard	Limitations & Qualifications
SPACE COVERAGE		
Manufactured Dwellings and Accessory Structures		
RA, RS, RM-I, and RM-II Zones	Max. 60%	
Park Buildings		
RA and RS Zones	Max. 35%	
RM-I and RM-II Zones	Max. 50%	
HEIGHT		
Manufactured Dwellings		
RA and RS Zones	Max. 35 ft.	Applicable to new or replacement manufactured dwellings.
	Max. 28 ft. or existing manufactured dwelling height, whichever is greater	Applicable to existing manufactured dwellings.
RM-I and RM-II Zones	Max. 35 ft.	
Accessory Structures		
RA, RS, RM-I, and RM-II Zones	Max. 15 ft.	
Park Buildings		
RA and RS Zones	Max. 50 ft.	
RM-I and RM-II Zones	Max. 70 ft.	

(c) Decks; Patios. Each space shall be provided with one or more slabs or decks adjacent to the stand that are constructed of concrete, asphalt, flagstone, wood, or

1 other equivalent surface material which, either singly or in combination, total not less
2 than 120 square feet in area and are not less than 4 feet in width in their smallest
3 dimension.

4 **(d) Storage of Manufactured Dwellings.** A manufactured dwelling shall not remain
5 overnight in a manufactured dwelling park unless it is parked in a manufactured
6 dwelling space.

7 **(e) Storage of Recreational Vehicles.** Storage of recreational vehicles is allowed in
8 the following locations:

9 (1) On driveways within a yard adjacent to a street; and

10 (2) Within side or rear yards that are screened from all public areas, public and
11 private rights-of-way, and property that is used for residential purposes by a
12 minimum 6-foot high sight-obscuring fence, wall, or hedge.

13 **(f) Manufactured Home Size, Design, and Materials with RA and RS Zones.**

14 Manufactured homes located within manufactured dwelling parks less than 3 acres in
15 size within RA and RS zones shall:

16 (1) Be a minimum of 864 square feet in size and a minimum of 24 feet in width;

17 (2) Have a pitched roof with a minimum nominal slope of 3 feet in height for
18 each 12 feet in width;

19 (3) Have exterior siding and roofing that is similar in color, material, and
20 appearance to the exterior siding and roofing material used on residential
21 dwellings in the community, or which is comparable to the predominant materials
22 used on surrounding dwellings, as determined by the City; and

23 (4) Have skirting which appears in design, color, and texture to be an integral
24 part of the exterior walls, unless the manufactured home is set on a ground level
25 foundation.

26 **235.035. Other Provisions.** In addition to the standards set forth in this Chapter, development
27 within a manufactured dwelling park must comply with all other applicable development
28 standards of the UDC, including, but not limited to the following chapters:

29 (a) Flood Plain Overlay Zone SRC Chapter 601

30 (b) General Development Standards SRC Chapter 800

- 1 (c) Public Improvements SRC Chapter 802
- 2 (d) Streets and Right-of-Way Improvements SRC Chapter 803
- 3 (e) Driveway Approaches SRC Chapter 804
- 4 (f) Vision Clearance SRC Chapter 805
- 5 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 6 (h) Landscaping and Screening SRC Chapter 807
- 7 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 8 (j) Wetlands SRC Chapter 809
- 9 (k) Landslide Hazards SRC Chapter 810
- 10 (l) Sign Code SRC Chapter 900

11 **Section 8.** The following SRC Chapter 400 is added to the Salem Revised Code:

12 **400.001. Purpose.** The purpose of this Chapter is to establish a framework for the classification
 13 of land uses based upon common functional, product, or physical characteristics, and to provide
 14 the basis for assignment of land uses to zones and overlay zones.

15 **400.005. Organization.** The organizational framework for the classification of uses under this
 16 Chapter is described in Table 400-1.

17 **TABLE 400-1**
 18 **ORGANIZATION OF USES**

19 **Table 400-1: Organization of Uses**

Classification	Category	Use
Residential	Household Living	Single Family
		Two Family
		Multiple Family
	Group Living	Room and Board
		Residential Care
		Nursing Care
Commercial	Lodging	Short-Term Commercial Lodging
		Long-Term Commercial Lodging
		Non-Profit Shelters
	Retail Sales and Service	Eating and Drinking Establishments
		Retail Sales
		Personal Services
		Postal Services and Retail Financial Services
	Business and Professional Services	Office
		Audio/Visual Media Production
		Laboratory Research and Testing

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Table 400-1: Organization of Uses

Classification	Category	Use
	Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services	Motor Vehicle and Manufactured Dwelling and Trailer Sales
		Motor Vehicle Services
		Commercial Parking
		Park-and-Ride Facilities
		Taxicabs and Car Services
		Heavy Vehicle and Trailer Sales
		Heavy Vehicle and Trailer Service and Storage
Public Services	Recreation, Entertainment, and Cultural Services and Facilities	Commercial Entertainment – Indoor
		Commercial Entertainment – Outdoor
		Major Event Entertainment
		Recreational and Cultural Community Services
		Parks and Open Space
		Non-Profit Membership Assembly
		Religious Assembly
	Health Services	Medical Centers/Hospitals
		Outpatient Medical Services and Laboratories
	Education Services	Day Care
		Basic Education
		Post-Secondary and Adult Education
	Civic Services	Governmental Services
		Social Services
		Governmental Maintenance Services and Construction
	Public Safety	Emergency Services
		Detention Facilities
		Military Installations
Funeral and Related Services	Cemeteries	
	Funeral and Cremation Services	
Industrial	Construction Contracting, Repair, Maintenance, and Industrial Services	General Repair Services
		Building and Grounds Services and Construction Contracting
		Cleaning Plants
		Industrial Services
	Wholesale Sales, Storage, and Distribution	General Wholesaling
		Heavy Wholesaling
		Warehousing and Distribution
		Self-Service Storage
	Manufacturing	General Manufacturing
		Heavy Manufacturing
Printing		
Infrastructure and Utilities	Transportation Facilities	Aviation Facilities
		Passenger Ground Transportation Facilities
		Marine Facilities
	Utilities	Basic Utilities
		Wireless Communication Facilities

Table 400-1: Organization of Uses

Classification	Category	Use
		Drinking Water Treatment Facilities
		Power Generation Facilities
		Data Center Facilities
		Fuel Dealers
		Waste-Related Facilities
Natural Resources	Mining and Natural Resource Extraction	Petroleum and Natural Gas Production
		Surface Mining
	Farming, Forestry, and Animal Services	Agriculture
		Forestry
		Agriculture and Forestry Services
		Keeping of Livestock and Other Animals
		Animal Services

400.010. Uses. Each use described within this Chapter includes identified characteristics and examples, and may also include exceptions. The purpose of characteristics, examples, and exceptions is as follows:

(a) **Characteristics.** The “characteristics” define and describe the necessary qualities and attributes, essential features, nature of operation, and impacts generally associated with a specific use.

(b) **Examples.** The "examples" provide a list of activities that fall within a specific use. The list of examples is not exhaustive and is intended to illustrate typical activities that possess the characteristics of the use.

(c) **Exceptions.** The "exceptions" identify specific activities that possess some of the characteristics of one use but more appropriately fall within another use. The list of exceptions is exhaustive and is not intended to illustrate typical activities.

400.015. Classification of Uses.

(a) **Use.** The principal activity, or principal activities, that occur upon a property establish the use. A principal activity falls within a specific use when the principal activity possesses the characteristics of the use, and the broader use category the use falls within.

(b) **Accessory Uses.** Accessory activities that are clearly incidental, subordinate to, dependent upon, and conducted in support of one or more principal activities on a property are accessory uses. Accessory uses must be located on the same lot, and must

1 be operated under the same ownership, as the principle activity. To determine whether
2 an activity is clearly incidental, subordinate to, dependent upon, and conducted in
3 support of another activity, the following factors shall be considered:

- 4 (1) The location and arrangement of the activity on the site, and/or its arrangement
5 within a building, in comparison to other activities on the property;
- 6 (2) The relative amount of site or floor space and equipment devoted to the activity
7 in comparison to other activities on the site and/or in the building;
- 8 (3) The relative amounts of sales from the activity in comparison to other activities
9 on the property;
- 10 (4) The relative number of employees for the activity in comparison to other
11 activities on the property;
- 12 (5) Whether the activity would likely be found independent of the other activities
13 on the property;
- 14 (6) Whether the activity aids or contributes to other activities on the property or
15 carries on the function of other activities on the property;
- 16 (7) The relative number of vehicle trips generated by the activity in comparison to
17 other activities on the property;
- 18 (8) Whether the activity will have its own signage;
- 19 (9) How the activity advertises itself in comparison to other activities on the
20 property; and
- 21 (10) The hours of operation of the activity in comparison to other activities on the
22 property.

23 **(c) Application of Regulations.** When there are multiple uses on a property, each use
24 must comply with the regulations that are specific to that use. Unless otherwise
25 provided under the UDC, accessory uses are considered part of the use and are subject
26 to the same regulations as the use.

27 **(d) Similar Use Determination.**

- 28 (1) **Purpose.** The purpose of a similar use determination is to provide a process
29 to classify an activity as falling within a particular use when that activity cannot
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1 be readily classified as falling within a particular use, or when that activity
2 possesses characteristics of two or more uses.

3 **(2) Procedure.** In-lieu of the procedures set forth in SRC Chapter 300, similar
4 use determinations shall follow the procedures set forth in this subsection.

5 **(3)** The Planning Administrator may make similar use determinations. Requests
6 for similar use determinations shall be submitted on a form provided by the
7 Planning Administrator. The applicant for a similar use determination shall
8 provide a written explanation why the applicant believes the activity falls within a
9 particular use.

10 **(A)** The Planning Administrator shall issue a written determination
11 identifying the use the proposed activity falls within. Within 10 business
12 days after the Planning Administrator has provided notice to the applicant
13 of the adoption of the similar use determination, the applicant may submit
14 a request for review of the Planning Administrator's decision. The review
15 shall be by the Hearings Officer. The Hearings Officer's review shall be
16 based on the application, the written explanation provided by the
17 applicant, and any other material submitted by the applicant to the
18 Planning Administrator. The Hearings Officer may endorse or refute the
19 Planning Administrator's decision. If the Hearings Officer refutes the
20 Planning Administrator's decision, the Hearings Officer shall identify
21 which use the activity falls under. The Hearings Officer's decision shall
22 be issued no later than 15 business days after the request for review was
23 submitted to the Planning Administrator. The Hearings Officer's decision
24 upon review shall be the final decision for the City.

25 **(B)** In lieu of issuing a determination under subparagraph (A) of this
26 paragraph, the Planning Administrator may refer the request for similar
27 use determination to the Hearings Officer, in which case the Hearings
28 Officer shall make a written determination identifying the use the
29 proposed activity falls within.
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1 (4) **Notice.** Notice of adoption of a similar use determination shall be provided
2 within 10 days of the date a similar use determination is issued. Notice shall be:

3 (A) Provided to the applicant, all City-recognized neighborhood
4 associations, and anyone who has submitted a written request to receive
5 notification of formal interpretations; and

6 (B) Posted on the City’s website.

7 (5) **Record of Similar Use Determinations.** The Planning Administrator shall
8 keep a registry of all similar use determinations. The registry shall be available to
9 the public and shall set forth:

10 (A) The street address or other easily understood geographic reference to
11 the property subject to the similar use determination;

12 (B) A description of the decision made; and

13 (C) The date of the decision.

14 (e) **Activities within Public Right-of-Way.** Unless otherwise provided in this
15 Chapter, activities allowed within the public right-of-way are not considered a “use” for
16 purposes of classification under this Chapter.

17 **400.020. Change of Use.**

18 (a) A change of use occurs when a proposed activity is in a different use than the
19 current activity on the property. Examples of change of use through change of activity
20 are provided in Table 400-2.

21
22 **TABLE 400-2**

23 **CHANGE OF USE THROUGH CHANGE OF ACTIVITY**

24
25 **Table 400-2: Change of Use Through Change of Activity**

Activity		Use	Change of Use
Current	Single Family Dwelling	Single Family	Yes
Proposed	Multiple Family	Multiple Family	
Current	Single Family Dwelling	Single Family	No
Proposed	Residential Home		
Current	Book store	Retail Sales	Yes
Proposed	Restaurant	Eating and Drinking Establishments	

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Current	Engineering firm	Office	No
Proposed	Real estate office		
Current	Laundromat	Personal Services	Yes
Proposed	Appliance repair shop	General Repair Services	

(b) A change of use, or a change from one activity to another activity within a use, may result in the use or activity being required to comply with different development standards. Examples of different development standards changing as a result of a change of use or activity are provided in Table 400-3.

**TABLE 400-3
CHANGE OF DEVELOPMENT STANDARDS THROUGH
CHANGE OF USE OR ACTIVITY**

Table 400-3: Change of Development Standards Through Change of Use or Activity			
Activity		Use	Development Standard (Off-Street Parking)
Current	Elementary School	Basic Education	Min. 2 spaces per classroom
Proposed	High School		Min. 1 space per 6 students
Current	Beauty Salon	Personal Services	Min. 1 space per 350 sq. ft.
Proposed	Restaurant	Eating and Drinking Establishments	Min. 1 space per 250 sq. ft.

400.025. Use Types. Within the UDC, uses are designated as follows:

(a) **Permitted Use.** A permitted use (P) is a use that is allowed outright in the zone, subject to all generally applicable provisions of the UDC.

(b) **Special Use.** A special use (S) is a use that is allowed outright in the zone, but is subject to additional special requirements, exceptions, or restrictions particular to that use under SRC Chapter 700.

(c) **Conditional Use.** A conditional use (C) is a use that is not allowed outright in the zone, but which may be allowed through discretionary approval of a conditional use permit made pursuant to SRC Chapter 240. A conditional use is subject to all generally

1 applicable provisions of the UDC, and to any conditions imposed as part of the
2 discretionary approval of the conditional use permit by the Review Authority.

3 **(d) Prohibited Use.** A prohibited use (N) is a use that is not allowed in the zone under
4 any circumstances, unless the use has non-conforming status under SRC Chapter 270.

5 **400.030. Household Living.** Household Living consists of the residential occupancy of an
6 owner-occupied or rented dwelling unit on a wholly or primarily non-transient, long-term basis,
7 typically more than 28 days, by a family.

8 **(a) Single Family.**

9 **(1) Characteristics.** Single Family is characterized by the residential occupancy
10 of a single dwelling unit on an individual lot or space by a family. Single family
11 dwelling units can be detached, attached at the common side lot line, or built
12 contiguous with one side lot line.

13 **(2) Examples.** Single family detached dwelling; zero side yard dwelling;
14 townhouse; manufactured dwelling; manufactured dwelling park; Residential
15 Home, as defined under ORS 197.660; secondary dwelling.

16 **(b) Two Family.**

17 **(1) Characteristics.** Two Family is characterized by the residential occupancy
18 of two dwelling units on an individual lot by two families.

19 **(2) Examples.** Duplex; two family shared dwelling; two dwellings units on one
20 lot.

21 **(c) Multiple Family.**

22 **(1) Characteristics.** Multiple Family is characterized by the residential
23 occupancy of three or more dwelling units on an individual lot by three or more
24 families.

25 **(2) Examples.** Apartments; court apartments; three or more dwelling units on
26 one lot.

27 **400.035. Group Living.** Group Living consists of the residential occupancy of a structure on a
28 wholly or primarily non-transient, long term basis, typically more than 28 days, by a group of
29 people not meeting the characteristics of Household Living, either because the structure does not
30 provide self-contained dwelling units or because the structure is occupied by a group of people

1 who do not meet the definition of family, or both. Group Living facilities generally include
2 common facilities that are shared by residents, including, but not limited to, facilities for dining,
3 social and recreational activities, and laundry.

4 **(a) Room and Board.**

5 **(1) Characteristics.** Room and Board is characterized by Group Living facilities
6 where no personal care, training, and/or treatment requiring a license from the
7 State of Oregon is provided.

8 **(2) Examples.** Boarding houses; communes; dormitories; fraternities and
9 sororities; monasteries and convents; single-room occupancy housing for long-
10 term residency where self-contained dwelling units are not provided.

11 **(3) Exceptions.** Lodging where tenancy is typically arranged for less than 28
12 days is included in Lodging.

13 **(b) Residential Care.**

14 **(1) Characteristics.** Residential Care is characterized by Group Living facilities
15 where any combination of personal care, training, or treatment is provided to
16 children, the elderly, or individuals with disabilities or limits on their ability for
17 self-care, but where medical care is not a major element.

18 **(2) Examples.** Assisted living facilities; group foster homes for six or more
19 individuals; homes for the deaf or blind; orphanages; Residential Facilities, as
20 defined under ORS 197.660; permanent supportive housing facilities where self-
21 contained dwelling units are not provided.

22 **(3) Exceptions.**

23 **(A)** Residential Homes, as defined under ORS 197.660, are included in
24 Household Living: Single Family.

25 **(B)** Homeless shelters are included in Lodging: Non-Profit Shelters.

26 **(C)** Facilities for people who are under judicial detainment with 24-hour
27 supervision and are included in Public Safety: Detention Facilities.

28 **(D)** In-patient rehabilitation and recuperative care provided in a hospital
29 setting is included in Health Services: Medical Centers/Hospitals.

30 **(c) Nursing Care.**

1 (1) **Characteristics.** Nursing Care is characterized by Group Living facilities
2 that are licensed by the state to provide nursing and rehabilitative care to
3 individuals. Patients in these facilities require varying degrees of nursing,
4 rehabilitative, and personal care, including, but not limited to, the administration
5 of medications and treatments or the supervision of self-administered medications
6 in accordance with a physician's orders.

7 (2) **Examples.** Convalescent homes; hospice care; in-patient rehabilitation and
8 recuperative care; nursing homes; rest homes.

9 (3) **Exception.**

10 (A) Residential Facilities, as defined under ORS 197.660, are included in
11 Group Living: Residential Care.

12 (B) In-patient rehabilitation and recuperative care provided in a hospital
13 setting is included in Health Services: Medical Centers/Hospitals.

14 **400.040. Lodging.** Lodging consists of the occupancy of living accommodations on a
15 temporary basis.

16 (a) **Short-Term Commercial Lodging.**

17 (1) **Characteristics.** Short-Term Commercial Lodging is characterized by
18 lodging establishments that are commercially owned and operated and provide
19 living accommodations for typically less than 28 days.

20 (2) **Examples.** Bed and breakfasts; hostels; hotels; inns; motels.

21 (b) **Long-Term Commercial Lodging.**

22 (1) **Characteristics.** Long-Term Commercial Lodging is characterized by
23 lodging establishments that are commercially owned and operated and provide
24 living accommodations for typically more than 28 days, but are not intended to be
25 permanent places of abode.

26 (2) **Examples.** Residential hotel; studio hotel.

27 (c) **Non-Profit Shelters.**

28 (1) **Characteristics.** Non-Profit Shelters are characterized by lodging
29 establishments operated by non-profit organizations that provide overnight
30 sleeping accommodations and temporary shelter for the homeless and other

1 vulnerable populations. Individual bath and cooking facilities may or may not be
2 provided.

3 **(2) Examples.** Homeless shelters; congregate shelters.

4 **(3) Exceptions.**

5 (A) Facilities for people who are under judicial detainment with 24-hour
6 supervision are included in Public Safety: Detention Facilities.

7 **400.045. Retail Sales and Service.** Retail Sales and Service consists of the sale, lease, or rental
8 of products or services to the general public for personal or household use. Customers typically
9 come to the site to obtain goods or services. Some delivery or shipping may also be included.

10 **(a) Eating and Drinking Establishments.**

11 **(1) Characteristics.** Eating and Drinking Establishments are characterized by
12 the preparation and sale of food and/or non-alcoholic beverages for consumption
13 on the premises and/or take-away/delivery service, and/or the sale of alcoholic
14 beverages for on-site consumption.

15 **(2) Examples.** Brew pubs; cafes; coffee shops; delicatessens; restaurants; drive-
16 up or drive-through fast food restaurants; taverns and bars.

17 **(3) Exceptions.**

18 (A) Breweries, wineries, distilleries, and cider houses where on-site food
19 and/or beverage consumption is not the primary activity are included in
20 Manufacturing: General Manufacturing.

21 (B) Night clubs are included in Recreation, Entertainment, and Cultural
22 Services and Facilities: Commercial Entertainment – Indoor.

23 (C) Commercial or industrial catering kitchens where food is prepared
24 and delivered off-site are included in Manufacturing: General
25 Manufacturing.

26 (D) Bars and restaurants owned and operated by civic, social, or fraternal
27 organizations for use by their members are included in Recreation,
28 Entertainment, and Cultural Services and Facilities: Non-Profit
29 Membership Assembly.

30 (E) Mobile food units are included in Temporary Uses.

1 **(b) Retail Sales.**

2 **(1) Characteristics.** Retail Sales is characterized by the sale, lease, or rental of
3 products directly to final consumers, but may include the sale, lease, or rental of
4 products to contractors. Visits by customers are generally not scheduled. Stores
5 are typically open to the general public.

6 **(2) Examples.** Appliance stores; auto supply stores; bicycle shops; book stores;
7 candy stores; catering establishments; clothing, footwear, and apparel stores;
8 commercial art galleries; consignment shops; convenience stores; copy shops;
9 costume or formal wear rental; department stores; drug stores; electronics stores;
10 fruit and vegetable markets; furniture, lighting, and home furnishing stores;
11 furniture rental; grocery stores; hardware stores; health and beauty stores; lawn
12 and garden supply stores; liquor stores; lumber and building materials stores;
13 meat and seafood markets; paint stores; pawn shops; pet stores and pet supply
14 stores; retail bakeries; retail nurseries; photocopying and blueprinting; sporting
15 goods stores; tobacco stores; video rental.

16 **(3) Exceptions.**

17 **(A)** Gasoline stations are included in Motor Vehicle, Trailer, and
18 Manufactured Dwelling Sales and Services: Motor Vehicle Services.

19 **(B)** Truck stops are included in Motor Vehicle, Trailer, and Manufactured
20 Dwelling Sales and Services: Heavy Vehicle and Trailer Service and
21 Storage.

22 **(C)** Sales, leasing, and rental of new and used vehicles, including, but not
23 limited to, automobiles, trucks, motorcycles, boats, and recreational
24 vehicles, are included in Motor Vehicle, Trailer, and Manufactured
25 Dwelling Sales and Services: Motor Vehicle and Manufactured Dwelling
26 and Trailers Sales.

27 **(D)** Lumber yards and other building material businesses that sell only to
28 contractors are included in Wholesale Sales, Storage, and Distribution.

1 (E) Sales, rental, and leasing of heavy trucks and trailers are included in
2 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services:
3 Heavy Vehicle and Trailer Sales.

4 **(c) Personal Services.**

5 **(1) Characteristics.** Personal Services are characterized by establishments that
6 provide non-medical services to individuals involving the intellectual or manual
7 personal labor of the server, rather than a saleable product of the server's skill.
8 Services may be performed on a customer's person or personal items. Services
9 may include repair, maintenance, or cleaning of clothing and/or accessories and/or
10 non-medical aesthetic or personal care treatments to individuals. These services
11 typically are provided directly to consumers.

12 **(2) Examples.** Barber shops; beauty salons; garment alteration; jewelry and
13 watch repair; laundromats; laundry and dry cleaning establishments where
14 customers typically bring items to the site for cleaning; photograph portrait
15 studios; shoe repair; spas; tailors and seamstresses; tattoo/piercing parlors.

16 **(3) Exceptions.**

17 **(A)** Industrial laundries and dry cleaning plants where customers do not
18 typically come to the site, and linen and diaper services where items are
19 generally delivered to the customer off-site, are included in Construction
20 Contracting, Repair, Maintenance, and Industrial Services: Cleaning
21 Plants.

22 **(B)** Repair of personal and household items other than clothing and
23 accessories is included in Construction Contracting, Repair, Maintenance,
24 and Industrial Services: General Repair Services.

25 **(C)** Establishments providing day time supervision for persons of any age
26 are included in Education Services: Day Care.

27 **(D)** Pet grooming and other animal care services are included in Farming,
28 Forestry, and Animal Services: Animal Services.

29 **(d) Postal Services and Retail Financial Services.**
30

1 **(1) Characteristics.** Postal and Retail Financial Services are characterized by
2 establishments that provide postal or financial services directly to clients or
3 customers on the site. Services may also be provided remotely, without direct
4 face-to-face customer interaction. Physical products are generally not sold on the
5 site, except for incidental sale of supplies directly related to postal or financial
6 services.

7 **(2) Examples.** Banks; credit agencies engaging in lending transactions with
8 consumers; credit unions; customer-oriented post offices; customer-oriented
9 private mail or package delivery service locations; money transfer and check
10 cashing.

11 **(3) Exceptions.**

12 **(A)** Bank headquarters and corporate offices of financial services
13 companies where customers do not typically come to the site are included
14 in Business and Professional Services: Office.

15 **(B)** Postal distribution centers are included in Wholesale Sales, Storage,
16 and Distribution: Warehousing and Distribution.

17 **(C)** Pawn shops and consignment stores are included in Retail Sales and
18 Service: Retail Sales.

19 **400.050. Business and Professional Services.** Business and Professional Services consists of
20 establishments that generally provide professional services or produce intellectual property,
21 rather than physical goods. While intellectual property produced may be recorded onto physical
22 media such as paper or electronic storage, the production of the content is the primary activity,
23 rather than the transfer of the content onto the physical media. Business and Professional
24 Services uses generally do not sell, rent, lease, or provide repair or maintenance services for
25 physical products to customers. While customers or clients may come to the site on occasion,
26 generally by appointment, the customer or client does not need to be present on the site in order
27 to receive services.

28 **(a) Office**

29 **(1) Characteristics.** Office is characterized by establishments that provide
30 business and professional services to individuals, public or non-profit entities,

1 and/or businesses in an enclosed building, generally in an office environment.
2 There are few visits by the general public, and little walk-in traffic. Those who
3 come to the site are mostly employees, and, to a lesser extent, clients. Laboratory
4 research is not a major component of the activities on-site.

5 **(2) Examples.** Accountants and tax services; advertising agencies; architects;
6 bank offices and headquarters; business associations; call centers; commercial
7 photography studios; computer system design and computer programming;
8 corporate offices and headquarters; data processing; distance education and
9 distance learning; engineers; financial businesses such as lenders and holding and
10 investment offices; graphic and industrial design; insurance carriers, agents, and
11 brokers; landscape architects; lawyers; lobbyists; planners; post-production and
12 distribution services for audio-visual media where not associated with
13 production/filming/broadcasting; professional membership organizations; real
14 estate agents; scientific and technical services; software and internet content
15 development and publishing; telemarketing or customer support centers;
16 temporary employment agencies; title companies; travel agencies.

17 **(3) Exceptions.**

18 **(A)** Branch banks, credit unions, and other similar financial institutions
19 where customers come to the site on a regular basis are included in Retail
20 Sales and Service: Postal Services and Retail Financial Services.

21 **(B)** Producing and recording audio or visual media is included in
22 Business and Professional Services: Audio/Visual Media Production.

23 **(C)** Commercial and non-commercial research and testing conducted in a
24 laboratory environment is included in Business and Professional Services:
25 Laboratory Research and Testing.

26 **(D)** Facilities dedicated to data storage and transmission where employees
27 are not regularly present on site are included in Utilities: Data Center
28 Facilities.

29 **(b) Audio/Visual Media Production.**
30

1 **(1) Characteristics.** Audio/Visual Media Production is characterized by
2 business and professional services related to the recording, production, and/or
3 broadcasting of audio and/or visual media. Audio/Visual Media Production
4 typically involves a studio and/or set where production is staged. Productions
5 may be recorded or broadcast live. In most cases, the public does not come to the
6 site, although some studios may provide for a live audience.

7 **(2) Examples.** Movie production facilities; music recording studios; television
8 and radio recording and broadcast studios.

9 **(3) Exceptions.**

10 **(A)** Film and tape distribution associated with television, recording, or
11 movie production and post-production editing of audio and/or visual
12 content that is separate from the production or recording of that content is
13 included in Business and Professional Services: Office.

14 **(B)** AM and FM antennae, TV antennae, and broadcast towers are included in
15 Utilities: Basic Utilities.

16 **(C)** Wireless telecommunication facilities, structures, equipment, and
17 appurtenances are included in Utilities: Wireless Communication
18 Facilities.

19 **(c) Laboratory Research and Testing.**

20 **(1) Characteristics.** Laboratory Research and Testing is characterized by
21 business services related to commercial and non-commercial research and testing
22 conducted in a laboratory environment. Primary data is generated on-site.

23 **(2) Examples.** Biological, physical, or chemical research; engineering laboratory
24 research; food testing; materials testing; product testing; water quality testing.

25 **(3) Exceptions.**

26 **(A)** Testing of cars and trucks, including pollution testing, safety tests,
27 and aerodynamic testing, is included in Motor Vehicle, Trailer, and
28 Manufactured Dwelling Sales and Services: Motor Vehicle Services.

29 **(B)** Medical laboratories are included in Health Services: Outpatient
30 Medical Services and Laboratories.

1 **400.055. Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services.** Motor
2 Vehicle, Trailer, and Manufactured Dwelling Sales and Services consists of the sale, rental, and
3 leasing of motor vehicles, trailers, and manufactured dwellings; the servicing and non-accessory
4 storage of motor vehicles; and vehicles for hire with drivers. Motor vehicles include
5 automobiles, trucks, motorcycles, boats, recreational vehicles, other personal transportation
6 vehicles, buses, motorized non-road vehicles, and heavy vehicles.

7 **(a) Motor Vehicle and Manufactured Dwelling and Trailer Sales.**

8 **(1) Characteristics.** Motor Vehicle and Manufactured Dwelling and Trailer
9 Sales is characterized by the sales, leasing, and rental of new and used motor
10 vehicles, other than heavy vehicles and heavy equipment, and the sales, leasing,
11 and rental of manufactured dwellings and trailers. Motor Vehicle and
12 Manufactured Dwelling and Trailer Sales typically requires extensive indoor
13 and/or outdoor display or storage areas. Customers typically come to the site to
14 view, select, purchase, and/or pick up the vehicles, manufactured dwellings, or
15 trailers.

16 **(2) Examples.** Sales, leasing, and rental of new and used motor vehicles
17 including automobiles, trucks, motorcycles, motorized boats, recreational
18 vehicles, and other personal transportation vehicles; car rental agencies;
19 manufactured dwelling and pre-fabricated structure sales and display sites; sales,
20 leasing, or rental of trailers.

21 **(3) Exceptions.**

22 **(A)** Heavy vehicle and heavy equipment sales, leasing, and rental are
23 included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and
24 Services: Heavy Vehicle and Trailer Sales.

25 **(B)** Auto supply stores are included in Retail Sales and Services: Retail
26 Sales.

27 **(C)** Sales of used motor vehicle parts is included in Wholesale Sales,
28 Storage, and Distribution: Heavy Wholesaling.

29 **(D)** Wholesale sales of motor vehicles, manufactured dwellings, and
30 trailers is included in Wholesale Sales, Storage, and Distribution: Heavy

1 Wholesaling or General Wholesaling, dependent upon whether the activity
2 occurs entirely within an enclosed building.

3 (E) Temporary motor vehicle and recreational vehicle sales are included
4 in Temporary Uses.

5 **(b) Motor Vehicle Services.**

6 (1) **Characteristics.** Motor Vehicle Services are characterized by establishments
7 providing repair, service, testing, maintenance, cleaning, and other services for
8 motor vehicles, other than heavy vehicles and heavy equipment. Vehicles may be
9 brought to the site by customers or by a towing service. If motor vehicle parts are
10 sold, they are typically installed on-site.

11 (2) **Examples.** Auto body shops; auto glass repair; automotive paint shops;
12 automotive repair shops; car washes; gasoline stations and unattended card-key
13 stations; motorcycle repair shops; quick lubrication services; testing of cars and
14 trucks, including pollution and safety testing; tire sales and installation shops;
15 towing services; vehicle engine, transmission and muffler repair shops; vehicle
16 upholstery and detailing shops.

17 (3) **Exceptions.**

18 (A) Truck stops are included in Motor Vehicle, Trailer, and Manufactured
19 Dwelling Sales and Services: Heavy Vehicle and Trailer Service and
20 Storage.

21 (B) Heavy vehicle and heavy equipment repair and service are included in
22 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services:
23 Heavy Vehicle and Trailer Service, and Storage.

24 (C) Vehicle salvage and wrecking is included in Wholesale Sales,
25 Storage, and Distribution: Heavy Wholesaling.

26 **(c) Commercial Parking.**

27 (1) **Characteristics.** Commercial Parking is characterized by parking facilities
28 contained within structures or on surface lots, where such parking is not
29 exclusively accessory to a specific use, or uses, on the same lot. A fee may or
30 may not be charged.

1 (2) **Examples.** Commercial shuttle parking; parking structures/garages; public
2 garages; short and long term fee parking garages and surface parking lots;
3 facilities that provide parking accessory to a specific use, or uses, on another lot.

4 (3) **Exceptions.**

5 (A) Parking facilities that are accessory to a use, but which charge the
6 public to park for occasional events nearby are not considered Commercial
7 Parking facilities.

8 (B) Park-and-ride facilities are included in Motor Vehicle, Trailer, and
9 Manufactured Dwelling Sales and Services: Park-and-Ride Facilities.

10 (C) Joint use of parking areas, allowed under SRC Chapter 806, serving
11 two or more uses are considered accessory to those uses.

12 (d) **Park-and-Ride Facilities.**

13 (1) **Characteristics.** Park-and-Ride Facilities are characterized by parking
14 spaces owned or leased by a public agency for use by transit riders or ride-share
15 participants. Park-and-Ride Facilities may be located on their own lot or may
16 consist of shared parking spaces associated with another use.

17 (2) **Examples.** Parking spaces leased to or shared with a public agency for the
18 exclusive or shared use by transit patrons or ride-share participants; parking lots
19 for the exclusive use of transit riders or ride-share participants.

20 (e) **Taxicabs and Car Services.**

21 (1) **Characteristics.** Taxicabs and Car Services are characterized by
22 establishments providing light and medium duty vehicles for hire with drivers.
23 On-site activities are generally limited to storage and maintenance of fleet
24 vehicles, dispatch, and administration. Customers rarely, if ever, come to the site,
25 but typically are picked up from and driven to locations off-site. Services may or
26 may not be scheduled. Services may be provided to the general public or to
27 employees, customers, or clients of one or more businesses or institutions.

28 (2) **Examples.** Airport shuttle services; armored car services; companies
29 operating small shuttle busses; dispatch facilities for dial-a-ride and other
30 demand-responsive shuttle services operated by public agencies using light and

1 medium duty vehicles; storage and dispatch facilities for shuttle services serving
2 one or more businesses or institutions where such storage and dispatch takes place
3 on a separate site from the use(s) served; taxicab operators; town car, chauffer,
4 and limousine services.

5 **(3) Exceptions.**

6 (A) Facilities for the maintenance, storage, and/or dispatch of vehicles
7 requiring a commercial driver license, including school buses, are
8 included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and
9 Services: Heavy Vehicle and Trailer Service and Storage.

10 (B) Shuttle bus, taxicab, or town car services that serve a particular use,
11 and are located on the same site as the use, are considered accessory to
12 that use.

13 (C) Taxi stands where passengers are picked up or dropped off by
14 taxicabs and car services are considered accessory to the primary use.

15 **(f) Heavy Vehicle and Trailer Sales.**

16 (1) **Characteristics.** Heavy Vehicle and Trailer Sales is characterized by
17 establishments providing for the sales, rental, or leasing of heavy vehicles,
18 heavy-duty trailers, and heavy equipment. In most cases, the general public
19 rarely, if ever, come to the site. Heavy vehicles, heavy-duty trailers, and heavy
20 equipment are often stored on-site, often outside.

21 (2) **Examples.** Heavy truck rental and leasing; moving truck rental, with or
22 without drivers; sales, rental, and leasing of heavy trucks and heavy equipment,
23 tractors, vehicles requiring a commercial driver license, and heavy-duty trailers

24 **(3) Exceptions.**

25 (A) Sales of industrial and farm equipment is included in Wholesale
26 Sales, Storage, and Distribution: Heavy Wholesaling.

27 **(g) Heavy Vehicle and Trailer Service and Storage.**

28 (1) **Characteristics.** Heavy Vehicle and Trailer Service and Storage is
29 characterized by establishments providing repair, service, testing, maintenance,
30 cleaning, storage, and other services for heavy vehicles, heavy-duty trailers, and

1 heavy equipment. In most cases, the general public rarely, if ever, comes to the
2 site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored
3 on-site, often outside.

4 **(2) Examples.** Storage and maintenance facilities for buses, including those
5 owned and operated by public transit agencies and school transportation service
6 providers; storage and maintenance facilities for establishments that collect solid
7 waste; repair and maintenance of tractors; repair and maintenance services for
8 heavy vehicles and heavy equipment; truck driving and heavy equipment
9 operation training schools; truck stops.

10 **(3) Exceptions.**

11 **(A)** Repair and maintenance of industrial and farm equipment is included
12 in Construction Contracting, Repair, Maintenance, and Industrial Services:
13 Industrial Services.

14 **400.060. Recreation, Entertainment, and Cultural Services and Facilities.** Recreation,
15 Entertainment, and Cultural Services and Facilities consists of facilities providing recreation,
16 entertainment, and/or cultural enrichment services. These services and facilities may be either
17 participant-oriented, with spectators incidental and present on a non-recurring basis, or event-
18 oriented, drawing people to observe specific meetings, events, or shows. In both cases customers
19 come to the site to partake in the activities. Food and beverage sales, if present, are incidental.

20 **(a) Commercial Entertainment – Indoor.**

21 **(1) Characteristics.** Commercial Entertainment – Indoor is characterized by the
22 provision of sports, entertainment, or recreational activities in an enclosed facility
23 by a for-profit business.

24 **(2) Examples.** Bowling alleys; concert halls, theaters, and other music and
25 performing arts venues; dance halls; dance studios and dance schools; indoor
26 courts or other facilities for team sports other than those primarily used for
27 spectator-oriented competition; indoor firing ranges; indoor paintball or laser tag
28 facilities; indoor pools other than those primarily used for spectator-oriented
29 competition; indoor skating rinks; martial arts studios/schools; membership sports
30

1 and recreation clubs; movie theaters; physical fitness facilities, health clubs, yoga
2 studios, and gymnasiums; small rentable event spaces; nightclubs; video arcades.

3 **(3) Exceptions.**

4 (A) Performance, meeting, and conference venues designed to
5 accommodate 300 or more people are included in Recreation,
6 Entertainment, and Cultural Services and Facilities: Major Event
7 Entertainment.

8 **(b) Commercial Entertainment – Outdoor.**

9 **(1) Characteristics.** Commercial Entertainment – Outdoor is characterized by
10 the provision of sports, entertainment, or recreational activities primarily by and
11 for participants in an open, outdoor facility, operated by a for-profit business.
12 Spectators are incidental and present on a nonrecurring basis.

13 **(2) Examples.** Amusement parks; campgrounds; drive-in movie theaters; driving
14 ranges; golf courses; membership sports and recreation clubs; miniature golf
15 courses; outdoor swimming pools; recreational vehicle parks; skateboard parks;
16 sports fields other than those primarily used for spectator-oriented competition;
17 tennis courts.

18 **(3) Exceptions.**

19 (A) Outdoor facilities that are minimally developed with structures and
20 not generally staffed, such as nature parks, recreational trails, and arboreta,
21 are included in Recreation, Entertainment, and Cultural Services and
22 Facilities: Parks and Open Space.

23 (B) Outdoor participant-oriented recreational facilities of a public or non-
24 profit nature are included in Recreation, Entertainment, and Cultural
25 Services and Facilities: Recreational and Cultural Community Services.

26 **(c) Major Event Entertainment.**

27 **(1) Characteristics.** Major Event Entertainment is characterized by activities
28 and structures that draw large numbers of people to specific events or shows.
29 Activities are generally of a spectator nature. Events may be live or previously
30 recorded, and may take place in an enclosed structure, a partially-enclosed

1 structure, or entirely outdoors. The number of people who come to the site as
2 spectators, audience, or attendees is greater than the number there to produce the
3 event. The facilities receive little or no use for other than scheduled events other
4 than for practice or rehearsal purposes.

5 **(2) Examples.** Athletic and sports stadiums; exposition centers; facilities for
6 major athletic competitions; fairgrounds; major conventions and exhibitions;
7 performance, meeting, and conference venues designed to accommodate 300 or
8 more people; race tracks.

9 **(3) Exceptions.**

10 (A) Banquet halls that are part of hotels or restaurants are considered
11 accessory to those uses.

12 (B) Movie theaters are included in Recreation, Entertainment, and
13 Cultural Services and Facilities: Commercial Entertainment – Indoor.

14 (C) Drive-in movie theaters are included in Recreation, Entertainment,
15 and Cultural Services and Facilities: Commercial Entertainment –
16 Outdoor.

17 (D) Concert halls, theaters, and other music and performing arts venues
18 are included in Commercial Entertainment – Indoor.

19 (E) Performance, meeting, and conference venues designed to
20 accommodate fewer than 300 people are included in Recreation,
21 Entertainment, and Cultural Services and Facilities: Commercial
22 Entertainment – Indoor.

23 **(d) Recreational and Cultural Community Services.**

24 **(1) Characteristics.** Recreational and Cultural Community Services are
25 characterized by indoor and outdoor services and facilities typically of a public or
26 non-profit nature providing a range of on-going on-site recreational and cultural
27 services to the public. Services or activities are generally provided on an on-
28 going basis, not just for special events. Recreational and Cultural Community
29 Services generally have employees on-site during open hours.
30

1 (2) **Examples.** Aquariums; art museums; community centers; golf courses;
2 indoor and outdoor swimming pools, spectator-oriented ball fields, and tennis
3 courts designed to accommodate less than 300 spectators, when operated by the
4 City or a non-profit community club or association; libraries; museums;
5 nature/interpretive centers; senior centers; youth clubs; zoological gardens.

6 (3) **Exceptions.**

7 (A) For-profit recreational enterprises, such as amusement parks and
8 membership sports and recreation clubs, are included in Recreation,
9 Entertainment, and Cultural Services and Facilities: Commercial
10 Entertainment – Indoor or Commercial Entertainment – Outdoor.

11 (B) Large-scale event-oriented uses are included in Recreation,
12 Entertainment, and Cultural Services and Facilities: Major Event
13 Entertainment.

14 (e) **Parks and Open Space.**

15 (1) **Characteristics.** Parks and Open Space is characterized by publicly owned
16 land and outdoor facilities that provide for recreation, or land that provides for the
17 preservation of natural resources.

18 (2) **Examples.** Arboreta; ball fields; botanical gardens; community gardens;
19 nature parks and preserves; outdoor tennis courts; parks; playgrounds;
20 recreational trails.

21 (3) **Exceptions.**

22 (A) Land used for the burial of the dead is included in Funeral and
23 Related Services: Cemeteries.

24 (B) Outdoor performance or event structures designed to host major
25 events are included in Recreation, Entertainment, and Cultural Services
26 and Facilities: Major Event Entertainment.

27 (f) **Non-Profit Membership Assembly.**

28 (1) **Characteristics.** Non-Profit Membership Assembly is characterized by
29 facilities for the assembly of members of civic, social, fraternal, or other non-
30 profit membership groups. Activities on-site often include membership meetings

1 as well as social, philanthropic, and/or recreational functions and activities
2 primarily for members of the organization.

3 **(2) Examples.** Bars and restaurants owned and operated by civic, social, or
4 fraternal organizations for use by their members; grange halls; meeting places for
5 civic clubs, fraternal, or veteran organizations.

6 **(g) Religious Assembly.**

7 **(1) Characteristics.** Religious Assembly is characterized by facilities for
8 worship services. Religious Assemblies typically are designed to provide for the
9 assembly of persons for the purpose of religious exercise.

10 **(2) Examples.** Churches; mosques; synagogues; temples.

11 **(3) Exceptions.**

12 **(A)** Schools operated by religious organizations are included in Education
13 Services: Basic Education.

14 **(B)** Child care services operated by religious organizations, other than
15 those provided for congregants during worship services and church
16 activities, are included in Education Services: Day Care.

17 **400.065. Health Services.** Health Services consists of prevention, diagnosis, treatment, and
18 rehabilitation services provided by physicians, dentists, nurses, and other health care personnel.
19 Except for medical and dental laboratories, which may have little direct contact with patients,
20 patients typically come to the site to receive health and/or dental services from licensed
21 professionals.

22 **(a) Medical Centers/Hospitals.**

23 **(1) Characteristics.** Medical Centers/Hospitals are characterized by facilities
24 that provide health services to inpatients and the specialized accommodation
25 services required by inpatients. Medical Centers/Hospitals may also provide
26 outpatient services as a secondary activity. Institutions that fall within this
27 category are accredited by state and national agencies. Emergency services are
28 generally included.

29 **(2) Examples.** Free-standing inpatient hospitals; hospitals or medical centers
30 associated with a university or medical school; medical complexes that include

1 inpatient hospitals; psychiatric and substance abuse hospitals primarily engaged in
2 providing diagnostic, medical treatment, and monitoring services for inpatients
3 who suffer from mental illness or substance abuse disorders.

4 **(3) Exceptions.**

5 (A) Free-standing medical clinics without inpatient services are included
6 in Health Services: Outpatient Medical Services and Laboratories.

7 (B) Medical office buildings that provide outpatient care and urgent
8 medical care, and which are not located on a medical center campus, are
9 included in Health Services: Outpatient Medical Services and
10 Laboratories.

11 **(b) Outpatient Medical Services and Laboratories.**

12 **(1) Characteristics.** Outpatient Medical Services and Laboratories are
13 characterized by prevention, diagnosis, treatment, and rehabilitation services
14 provided by physicians, dentists, nurses, and other health care professionals that
15 are provided on an out-patient basis. Outpatient Medical Services and
16 Laboratories also include medical testing and analysis services. Patients generally
17 do not spend more than 24 hours at a time. Emergency services are generally not
18 provided, although urgent care may be included.

19 **(2) Examples.** Blood banks; kidney dialysis centers; medical and dental
20 laboratories; offices of doctors, nurses, physicians' assistants, dentists,
21 chiropractors, optometrists, podiatrists, audiologists, dieticians, midwives,
22 naturopaths, occupational and physical therapists, psychologists, psychiatrists,
23 speech therapists, osteopathic doctors, and acupuncturists; orthotic and prosthetic
24 services; outpatient drug or alcohol treatment clinics; outpatient urgent care
25 facilities; rehabilitation centers.

26 **(3) Exceptions.**

27 (A) Skilled nursing care facilities are included in Group Living: Nursing
28 Care.

29 (B) Hospitals are included in Health Services: Medical Centers/Hospitals.
30

1 (C) Cosmetology services are included in Retail Sales and Service:
2 Personal Services.

3 (D) Home health care services provided to individuals in their own homes
4 is considered accessory to Household Living.

5 **400.070. Education Services.** Education Services consists of educational instruction and/or
6 daytime supervision of people of any age. Services are primarily provided to students or those
7 supervised coming to the site.

8 (a) **Day Care.**

9 (1) **Characteristics.** Day Care is characterized by the day or evening care or
10 supervision of children and/or adults who need care, supervision, or assistance
11 outside of the individual's home or that of a family member. Educational services
12 may or may not be included. A fee is generally charged for services. Individuals
13 supervised come to the site, but do not stay overnight.

14 (2) **Examples.** Adult day care centers; adult day care homes; child day care
15 centers; child day care homes; nursery schools; preschools; registered Head Start
16 programs.

17 (3) **Exceptions.**

18 (A) Babysitting, and care given by an individual's parents, guardians, or
19 relatives, are considered accessory to Household Living.

20 (b) **Basic Education.**

21 (1) **Characteristics.** Basic Education is characterized by institutions that are
22 licensed by the State to provide comprehensive state-mandated basic education
23 primarily to minors. Students generally come to the site to receive instruction,
24 although some distance learning may be included. Instruction generally takes
25 place within one or more enclosed buildings.

26 (2) **Examples.** Alternative education schools and programs approved by the
27 School District; charter schools; public and private primary, elementary, middle,
28 and high schools; State-recognized secondary school career and technical
29 education programs, such as vocational high schools.

30 (3) **Exceptions.**

1 (A) Head Start programs are included in Education Services: Day Care.

2 (B) Adult basic education programs leading to a General Equivalency
3 Diploma (GED) are included in Education Services: Post-Secondary and
4 Adult Education.

5 (c) **Post-Secondary and Adult Education.**

6 (1) **Characteristics.** Post-Secondary and Adult Education is characterized by
7 institutions offering advanced education and training to adults. Basic primary and
8 secondary education is not provided, except instruction for adults seeking a
9 General Equivalency Diploma (GED). Post-Secondary and Adult Education
10 institutions generally provide instruction leading to a degree, certificate, or
11 license, but may also provide non-degree programs. Instruction generally takes
12 place on-site within one or more enclosed buildings; however, some distance
13 learning and/or outdoor instruction may also be included.

14 (2) **Examples.** Adult basic education programs leading to a General Equivalency
15 Diploma (GED); community colleges; language schools; liberal arts colleges;
16 medical and nursing schools not associated with a medical center; seminaries;
17 universities.

18 (3) **Exceptions.**

19 (A) Post-Secondary and Adult Education institutions that are entirely
20 distance learning based are included in Business and Professional
21 Services: Office.

22 (B) Trade schools providing training in the operation of heavy equipment
23 or vehicles requiring a Commercial Driver's License are included in
24 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services:
25 Heavy Vehicle and Trailer Service and Storage.

26 (C) Aviation schools are included in Transportation Facilities: Aviation
27 Facilities.

28 **400.075. Civic Services.** Civic Services consists of governmental or non-profit entities
29 providing services related to the administration of the government or providing social assistance.

30 (a) **Governmental Services.**

1 **(1) Characteristics.** Governmental Services are characterized by the
2 administration of the government, typically provided by a public body.

3 **(2) Examples.** City hall; courts; other government offices.

4 **(3) Exceptions.**

5 **(A)** The provision of emergency services for police protection and fire
6 and life safety are included in Public Safety: Emergency Services.

7 **(B)** Government functions related to the detention and correction of
8 offenders are included in Public Safety: Detention Facilities.

9 **(C)** Libraries, community centers, and other recreational and cultural
10 enrichment services provided by public or non-profit agencies are
11 included in Recreation, Entertainment, and Cultural Services and
12 Facilities: Recreational and Cultural Community Services.

13 **(D)** Government offices involved with the direct delivery of social
14 services to clients or the general public, including, but not limited to,
15 issuing of welfare aid, rent supplements, food stamps, and eligibility
16 casework, are included in Civic Services: Social Services.

17 **(E)** Schools and educational services provided by public or non-profit
18 agencies are included in Educational Services.

19 **(F)** Facilities supporting off-site property and building improvement,
20 construction, or maintenance of public assets are included in Civic
21 Services: Governmental Maintenance Services and Construction.

22 **(b) Social Services.**

23 **(1) Characteristics.** Social Services are characterized by the provision of on-
24 going social services to clients or the general public on-site by organizations or
25 agencies of a public or non-profit nature. Clients or those seeking services
26 typically go to the site to receive aid. Services are generally targeted to one or
27 more vulnerable populations and are often provided free of charge.

28 **(2) Examples.** Facilities providing daytime shelter for the homeless and at-risk
29 populations; government and non-profit offices issuing welfare aid, rent
30 supplements, and food stamps, and providing case management for such

1 programs; individual and family counseling services; job training, vocational
2 rehabilitation, and habilitation services for the unemployed, the underemployed,
3 and the disabled; meal delivery programs; organizations providing legal and
4 supportive services for immigrants; probation and parole offices; referral services
5 for those in need.

6 **(3) Exceptions.**

7 (A) Administrative offices of social service organizations or agencies and
8 offices of non-profit organizations where direct interaction with clients
9 generally does not take place on-site are classified as Business and
10 Professional Services: Office.

11 (B) Community, senior, and youth centers serving the general population
12 are included in Recreation, Entertainment, and Cultural Services and
13 Facilities: Recreational and Cultural Community Services.

14 (C) Adult day care and child day care centers and homes are included in
15 Education Services: Day Care.

16 (D) Homeless shelters providing overnight lodging are included in
17 Lodging: Non-Profit Shelters.

18 (E) On-going free health clinics serving at-risk populations where
19 provision of medical services is the primary activity on-site are included in
20 Health Services: Outpatient Medical Services and Laboratories.

21 **(c) Governmental Maintenance Services and Construction.**

22 **(1) Characteristics.** Governmental Maintenance Services and Construction is
23 characterized by facilities supporting off-site property and building improvement,
24 construction, or maintenance of public assets. On-site activities are generally
25 limited to administration, dispatch, indoor or outdoor storage of equipment and
26 supplies, fleet vehicle storage, minor assembly or preparation of materials, repair
27 and maintenance of machinery and heavy equipment, and other services primarily
28 related to management of public assets.

29 **(2) Examples.** Government motor pools; shops facilities; storage yards.
30

1 **400.080. Public Safety.** Public Safety consists of facilities that provide for the safety and
2 security of the general public through emergency and disaster response, national defense, or
3 detention for law enforcement purposes.

4 **(a) Emergency Services.**

5 **(1) Characteristics.** Emergency Services is characterized by services and
6 facilities that provide police protection and fire and life safety to residents of the
7 community. Emergency response vehicles and personnel are typically dispatched
8 from these facilities and stationed on-site when not responding to a call. Facilities
9 may be staffed 24 hours a day and may provide sleeping and eating facilities, as
10 well as office space for employees on duty.

11 **(2) Examples.** Ambulance stations and ambulance service facilities; fire
12 stations; highway patrol facilities; Marshals' offices; police stations; Sheriffs'
13 offices; State police facilities.

14 **(b) Detention Facilities.**

15 **(1) Characteristics.** Detention Facilities are characterized by facilities for the
16 confinement of persons within the criminal justice system where inmates and
17 detainees are under 24-hour supervision.

18 **(2) Examples.** Correctional boot camps; facilities for people who are under
19 judicial detainment with 24-hour supervision; holding cells, jails, and prisons;
20 juvenile detention homes and reformatories; State penitentiaries.

21 **(c) Military Installations.**

22 **(1) Characteristics.** Military Installations are characterized by facilities for the
23 operations of the armed forces, including facilities to house, equip, and train
24 enlisted members of the armed forces. Military Installations are operated by a
25 division of the Oregon Military Department or the United States Department of
26 Defense.

27 **(2) Examples.** Armories and training centers for the Oregon National Guard;
28 U.S. Army, Navy, Air Force, and Marine bases.

29 **(3) Exceptions.**
30

1 (A) Recruitment centers for the armed forces where no training, weapons
2 storage, or troop housing takes place on site are included in Civic
3 Services: Governmental Services.

4 (B) Administrative offices related to the armed forces or the U.S. Army
5 Corps of Engineers where little interaction with the public takes place and
6 where no troop training, troop housing, or weapons storage takes place on
7 site are included in Civic Services: Governmental Services.

8 (C) Aeronautics facilities associated with the military are included in
9 Transportation Facilities: Aviation Facilities.

10 **400.085. Funeral and Related Services.** Funeral and Related Services consists of services and
11 facilities engaged in preparing the dead for burial; conducting funerals, cremations, and burials;
12 and providing land for the permanent disposition of remains.

13 (a) **Cemeteries.**

14 (1) **Characteristics.** Cemeteries are characterized by the provision of land for
15 the permanent disposition of human or animal remains.

16 (2) **Examples.** Animal cemeteries; cemeteries; columbaria; mausoleums.

17 (b) **Funeral and Cremation Services.**

18 (1) **Characteristics.** Funeral and Cremation Services are characterized by
19 establishments engaged in preparing the remains of the dead for permanent
20 disposition, and arranging, managing, and conducting funerals, wakes, and
21 burials.

22 (2) **Examples.** Crematories; funeral homes or parlors; taxidermists.

23 **400.090. Construction Contracting, Repair, Maintenance, and Industrial Services.**

24 Construction Contracting, Repair, Maintenance, and Industrial Services consists of construction
25 and maintenance of buildings and grounds and the repair and maintenance of consumer,
26 business, and industrial products and equipment other than the repair of motor vehicles and
27 trailers. Services are generally provided by traveling to the customer or by the delivery of items
28 to the site for repair.

29 (a) **General Repair Services.**

1 **(1) Characteristics.** General Repair Services are characterized by the repair and
2 maintenance of light business equipment, consumer products, and personal and
3 household items, other than clothing and accessories. Repair and maintenance
4 activities may take place on the subject site or may take place at the customer’s
5 location.

6 **(2) Examples.** Appliance repair; bicycle and other sporting goods repair and
7 service; copier, computer, printer, telephone, fax machine, and other office
8 equipment repair and service; furniture re-upholstery and repair; locksmith; musical
9 instrument repair; repair services for consumer electronics.

10 **(3) Exceptions.**

11 **(A)** Motor vehicle repair is included in Motor Vehicle, Trailer, and
12 Manufactured Dwelling Sales and Services: Motor Vehicle Services.

13 **(B)** Watch and jewelry repair and clothing alteration and repair are included in
14 Retail Sales and Services: Personal Services.

15 **(b) Building and Grounds Services and Construction Contracting.**

16 **(1) Characteristics.** Building and Grounds Services and Construction
17 Contracting is characterized by establishments engaged in off-site property and
18 building improvement, construction, or maintenance; or the provision public
19 utilities. On-site activities are generally limited to administration, dispatch,
20 indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and
21 minor assembly or preparation of materials.

22 **(2) Examples.** Construction contractors; excavation and demolition services;
23 janitorial services; landscape, lawn, and garden services; pest control services;
24 portable toilet rental and leasing; service and storage yards for public utility
25 companies; specialty trade contractors including glass and glazing contractors,
26 plumbing, electrical, carpentry, painting and paper hanging, heating, ventilation,
27 air conditioning, roofing, siding, sheet metal work, masonry, stone, tile work,
28 flooring, plastering, drywall, insulation, and concrete work; upholstery and carpet
29 cleaning; water well drilling; window cleaning services.

30 **(3) Exceptions.**

1 (A) Building and grounds maintenance services conducted on the same
2 site where services are provided are considered accessory to the primary
3 use.

4 (B) Sites used primarily for the storage of heavy equipment are included
5 in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services:
6 Heavy Vehicle and Trailer Service and Storage.

7 (C) Building and Grounds Services and Construction Contracting uses
8 conducted entirely in an office environment without outdoor storage are
9 included in Business and Professional Services: Office.

10 (c) **Cleaning Plants.**

11 (1) **Characteristics.** Cleaning Plants are characterized by dry cleaning and
12 laundry service facilities that clean items transported to and from the site by the
13 company or a third party, rather than by the customer. Customers rarely, if ever,
14 come to the site.

15 (2) **Examples.** Diaper services; dry cleaning plants; industrial laundries; linen
16 supply services.

17 (3) **Exceptions.**

18 (A) Laundry and dry cleaning service establishments that provide for
19 customer drop off and/or pick up on-site and serve the general public are
20 included in Retail Sales and Service: Personal Services.

21 (d) **Industrial Services.**

22 (1) **Characteristics.** Industrial Services are characterized by establishments
23 providing repair and maintenance of industrial machinery and equipment and
24 other services primarily to industrial businesses.

25 (2) **Examples.** Commercial and industrial machinery and equipment repair and
26 maintenance, except automotive and electronic; industrial fan rebuilding and
27 repair; precision machinery component repair; welding repair.

28 (3) **Exceptions.**

1 (A) Repair of heavy vehicles and trailers is included in Motor Vehicle,
2 Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle
3 and Trailer Service and Storage.

4 **400.095. Wholesale Sales, Storage, and Distribution.** Wholesale Sales, Storage, and
5 Distribution consists of facilities for the storage, transfer, distribution, repackaging, or wholesale
6 sales of physical goods or personal property other than live animals.

7 (a) **General Wholesaling.**

8 (1) **Characteristics.** General Wholesaling is characterized by sales of physical
9 products primarily to customers other than the general public, including retailers,
10 other wholesalers, and industrial, commercial, institutional, farm, or business
11 users. The general public rarely comes to the site. Products are generally stored
12 on-site, and may also be assembled, sorted, graded and/or re-packaged on-site.
13 For establishments primarily engaged in sales to industrial, commercial,
14 institutional, farm, or business users, activities on the site may also include on-site
15 sales or order taking display areas. Products may be picked up on-site or delivered
16 to the purchaser. General Wholesaling takes place primarily within an enclosed
17 building, and does not include the sale of dangerous, toxic, or potentially
18 contaminating products.

19 (2) **Examples.** Wholesale sales of supplies, light-duty equipment, and store
20 fixtures; wholesale sales of products that are not dangerous, toxic, or potentially
21 contaminating; wholesale sales of automobiles and other motor vehicles,
22 manufactured dwellings, and trailers, when stored inside.

23 (3) **Exceptions.**

24 (A) Wholesale sales of dangerous, toxic, or potentially contaminating
25 products, and those requiring outdoor storage, are included in Wholesale
26 Sales, Storage, and Distribution: Heavy Wholesaling.

27 (B) Establishments primarily storing and distributing goods with little on-
28 site business activity are included in Wholesale Sales, Storage, and
29 Distribution: Warehousing and Distribution.

30 (b) **Heavy Wholesaling.**

1 **(1) Characteristics.** Heavy Wholesaling is characterized by sales of physical
2 products that are dangerous, toxic, or potentially contaminating, or that require
3 outdoor storage, primarily to customers, other than the general public, including
4 retailers, other wholesalers, and industrial, commercial, institutional, farm, or
5 business users. The general public rarely comes to the site. Products are
6 generally stored on-site, and may also be assembled, sorted, graded and/or re-
7 packaged on-site. Activities on the site may also include on-site sales or display
8 areas. Products may be picked up on-site or delivered to the purchaser.

9 **(2) Examples.** Wholesale sales of automobiles and other motor vehicles,
10 manufactured dwellings, and trailers, where stored outside; wholesale sales of
11 monuments and grave markers; wholesale sales of metals, coal, and other
12 minerals and ores; wholesale sales of ammunition and firearms; wholesale sales
13 of petroleum and petroleum products; wholesale sales of chemicals; wholesale
14 sales of logs, timber products, wood, wood chips, nursery stock, and lumber and
15 construction materials requiring outdoor storage; grain elevators for the wholesale
16 sale of agricultural products; recovery and wholesale sales of used motor vehicle
17 parts, including junkyards and vehicle salvage; processing and wholesale sales of
18 scrap and waste materials, including wrecking yards and scrap dealers; industrial
19 equipment.

20 **(3) Exceptions.**

21 **(A)** Establishments primarily storing and distributing goods with little on-
22 site business activity are included in Wholesale Sales, Storage, and
23 Distribution: Warehousing and Distribution.

24 **(B)** Sales of heavy vehicles, heavy-duty trailers, and heavy equipment is
25 included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and
26 Services: Heavy Vehicle and Trailer Sales.

27 **(c) Warehousing and Distribution.**

28 **(1) Characteristics.** Warehousing and Distribution is characterized by the
29 storage and/or distribution of goods or personal property. Goods are generally
30

1 delivered to other firms or the final consumer. Except for some will-call pickups,
2 there is little on-site sales.

3 **(2) Examples.** Catalog and mail order houses; cold storage plants and frozen
4 food lockers; distribution centers; distribution facilities for internet retailers; free
5 standing warehouses associated with retail stores such as furniture or appliance
6 stores; grain terminals; major post offices and postal distribution centers;
7 repossession service; stockpiling of sand, gravel, bark dust, or other aggregate and
8 landscaping materials; truck or rail freight terminals.

9 **(3) Exceptions.**

10 (A) Uses that involve the transfer or storage of solid or liquid wastes are
11 included in Utilities: Waste-Related Facilities.

12 (B) Oil and gasoline storage caverns and petroleum and chemical bulk
13 stations and terminals are included in Wholesale Sales, Storage, and
14 Distribution: Heavy Wholesaling.

15 **(d) Self-service Storage.**

16 **(1) Characteristics.** Self-service Storage is characterized by facilities that lease
17 space to individuals, usually storing household or personal goods, or to
18 businesses, usually storing excess inventory, supplies, or archived records. The
19 storage areas are designed to allow private access by the tenant for storing or
20 removing personal property. Generally, few, if any, employees work at a the site.

21 **(2) Examples.** Single story and multistory facilities that provide individual
22 storage areas for rent.

23 **(3) Exceptions.**

24 (A) On-site storage units provided to owners or tenants of a residential or
25 office building are considered accessory to the primary use.

26 (B) A transfer and storage business where there are no individual storage
27 areas, or where employees are the primary movers of the goods to be
28 stored, is included in Wholesale Sales, Storage, and Distribution:
29 Warehousing and Distribution.
30

1 **400.100. Manufacturing.** Manufacturing consists of the production, processing, fabrication,
2 packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed
3 materials may be used in the manufacturing process. Products may be finished or semi-finished,
4 and are generally made for the wholesale market, for transfer to other plants, or to order for firms
5 or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate
6 part of sales. Relatively few customers come to a manufacturing site.

7 **(a) General Manufacturing.**

8 **(1) Characteristics.** General Manufacturing is characterized by the production,
9 processing, fabrication, assembly, or packaging of primarily finished products for
10 entry into the stream of commerce for ultimate sale to the end user. Materials
11 used generally include semi-finished products produced in Heavy Manufacturing
12 industries; and may include some small amounts of natural and/or raw materials.
13 Products produced can be of any size, but are generally smaller than those
14 produced in Heavy Manufacturing. Production does not involve significant
15 impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or
16 noxious odors; and is not dangerous or polluting. General Manufacturing uses
17 may require large, medium, or small scale facilities, and the work, and storage of
18 product, may be conducted either inside or outside. Products are generally not
19 displayed or sold on site, but if so, they are a subordinate part of sales.

20 **(2) Examples.** Breweries, wineries, distilleries, and cider houses where on-site
21 food and/or beverage consumption is not the primary activity; chemical products
22 manufacturing that does not involve, or that does not have, significant impacts on
23 adjacent properties due to noxious odors, noises, dust, smoke vibrations, or
24 potential danger; commercial or industrial catering kitchens where food is
25 prepared and delivered off-site; manufacturing of apparel; manufacturing of
26 computer and electronic products; manufacturing of food, beverage and related
27 products; manufacturing of pharmaceuticals; manufacturing of signs;
28 manufacturing of wood, plastic, metal, ceramic, rubber, textile, and leather
29 products; production or assembly of equipment, machinery, and fabricated
30 products.

1 **(3) Exceptions.**

2 **(A)** The production of printed materials is included in Manufacturing:
3 Printing.

4 **(B)** Wineries, breweries, distilleries, or cider houses that are accessory to
5 establishments for on-site retail food and/or beverage consumption are
6 classified under Retail Sales and Services: Eating and Drinking
7 Establishments.

8 **(C)** Cafeteria food service contractors that prepare food for on-site
9 consumption in a cafeteria primarily for use by employees of another
10 company are considered accessory to the use.

11 **(D)** The small scale production of artisanal handcrafted goods to be sold
12 primarily on-site and to the general public is included in Retail Sales and
13 Services: Retail Sales.

14 **(E)** The manufacture and production of products from composting
15 organic material is included in Utilities: Waste-Related Facilities.

16 **(b) Heavy Manufacturing.**

17 **(1) Characteristics.** Heavy Manufacturing is characterized by the production or
18 processing of finished or semi-finished products that are generally made for the
19 wholesale market or for the transfer to other plants to be used in the further
20 manufacturing of other more complex products. Materials used generally include
21 large amounts of natural and/or raw materials obtained from extractive industries
22 or agricultural/forestry production; or materials that are potentially hazardous or
23 explosive. Products produced are typically heavy in weight and large in size or
24 volume. Production may involve significant impacts on adjacent properties due to
25 noise, vibration, dust, smoke, fumes, or noxious odors; and may be dangerous or
26 polluting. Heavy Manufacturing uses typically require large-scale facilities and a
27 substantial portion of the work, and storage of product, may be conducted outside.
28 Products are generally not displayed or sold on site, but if so, they are a
29 subordinate part of sales.
30

1 (2) **Examples.** Leather tanning; manufacturing of chemical products;
2 manufacturing of explosives, ordnance, small arms, and ammunition;
3 manufacturing of petroleum and coal products; manufacturing of primary metals;
4 manufacturing of starch and vegetable fats and oils; meat processing and packing;
5 production of asphalt, cement, and concrete products; production of lime,
6 gypsum, and other nonmetallic mineral products; pulp, paper, and paperboard
7 mills; sawmills.

8 (c) **Printing.**

9 (1) **Characteristics.** Printing is characterized by the production of printed
10 material for wholesale distribution. Printing physically takes place on site.
11 Customers generally do not come to the site.

12 (2) **Examples.** Book binding; commercial printing; newspaper, magazine and
13 book publishing and printing; printing maps, directories, calendars, and blank
14 books.

15 (3) **Exceptions.**

16 (A) Publishing activities without physical printing on site are included in
17 Business and Professional Services: Office.

18 (B) Photocopying and blueprinting services are included in Retail Sales
19 and Services: Retail Sales.

20 **400.105. Transportation Facilities.** Transportation Facilities consist of terminals, stations, and
21 on-site support facilities primarily concerned with the movement of people and goods at the
22 point of which the people and/or goods embark, disembark, or transfer.

23 (a) **Aviation Facilities.**

24 (1) **Characteristics.** Aviation Facilities are characterized by terminals and
25 support facilities for passenger and freight air transportation, and the operation of
26 airplanes, jets, helicopters, gliders, and other aircraft. The airside portion of such
27 facilities may be improved or unimproved, and air transportation services may be
28 scheduled or unscheduled. Aviation facilities may be for commercial carriers or
29 for shared use by private aircraft. Support facilities may include hangars, aircraft
30 maintenance and refueling facilities, and accommodations for passengers and

1 cargo. Associated activities may include aircraft sales/rental and aviation training
2 and instruction.

3 **(2) Examples.** Air passenger and air freight services and facilities/terminals;
4 airports; air strips, aviation schools; glider facilities; hangars; helicopter landing
5 facilities.

6 **(b) Passenger Ground Transportation Facilities.**

7 **(1) Characteristics.** Passenger Ground Transportation Facilities are
8 characterized by terminals, stations, and support facilities for passenger ground
9 transportation, including, but not limited to, bus or rail, serving a local, suburban,
10 intercity, or regional market area. Passenger Ground Transportation Facilities
11 serve as a point of access for passengers to ground transportation services, and are
12 generally located along, or at the terminus of, a particular route. Support
13 facilities, such as shelters, ticket offices, waiting rooms, and benches, may be
14 provided to help ensure passenger comfort.

15 **(2) Examples.** Multi-modal passenger facilities; train or bus stations, stops, or
16 terminals; transit centers.

17 **(3) Exceptions.**

18 **(A)** Storage yards and maintenance facilities for buses and other large
19 passenger transportation vehicles are included in Motor Vehicle, Trailer,
20 and Manufactured Dwelling Sales and Services: Heavy Vehicle and
21 Trailer Service and Storage.

22 **(B)** Transportation facilities dedicated to the movement of freight rather
23 than passengers are included in Wholesale Sales, Storage, and
24 Distribution: Warehousing and Distribution.

25 **(C)** Park-and-ride facilities owned or leased by a public agency for use by
26 transit riders or ride-share participants are included in Motor Vehicle,
27 Trailer, and Manufactured Dwelling Sales and Services: Park-and-Ride
28 Facilities.

29 **(c) Marine Facilities**

1 **(1) Characteristics.** Marine facilities are characterized by terminals, stations,
2 and support facilities for passenger and freight marine transportation, as well as
3 docks, moorings, storage, and other water-dependent facilities for boats.

4 Facilities may be present to allow passengers to safely access transportation.

5 Support facilities, such as shelters, ticket offices, waiting rooms, and benches,
6 may be provided to help ensure passenger comfort.

7 **(2) Examples.** Boat houses; ferry landings; landings and landing piers; marinas;
8 marine freight services and facilities/terminals; ports.

9 **400.110. Utilities.** Utilities consists of physical facilities providing utility services, including,
10 but not limited to, water; wastewater; stormwater facilities; natural gas; electricity; telephone,
11 internet, and other electronic data or communication services; wireless communication facilities;
12 cable television; and solid waste.

13 **(a) Basic Utilities.**

14 **(1) Characteristics.** Basic Utilities are characterized by physical infrastructure
15 providing utility services, including, but not limited to water; wastewater;
16 stormwater management; natural gas; electricity; telephone, internet, and other
17 electronic data or communication services; and cable television. Such facilities
18 are not regularly occupied by employees, and generally do not include parking
19 areas or storage areas for vehicles, equipment, or materials.

20 **(2) Examples.** Electric substations; pump stations; reservoirs; substations; utility
21 transmission lines; utility transmission and service poles; un-staffed water
22 filtration equipment; underground transmission facilities; AM and FM antennae
23 and TV antennae.

24 **(3) Exceptions.**

25 **(A)** Power generation facilities and equipment are included in Utilities:
26 Power Generation Facilities.

27 **(B)** Drinking water treatment plants are included in Utilities: Drinking
28 Water Treatment.

29 **(C)** Wastewater treatment plants are included in Utilities: Waste-Related
30 Facilities.

1 (D) Service and storage yards for public utility companies are included in
2 Construction, Contracting, Repair, Maintenance, and Industrial Services:
3 Building and Grounds Services and Construction Contracting.

4 (E) Utility offices, other than those associated with power generation,
5 sewer treatment, or drinking water treatment, conducted entirely within an
6 office environment without storage of materials and equipment are
7 included in Business and Professional Services: Office.

8 **(b) Wireless Communication Facilities.**

9 **(1) Characteristics.** Wireless Communication Facilities are characterized by
10 any unstaffed facility for the transmission and/or reception of radio frequency
11 signals for commercial wireless communications purposes, including, but not
12 limited to, auxiliary support equipment; support towers or support structures, or
13 utility structures used to achieve the necessary elevation for the antenna;
14 transmission and reception cabling and devices; and all antennas or arrays.

15 **(2) Examples.** Cell towers; collocated antennas on existing buildings or
16 structures; collocated antennas on utility structures; auxiliary support equipment.

17 **(3) Exceptions.**

18 **(A)** Wireless communication facilities used exclusively for public health
19 or safety purposes, and wireless communication facilities used exclusively
20 by utilities for internal communications of an operational nature, are
21 included in Utilities: Basic Utilities.

22 **(B)** AM and FM antennae, TV antennae, and broadcast towers are
23 included in Utilities: Basic Utilities.

24 **(c) Drinking Water Treatment.**

25 **(1) Characteristics.** Drinking Water Treatment is characterized by facilities that
26 filter and/or treat water for public distribution and consumption. Such facilities
27 are typically staffed on a regular basis.

28 **(2) Examples.** Drinking water treatment plants.

29 **(3) Exceptions.**

1 (A) Water filtration facilities that are not staffed, such as those associated
2 with emergency water sources, are included in Utilities: Basic Utilities.

3 **(d) Power Generation Facilities.**

4 **(1) Characteristics.** Power Generation Facilities are characterized by the
5 commercial conversion of energy, such as hydroelectric, solar, geothermal, fossil
6 fuel, and nuclear, into electrical energy and/or heat. Power Generation Facilities
7 produce electrical energy and supply electricity to transmission systems or to
8 electric power distribution systems. Power Generation Facilities may also
9 produce thermal energy to fuel mechanical processes or to heat buildings or
10 water.

11 **(2) Examples.** Co-generation plants; hydroelectric power plants; large-scale
12 photovoltaic power stations; power plants that burn fossil fuels.

13 **(3) Exceptions.**

14 (A) Establishments primarily engaged in operating trash incinerators that
15 also generate electricity are included in Utilities: Waste Related Facilities.

16 (B) Small-scale private power generation equipment, such as roof-top
17 solar and emergency generators, that is sized to meet the needs of the
18 primary use is considered accessory to the primary use.

19 **(e) Data Center Facilities**

20 **(1) Characteristics.** Data Center Facilities are characterized by facilities that
21 physically house computer systems and associated equipment dedicated to data
22 storage and/or transmission. Data Center Facilities serve users beyond those
23 present on the site. Facilities may or may not be regularly staffed by employees
24 on-site. Facilities often include redundant or backup power supplies; redundant
25 data communications connections; environmental controls, such as air
26 conditioning and fire suppression; and security devices.

27 **(2) Examples.** Carrier hotel; co-located server hosting facilities; co-location
28 facilities; computer centers; data farms; data storage and hosting facilities; data
29 warehouses; server farms; telecommunication hotels; telecommunications
30 carriers.

1 **(3) Exceptions.**

2 **(A)** Data storage and transmission facilities serving an individual use on-
3 site is considered accessory to that use.

4 **(f) Fuel Dealers.**

5 **(1) Characteristics.** Fuel dealers are characterized by establishments that
6 provide delivery of fuels and lubricants to the direct customer.

7 **(2) Examples.** Heating oil; lubricants.

8 **(3) Exceptions.**

9 **(A)** Vehicle fuel dealers are included in Motor Vehicle, Trailer, and
10 Manufactured Dwelling Sales and Services: Motor Vehicle Services, or
11 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services:
12 Heavy Vehicle and Trailer Service and Storage.

13 **(g) Waste-Related Facilities.**

14 **(1) Characteristics.** Waste-Related Facilities are characterized by
15 establishments that receive solid or liquid wastes from others for disposal on site,
16 transfer to another location, or processing for re-use; provide for the treatment of
17 wastewater; collect sanitary wastes; or manufacture or produce goods or energy
18 from the biological decomposition of organic material.

19 **(2) Examples.** Energy recovery plants; hazardous waste collection facilities;
20 limited use landfills; materials recovery facilities; recycling depots; sanitary
21 landfills; solid waste transfer stations; waste composting; wastewater treatment
22 plants.

23 **(3) Exceptions.**

24 **(A)** Disposal of clean fill is not considered a use.

25 **(B)** Sewer pump stations and sewer lines outside of the public right-of-
26 way are included in Utilities: Basic Utilities.

27 **(C)** Structures maintained solely to provide shelter for recyclable
28 material, such as paper, tin cans, and bottles, deposited by members of the
29 public and collected at regular intervals for further transfer or processing
30 elsewhere are considered accessory to the use.

1 (D) Scrap dealers and establishments primarily engaged in salvage and/or
2 wrecking of automobiles, trucks, machinery, or similar items are included
3 in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

4 **400.115. Mining and Natural Resource Extraction.** Mining and Natural Resource Extraction
5 consists of the extraction of natural resources from the earth.

6 (a) **Petroleum and Natural Gas Production.**

7 (1) **Characteristics.** Petroleum and Natural Gas Production is characterized by
8 the operation of oil and gas field properties. Petroleum and Natural Gas
9 Production includes the production of oil through mining and extraction of oil
10 from oil shale and oil sands, and the production of gas and hydrocarbon liquids
11 through gasification, liquid faction, and pyrolysis of coal at the mine site; the
12 operation of oil and gas wells for others on a contract or fee basis; and the
13 provision of oil field services for operators on a contract or fee basis.

14 (2) **Examples.** Drilling, completing, and equipping wells; exploration for crude
15 petroleum and natural gas; operation of separators, emulsion breakers, desilting
16 equipment, and field gathering lines for crude petroleum; spudding in, drilling in,
17 re-drilling, and directional drilling; all other activities in the preparation of oil and
18 gas up to the point of shipment from the producing property.

19 (b) **Surface Mining.**

20 (1) **Characteristics.** Surface mining is characterized by all or any part of the
21 process of mining minerals by the removal of overburden and the extraction of
22 natural mineral deposits thereby exposed by any method by which more than
23 5,000 cubic yards of minerals are extracted, or by which at least one acre of land
24 is affected within a period of 12 consecutive calendar months.

25 (2) **Examples.** Auger mining operations; construction of adjacent or off-site
26 borrow pits, except those constructed for use as access roads; gravel mining
27 operations; open-pit mining operations; production of surface mining refuse;
28 surface impacts of underground mining.

29 (3) **Exceptions.**
30

1 (A) Excavations of sand, gravel, clay, rock, or other similar materials
2 conducted by the landowner or tenant for the primary purpose of
3 construction, reconstruction, or maintenance of access roads on the same
4 parcel or on an adjacent parcel that is under the same ownership as the
5 parcel that is being excavated is considered accessory to the use.

6 (B) Excavation or grading reasonably necessary for farming are
7 considered accessory to that use.

8 (C) Removal of rock, gravel, sand, silt, or other similar substances
9 removed from the beds or banks of any waters of the State pursuant to a
10 permit issued under ORS 196.800 through ORS 196.900 is not considered
11 a use.

12 **400.120. Farming, Forestry, and Animal Services.** Farming, Forestry, and Animal Services
13 consists of the propagation, cultivation, and/or harvesting of plants; and animal husbandry,
14 breeding, boarding, grooming, and care.

15 (a) **Agriculture.**

16 (1) **Characteristics.** Agriculture is characterized by the growing, producing, or
17 keeping of plants for commercial purposes. Agriculture may include activity
18 taking place in a greenhouse, frame, cloth house, lath house, or outdoors.

19 (2) **Examples.** Crop production; growing cultured Christmas trees, as defined in
20 ORS 215.203; orchards; propagation of ornamental plants and other nursery
21 products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable
22 seeds and plants, and sod; truck gardening; wholesale plant nurseries.

23 (3) **Exceptions.**

24 (A) Plant nurseries that are oriented to retail sales are included in Retail
25 Sales and Service: Retail Sales.

26 (b) **Forestry.**

27 (1) **Characteristics.** Forestry is characterized by the propagation or harvesting
28 of timber and forest products.

29 (2) **Examples.** Gathering of forest products, such as bark, cones, seeds, or fungi;
30 timber tracts and forest nurseries.

1 **(3) Exceptions.**

2 **(A)** Growing cultured Christmas trees, as defined in ORS 215.203, is
3 included in Farming, Forestry, and Animal Services: Agriculture.

4 **(c) Agriculture and Forestry Services.**

5 **(1) Characteristics.** Agriculture and Forestry Services are characterized by
6 establishments providing management and services to the agricultural and forestry
7 industries. Services are generally provided off-site by traveling to the customer’s
8 property. On-site activities are generally limited to administration, dispatch, indoor
9 or outdoor storage of equipment and supplies, fleet vehicle storage, and minor
10 assembly or preparation of materials.

11 **(2) Examples.** Crop planting, cultivating, and harvesting; farm labor and farm
12 management services; forest fire fighting, forest fire prevention, forest pest control,
13 and reforestation services; preparation of crops for market, such as cleaning,
14 grading, shelling, and drying; soil preparation services.

15 **(d) Keeping of Livestock and Other Animals.**

16 **(1) Characteristics.** Keeping of Livestock and Other Animals is characterized
17 by the keeping, breeding, boarding, grazing, or feeding of dogs, equines, cattle,
18 swine, sheep, goats, poultry, and other animals; and the propagation, cultivation,
19 maintenance, and harvesting of aquatic species. Keeping of Livestock and Other
20 Animals may be conducted for commercial purposes or for private non-
21 commercial use. For purposes of this subsection, “commercial purposes” means
22 conduct of the activity to obtain a profit.

23 **(2) Examples.** Animal shelters; breeding and boarding kennels; dairies; egg
24 production facilities, broiler facilities, poultry hatcheries, and apiaries; feedlots;
25 ranches; riding stables.

26 **(3) Exceptions.**

27 **(A)** The keeping of household pets is considered accessory to Residential
28 use.

29 **(e) Animal Services.**

1 **(1) Characteristics.** Animal Services is characterized by veterinary, grooming,
2 and other services for pets, livestock, and other animals.

3 **(2) Examples.** Animal day care; animal grooming; veterinary services; wildlife
4 rehabilitation facilities.

5 **(3) Exceptions.**

6 (A) Pet stores are included in Retail Sales and Services: Retail Sales.

7 **400.125. Other Uses.**

8 **(a) Temporary Uses.**

9 **(1) Characteristics.** Temporary Uses are uses that are allowed as temporary
10 uses under the UDC and which require a temporary use permit under SRC
11 Chapter 701. Temporary Uses are inherently temporary in nature and include
12 activities that are seasonal or directed toward a specific event; activities
13 associated with the process of development; and activities that are mobile.

14 **(2) Examples.** Christmas tree sales; construction storage yards; mobile food
15 units; replacement single family dwellings; residential sales/development offices;
16 temporary and seasonal gravel parking and loading areas; temporary motor
17 vehicle and recreational vehicle sales.

18 **(b) Home Occupations.**

19 **(1) Characteristics.** Home Occupations are characterized by any business or
20 professional activity conducted by a resident within a building used for
21 Household Living, or within an accessory structure thereto, which is clearly
22 accessory and subordinate to the residential use of the building and its premises.
23 Home Occupations maintain the essential residential character of the building and
24 its premises and do not to give the outward appearance, nor manifest any
25 characteristic, of a business.

26 **(2) Examples.** Dressmaker, lawyer, public accountant, artist, caterer, writer,
27 teacher, musician, home office of a physician, dentist, or other practitioner of any
28 of the healing arts, or practices of any art or craft.

29 **(3) Exceptions.**

(A) Automotive repair, body work, painting, and other Motor Vehicle Services are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service: Motor Vehicle Services.

(B) Small engine repair, appliance repair, and other General Repair Services are included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.

(C) Salvaging, sorting, and recycling of discarded materials, and other Waste-Related Facilities, are included in Utilities: Waste-Related Facilities.

Section 9. The following SRC Chapter 500 is added to the Salem Revised Code:

500.001. Purpose. The purpose of the Exclusive Farm Use (EFU) zone is to implement the Farming and Resource Management designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The EFU zone allows for the practice of agricultural and forestry uses.

500.005. Uses. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the EFU zone are set forth in Table 500-1.

**TABLE 500-1
USES**

Table 500-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	C	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling, in conjunction with Agriculture or Keeping of Livestock and Other Animals. ▪ Manufactured dwelling, in conjunction with Agriculture or Keeping of Livestock and Other Animals.
	N	All other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	

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Table 500-1: Uses		
Use	Status	Limitations & Qualifications
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	C	Retail Sales, in conjunction with Agriculture and Keeping of Livestock and Other Animals, involving products that are produced on the property.
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	C	Golf courses
	N	All other Commercial Entertainment – Indoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	C	Golf courses.
	N	All other Recreational and Cultural Community Services.
Parks and Open Space	N	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	N	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	

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Table 500-1: Uses		
Use	Status	Limitations & Qualifications
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	N	
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	C	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	P	
Animal Services	N	
Other Uses		

Table 500-1: Uses		
Use	Status	Limitations & Qualifications
Home Occupations	N	

500.010. Development Standards. Development within the EFU zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the EFU zone shall conform to the standards set forth in Table 500-2.

**TABLE 500-2
LOT STANDARDS**

Table 500-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 75 acres	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
All uses	None	

(b) **Setbacks.** Setbacks within the EFU zone shall conform to the setback, lot coverage, and height standards set forth in Table 500-3.

**TABLE 500-3
SETBACKS**

Table 500-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All Uses	Min. 12 ft.	
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
All uses	Min. 12 ft.	
Accessory Structures		

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Table 500-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Accessory to all uses	Min. 12 ft.	
INTERIOR SIDE		
Buildings		
All Uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to all Other Uses	Min. 5 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
INTERIOR REAR		
Buildings		
All Uses	Min. 14 ft.	Applicable to any portion of a building not more than 15 ft. in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 15 ft. in height.
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one-foot for each one-foot of height over 9 feet.	Applicable to accessory structures greater than 9 ft. in height.
Accessory to All Other Uses	Min. 14 ft.	Applicable to any portion of an accessory structure not more than 15 ft. in height.
	Min. 20 ft.	Applicable to any portion of an accessory structure greater than 15 ft. in height.

(c) **Lot Coverage; Height.** Buildings and accessory structures within the EFU zone shall conform to the setback, lot coverage, and height standards set forth in Table 500-4.

**TABLE 500-4
LOT COVERAGE; HEIGHT**

Table 500-4: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All Uses	No Max.	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		
Buildings and Structures		
Agriculture, Forestry, and Keeping of Livestock and Other Animals	No Max.	
All other uses	Max. 35 ft.	
Accessory Structures		
Accessory to Agriculture, Forestry, and Keeping of Livestock and Other Animals	No Max.	
Accessory to Single Family	Max. 15 ft.	
Accessory to all other uses	Max. 35 ft.	

500.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the EFU zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

Section 10. The following SRC Chapter 510 is added to the Salem Revised Code:

510.001. Purpose. The purpose of the Residential Agriculture (RA) zone is to implement the Developing Residential designation for the Salem Area Comprehensive Plan through the

1 identification of allowed uses and the establishment of development standards. The RA zone
 2 generally allows Single Family residential and Agricultural uses.

3 **510.005. Uses.**

4 (a) Except as otherwise provided in this section, the permitted (P), special (S),
 5 conditional (C), and prohibited (N) uses in the RA zone are set forth in Table 510-1.

6 **TABLE 510-1**
 7 **USES**

8 **Table 510-1: Uses**

9 Use	Status	Limitations & Qualifications
10 Household Living		
11 Single Family	P	The following Single Family activities: ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660. ▪ Manufactured dwelling park, subject to SRC Chapter 235.
	S	The following Single Family activities: ▪ Manufactured home, subject to SRC 700.025. ▪ Townhouse, subject to SRC 700. 075 <u>080</u> . ▪ Zero side yard dwelling, subject to SRC 700. 085 <u>090</u> .
	N	All other Single Family.
16 Two Family	P	The following Two Family activities: ▪ Duplex, when located on a corner lot. ▪ Duplex, when located on a lot whose side abuts property other than a street or alley in a Commercial (C) or Industrial (I) zone, and the entire lot is located within 165 feet of the C or I zone.
	S	Two family shared dwelling, subject to SRC 700. 080 <u>085</u> .
	N	All other Two Family
19 Multiple Family	N	
20 Group Living		
21 Room and Board	N	
22 Residential Care	C	Residential Facility, as defined under ORS 197.660, when located on a lot with frontage on an arterial or collector street.
	N	All other Residential Care.
24 Nursing Care	C	Nursing Care, when located on a lot with frontage on an arterial or collector street.
	N	All other Nursing Care.
25 Lodging		
26 Short-Term Commercial Lodging	C	Bed and breakfasts.
	N	All other Short-Term Commercial Lodging.
27 Long-Term Commercial Lodging	N	
28 Non-Profit Shelters	C	Non-Profit Shelters serving 5 or fewer persons, when located on a lot with frontage on an arterial or collector street.
	N	All other Non-Profit Shelters.
29 Retail Sales and Service		

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Table 510-1: Uses

Use	Status	Limitations & Qualifications
Eating and Drinking Establishments	N	
Retail Sales	P	Retail sales of agricultural products, when the sales area does not exceed 1,000 square feet in size.
	N	All other Retail Sales.
Personal Services	C	The following Personal Services activities: <ul style="list-style-type: none"> ▪ Beauty salons. ▪ Barber shops.
	N	All other Personal Services.
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	C	Landscape architects and planners.
	N	All other Office.
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	Parking structures.
	S	All other Commercial Parking, subject to SRC 700. 040045 .
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	S	Golf courses, subject to SRC 700.015.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	Libraries.
	S	Golf courses, subject to SRC 700.015.
	C	All other Recreational and Cultural Community Services.
Parks and Open Space	C	Arboreta and botanical gardens.
	P	All other Parks and Open Space.
Non-Profit Membership Assembly	C	
Religious Assembly	S	Religious Assembly, subject to SRC 700. 045050 .
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		

Table 510-1: Uses

Use	Status	Limitations & Qualifications
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	C	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	S	Basic Education, subject to SRC 700.010.
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	S	Social Services, subject to SRC 700. 070 <u>075</u> .
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	The following Emergency Services activities: <ul style="list-style-type: none"> ▪ Ambulance stations. ▪ Ambulance service facilities.
	P	All other Emergency Services.
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	Crematories.
	C	All other Funeral and Cremation Services.
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	C	The following Building and Grounds Services and Construction Contracting Activities: <ul style="list-style-type: none"> ▪ Landscape, lawn, and garden services. ▪ Tree and shrub services.
	N	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.

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Table 510-1: Uses

Use	Status	Limitations & Qualifications
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	P	Raising of livestock, fowl, and other animals by residents of the premises for their own private noncommercial use on a lot 10,000 square feet or greater.
	C	All other Keeping of Livestock and Other Animals.
Animal Services	S	Small animal veterinary services, subject to SRC 700. 065 <u>070</u> .
	C	All other Animals Services.
Other Uses		
Temporary Uses	P	The following Temporary Uses: <ul style="list-style-type: none"> ▪ Christmas tree sales, subject to SRC 701.015. ▪ Residential sales/development office, subject to SRC 701.030. ▪ Replacement single family dwelling, subject to SRC 701.025.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Boarders or Leasing of Rooms by Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

(b) Continued Uses. Existing cottage housing within the RA zone constructed prior to May 15, 1979, but which would otherwise be made non-conforming by this Chapter, is hereby deemed a continued use.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 510.010(e).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

510.010. Development Standards. Development within the RA zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the RA zone shall conform to the standards set forth in Table 510-2.

**TABLE 510-2
LOT STANDARDS**

Table 510-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 4,000 sq. ft.	Applicable to two family shared housing.
	Min. 7,000 sq. ft.	Applicable to all other Two Family.
All Other Uses	Min. 6,000 sq. ft.	
Infill Lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
LOT WIDTH		
Single Family and Two Family	Min. 40 ft.	
All Other Uses	Min. 60 ft.	
LOT DEPTH		
Single Family and Two Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
All Other Uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of	

Table 510-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
	average lot width	
STREET FRONTAGE		
Single Family and Two Family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 60 ft.	

(b) Setbacks. Setbacks within the RA zone shall be provided as set forth in Table 510-3.

**TABLE 510-3
SETBACKS**

Table 510-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All Uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
INTERIOR FRONT		
Buildings		
All Uses	Min. 12 ft.	
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
INTERIOR SIDE		
Buildings		
Single Family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.

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Table 510-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	Per SRC 700. 075 <u>080</u>	Applicable to townhouses.
	Per SRC 700. 085 <u>090</u>	Applicable to zero side yard dwellings.
Two Family	Min. 5 ft.	
All Other Uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Infill Lot	Min. 10 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.
	Min. 10 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.
	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
Accessory Structures		
Accessory to All Uses; Infill Lot	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
All Uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 feet.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(c) **Lot Coverage; Height.** Buildings and accessory structures within the RA zone shall conform to the lot coverage and height standards set forth in Table 510-4.

**TABLE 510-4
LOT COVERAGE; HEIGHT**

Table 510-4: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
Single Family and Two Family	Max. 60%	
All Other Uses	Max. 35%	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 25%	
Accessory to All Other Uses	No Max.	
HEIGHT		
Buildings		
Single Family and Two Family	Max. 35 ft.	
All Other Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 15 ft.	

(d) Garages Required.

(1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each dwelling constructed after February 8, 2006, within the RA zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this paragraph shall prevent subsequent removal or conversion of the garage, so long as the minimum number of required off-street parking spaces is maintained.

(2) Exception to this standard may be made if, at the time of building permit review, the applicant can show that the construction of the dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development; and provision is made for a minimum of 480 cubic feet of

1 on-site storage within a portion of the dwelling unit, or within a detached
2 accessory structure. Such exemption shall only be made for those dwellings built
3 on lots created through a subdivision.

4 **(e) Development Standards for Continued Uses.** Buildings or structures housing a
5 continued use may be structurally altered or enlarged, or rebuilt following damage or
6 destruction, provided such alteration, enlargement, or rebuilding complies with the
7 following standards:

8 **(1)** The altered, enlarged, or rebuilt building or structure shall conform to
9 development standards set forth in this Chapter, and to all other applicable
10 provisions of the UDC.

11 **(2)** Any building or structure altered or enlarged shall not exceed the square
12 footage and height of the original building or structure by more than 20 percent.

13 **(3)** Any building or structure rebuilt shall be located on the same location on the
14 lot as the original building or structure, or in compliance with the setbacks set
15 forth in Table 510-3. The square footage and height of the rebuilt building or
16 structure shall not exceed the square footage and height of the original building or
17 structure by more than 20 percent.

18 **510.015. Other Provisions.** In addition to the standards set forth in this Chapter, development
19 within the RA zone must comply with all other applicable development standards of the UDC,
20 including but not limited to the following chapters:

- | | | |
|----|---|-----------------|
| 21 | (a) Trees and Shrubs | SRC Chapter 86 |
| 22 | (b) General Development Standards | SRC Chapter 800 |
| 23 | (c) Public Improvements | SRC Chapter 802 |
| 24 | (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 25 | (e) Driveway Approaches | SRC Chapter 804 |
| 26 | (f) Vision Clearance | SRC Chapter 805 |
| 27 | (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 28 | (h) Landscaping and Screening | SRC Chapter 807 |
| 29 | (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 30 | (j) Wetlands | SRC Chapter 809 |

(k) Landslide Hazards

SRC Chapter 810

(l) Sign Code

SRC Chapter 900

Section 11. The following SRC Chapter 511 is added to the Salem Revised Code:

511.001. Purpose. The purpose of the Single Family Residential (RS) zone is to implement the Single Family Residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows Single Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

511.005. Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1.

TABLE 511-1

USES

Table 511-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> Single family detached dwelling. Residential Home, as defined under ORS 197.660. Manufactured dwelling park, subject to SRC Chapter 235.
	S	The following Single Family activities: <ul style="list-style-type: none"> Manufactured home, subject to SRC 700.025. Townhouse, subject to SRC 700.075080. Zero side yard dwelling, subject to SRC 700.085090.
	N	All other Single Family.
Two Family	P	The following Two Family activities: <ul style="list-style-type: none"> Duplex, when located on a corner lot. Duplex, when located on a lot whose side abuts property other than a street or alley in a Commercial (C) or Industrial (I) zone, and the entire lot is located within 165 feet of the C or I zone.
	S	Two family shared dwelling, subject to SRC 700. 080085 .
	N	All other Two Family
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	C	Residential Facility, as defined under ORS 197.660, when located on a lot with frontage on an arterial or collector street.
	N	All other Residential Care.
Nursing Care	C	Nursing Care, when located on a lot with frontage on an arterial or collector street.
	N	All other Nursing Care.

Table 511-1: Uses

Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	C	Bed and breakfasts.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	C	Non-Profit Shelters serving 5 or fewer persons, when located on a lot with frontage on an arterial or collector street.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	C	The following Personal Services activities: <ul style="list-style-type: none"> ▪ Beauty salons. ▪ Barber shops.
	N	All other Personal Services.
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	Parking structures.
	S	All other Commercial Parking, subject to SRC 700.04045.
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	S	Golf courses, subject to SRC 700.015.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	Libraries.
	S	Golf courses, subject to SRC 700.015.
	C	Community or neighborhood club buildings, including swimming pools and similar recreation facilities when operated by a non-profit community club.
	N	All other Recreation and Cultural Community Services
Parks and Open Space	N	Arboreta and botanical gardens.
	P	All other Parks and Open Space.
Non-Profit Membership Assembly	C	

Table 511-1: Uses

Use	Status	Limitations & Qualifications
Religious Assembly	S	Religious Assembly, subject to SRC 700.045050.
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home ▪ Adult day care home.
	C	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	S	Basic Education, subject to SRC 700.010.
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	The following Emergency Services activities: <ul style="list-style-type: none"> ▪ Ambulance stations. ▪ Ambulance service facilities.
	P	All other Emergency Services.
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	Crematories.
	C	All other Funeral and Cremation Services.
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		

Table 511-1: Uses

Use	Status	Limitations & Qualifications
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	C	Existing wildlife rehabilitation facility.
	N	All other Animal Services.
Other Uses		
Temporary Uses	P	The following Temporary Uses: <ul style="list-style-type: none"> ▪ Christmas tree sales, subject to SRC 701.015. ▪ Residential sales/development office, subject to SRC 701.030. ▪ Replacement single family dwelling, subject to SRC 701.025.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Boarders or Leasing of Rooms by Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

(b) **Continued Uses.** Existing cottage housing within the RS zone constructed prior to May 15, 1979, but which would otherwise be made non-conforming by this Chapter, is hereby deemed a continued use.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 511.010(f).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, conversion of the building or structure to another use shall thereafter prevent conversion back to that use.

511.010. Development Standards. Development within the RS zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the RS zone shall conform to the standards set forth in Table 511-2.

**TABLE 511-2
LOT STANDARDS**

Table 511-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 4,000 sq. ft.	Applicable to two family shared housing.
	Min. 7,000 sq. ft.	Applicable to all other Two Family.
All Other Uses	Min. 6,000 sq. ft.	
Infill Lot	Min. 5,500 sq. ft.	Applicable to all infill lots, unless a greater minimum lot area is required for the specific use.
LOT WIDTH		
All Uses	Min. 40 ft.	
LOT DEPTH		
Single Family and Two Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
All Other Uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	

Table 511-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
STREET FRONTAGE		
Single Family	Min. 40 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
	Min. 30 ft.	
All Other Uses	Min. 40 ft.	

(b) Setbacks. Setbacks within the RS zone shall be provided as set forth in Table 511-3.

**TABLE 511-3
SETBACKS**

Table 511-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All Uses	Min. 12 ft.	Applicable along collector or arterial streets.
	Min. 20 ft.	
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
INTERIOR FRONT		
Buildings		
All Uses	Min. 12 ft.	
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
INTERIOR SIDE		
Buildings		
Single Family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.075080	Applicable to townhouses.

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Table 511-3: Setbacks

Requirement	Standard	Limitations & Qualifications
	Per SRC 700.085090	Applicable to zero side yard dwellings.
Two Family	Min. 5 ft.	
All Other Uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Infill Lot	Min. 10 ft.	Applicable to buildings not more than 35ft. in height where the interior side setback abuts lots zoned RA and RS.
	Min. 10 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned RA or RS.
	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
	Min. 5 ft., plus one-foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height where the interior side setback abuts lots zoned other than RA or RS.
Accessory Structures		
Accessory to All Uses; Infill Lot	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
All Uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(c) **Lot Coverage; Height.** Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.

**TABLE 511-4
LOT COVERAGE; HEIGHT**

Table 511-4: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
Single Family and Two Family	Max. 60%	
All Other Uses	Max. 35%	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 25%	
Accessory to All Other Uses	No Max.	
HEIGHT		
Buildings		
Single Family and Two Family	Max. 35 ft.	Applicable to new buildings.
	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
All Other Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 15 ft.	

(d) **Maximum Square Footage for All Accessory Structures.** In addition to the maximum coverage requirements established in Table 511-4, accessory structures to Single Family and Two Family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.

**TABLE 511-5
MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES**

Table 511-5: Maximum Square Footage for All Accessory Structures	
Main Building Gross Area	Maximum Aggregate Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

1 **(e) Garages Required.**

2 **(1)** Except as otherwise provided in SRC 700.025 for manufactured homes on
3 individual lots, each dwelling constructed after February 8, 2006 within the RS
4 zone shall have, at the time of original construction, a garage that is constructed of
5 like materials and color as the dwelling. The garage may be attached to, or
6 detached from, the dwelling. Nothing in this paragraph shall prevent subsequent
7 removal or conversion of the garage, so long as the minimum number of required
8 off-street parking spaces is maintained.

9 **(2)** Exception to this standard may be made if, at the time of building permit
10 review, the applicant can show that the construction of the dwelling is being
11 provided by a not-for-profit organization to families at or below the City's 60
12 percent median income level, as defined by the U.S. Department of Housing and
13 Urban Development; and provision is made for a minimum of 480 cubic feet of
14 on-site storage within a portion of the dwelling unit, or within a detached
15 accessory structure. Such exemption shall only be made for those dwellings built
16 on lots created through a subdivision.

17 **(f) Development Standards for Continued Uses.** Buildings or structures housing a
18 continued use may be structurally altered or enlarged, or rebuilt following damage or
19 destruction, provided such alteration, enlargement, or rebuilding complies with the
20 following standards:

21 **(1)** The altered, enlarged, or rebuilt building or structure shall conform to
22 development standards set forth in this Chapter, and to all other applicable
23 provisions of the UDC.

24 **(2)** Any building or structure altered or enlarged shall not exceed the square
25 footage and height of the original building or structure by more than 20 percent.

26 **(3)** Any building or structure rebuilt shall be located on the same location on the
27 lot as the original building or structure, or in compliance with the setbacks set
28 forth in Table 511-3. The square footage and height of the rebuilt building or
29 structure shall not exceed the square footage and height of the original building or
30 structure by more than 20 percent.

511.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the RS zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

Section 12. The following SRC Chapter 512 is added to the Salem Revised Code:

512.001. Purpose. The purpose of the Duplex Residential (RD) zone is to establish the allowed uses and development standards for the RD zone district. The RD zone generally allows Two Family and Single Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

512.005. Zone Change Restriction. Notwithstanding any other provision of the UDC, no zone change to RD shall ever be made.

512.010. Uses. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RD zone are set forth in Table 512-1.

TABLE 512-1

USES

Table 512-1: Uses

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660.

Table 512-1: Uses

Use	Status	Limitations & Qualifications
	S	The following Single Family activities: <ul style="list-style-type: none"> ▪ Manufactured home, subject to SRC 700.025. ▪ Townhouse, subject to SRC 700.075<u>080</u>. ▪ Zero side yard dwelling, subject to SRC 700.085<u>090</u>.
	N	All other Single Family.
Two Family	P	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	S	Residential Facility, as defined under ORS 197.660, subject to SRC 700. 050 <u>055</u> .
	N	All other Residential Care.
Nursing Care	SE	<u>Nursing Care, subject to SRC 700.040.</u>
Lodging		
Short-Term Commercial Lodging	C	Bed and breakfasts.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	C	Non-Profit Shelters serving 5 or fewer persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural	P	Libraries.

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Table 512-1: Uses

Use	Status	Limitations & Qualifications
Community Services	N	All other Recreation and Cultural Community Services.
Parks and Open Space	N	Arboreta and botanical gardens.
	P	All other Parks and Open Space.
Non-Profit Membership Assembly	N	
Religious Assembly	S	Religious Assembly, subject to SRC 700.045050.
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	Child day care home.
	C	Child day care center.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	The following Emergency Services activities: <ul style="list-style-type: none"> ▪ Ambulance stations. ▪ Ambulance service facilities.
	P	All other Emergency Services.
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		

Table 512-1: Uses

Use	Status	Limitations & Qualifications
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	Christmas tree sales, subject to SRC 701.015.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Boarders or Leasing of Rooms by a Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

1 **512.015. Development Standards.** Development within the RD zone must comply with the
 2 development standards set forth in this section.

3 (a) **Lot Standards.** Lots within the RD zone shall conform to the standards set forth
 4 in Table 512-2.

5 **TABLE 512-2**
 6 **LOT STANDARDS**

7 **Table 512-2: Lot Standards**

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 7,000 sq. ft.	Two Family activities constructed on lots less than 7,000 square feet prior to February 1, 2007 shall be considered conforming with respect to lot area and may be continued so long as they remain otherwise lawful.
All Other Uses	Min. 6,000 sq. ft.	
LOT WIDTH		
All Uses	Min. 40 ft.	
LOT DEPTH		
Single Family and Two Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
All Other Uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 40 ft.	

26 (b) **Setbacks.** Setbacks within the RD zone shall be provided as set forth in Table
 27 512-3.

28 **TABLE 512-3**
 29 **SETBACKS**

30 **Table 512-3: Setbacks**

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All Uses	Min. 12 ft.	Applicable along collector or arterial streets.
	Min. 20 ft.	
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
INTERIOR FRONT		
Buildings		
All Uses	Min. 12 ft.	
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
INTERIOR SIDE		
Buildings		
Single Family	Min. 5 ft.	Applicable to new buildings, other than zero side yard dwellings and townhouses.
	Min. 3 ft.	Applicable to existing buildings, other than zero side yard dwellings and townhouses.
	Per SRC 700.075080	Applicable to townhouses.
	Per SRC 700.085090	Applicable to zero side yard dwellings.
Two Family	Min. 5 ft.	
All Other Uses	Min. 5 ft.	Applicable to new buildings not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to new buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
All Uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 9 ft. in height.

Table 512-3: Setbacks

Requirement	Standard	Limitations & Qualifications
	Min. one foot for each one-foot of height over 9 feet.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(c) **Lot Coverage; Height.** Buildings and accessory structures within the RD zone shall conform to the lot coverage and height standards set forth in Table 512-4.

**TABLE 512-4
LOT COVERAGE; HEIGHT**

Table 512-4: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
Single Family and Two Family	Max. 60%	
All Other Uses	Max. 35%	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 25%	
Accessory to All Other Uses	No Max.	
HEIGHT		
Buildings		
Single Family and Two Family	Max. 35 ft.	Applicable to new buildings.
	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
All Other Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 15 ft.	

(d) **Maximum Square Footage for All Accessory Structures.** In addition to the maximum coverage requirements established in Table 512-4, accessory structures to Single Family and Two Family uses shall be limited to the maximum aggregate total square footage set forth in Table 512-5.

TABLE 512-5

- 1 (f) Vision Clearance SRC Chapter 805
- 2 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 3 (h) Landscaping and Screening SRC Chapter 807
- 4 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 5 (j) Wetlands SRC Chapter 809
- 6 (k) Landslide Hazards SRC Chapter 810
- 7 (l) Sign Code SRC Chapter 900

8 **Section 13.** The following SRC Chapter 513 is added to the Salem Revised Code:

9 **513.001. Purpose.** The purpose of the Multiple Family Residential- I (RM-I) zone is to
 10 implement the Multiple Family Residential designation of the Salem Area Comprehensive Plan
 11 through the identification of allowed uses and the establishment of development standards. The
 12 RM-I zone generally allows Multiple Family and Two Family residential uses, along with a mix
 13 of other uses that are compatible with and/or provide services to the residential area.

14 **513.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the
 15 RM-I zone are set forth in Table 513-1.

16 **TABLE 513-1**
 17 **USES**

18 **Table 513-1: Uses**

19 Use	Status	Limitations & Qualifications
20 Household Living		
21 Single Family	P	The following Single Family activities are permitted: ▪ Single family detached dwelling. ▪ Townhouse. ▪ Residential Home, as defined under ORS 197.660. ▪ Manufactured dwelling park, subject to SRC Chapter 235.
	S	The following Single Family activities: ▪ Manufactured home, subject to SRC 700.025. ▪ Zero side yard dwelling, subject to SRC 700. 085 <u>090</u> .
	N	All other Single Family.
25 Two Family	P	
26 Multiple Family	P	
27 Group Living		
28 Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 10 persons.
	N	All other Room and Board.
29 Residential Care	P	
30 Nursing Care	SC	<u>Nursing Care, subject to SRC 700.040.</u>
Lodging		

Table 513-1: Uses

Use	Status	Limitations & Qualifications
Short-Term Commercial Lodging	P	Bed and Breakfast.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	C	Non-Profit Shelters serving up to 10 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	Commercial Parking, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other Commercial Parking.
Park-and-Ride Facilities	P	Park-and Ride Facilities, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other Park-and-Ride Facilities.
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	Libraries.
	C	All other Recreation and Cultural Community Services.
Parks and Open Space	C	Arboreta and botanical gardens.
	P	All other Parks and Open Space.
Non-Profit Membership Assembly	N	
Religious Assembly	S	Religious Assembly, subject to SRC 700.045050.

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Table 513-1: Uses

Use	Status	Limitations & Qualifications
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	C	The following Day care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	S	Basic Education, subject to SRC 700.010.
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	The following Emergency Services activities: <ul style="list-style-type: none"> ▪ Ambulance stations. ▪ Ambulance service facilities.
	P	All other Emergency Services.
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.

Table 513-1: Uses		
Use	Status	Limitations & Qualifications
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	The following Temporary Uses: <ul style="list-style-type: none"> ▪ Christmas tree sales, subject to SRC 701.015. ▪ Residential sales/development office, subject to SRC 701.030.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Taking of Borders or Leasing of Rooms by a Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

513.010. Development Standards. Development within the RM-I zone must comply with the development standards set forth in this section.

(a) Land Division in the RM-I Zone. Lots subdivided or partitioned in the RM-I zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain two or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living.

(b) Lot Standards. Lots within the RM-I zone shall conform to the standards set forth in Table 513-2.

**TABLE 513-2
LOT STANDARDS**

Table 513-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 4,000 sq. ft.	Applicable to all other Single Family.
All other uses	Min. 4,000 sq. ft.	
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
All other uses	Min. 40 ft.	
LOT DEPTH		
All uses	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
	Min. 30 ft.	Applicable to all other Single Family, when located on a lot fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.
		In no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 40 ft.	

(c) **Dwelling Unit Density.** Dwelling unit density within the RM-I zone shall conform to the standards set forth in Table 513-3. Maximum dwelling unit density cannot be varied or adjusted.

**TABLE 513-3
DWELLING UNIT DENSITY**

Table 513-3: Dwelling Unit Density

Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	8 dwelling units per acre	14 dwelling units per acre	
	6 dwelling unit per acre	14 dwelling units per acre	Applicable to manufactured dwelling parks developed pursuant to SRC Chapter 235.

(d) **Setbacks.** Setbacks within the RM-I zone shall be provided as set forth in Tables 513-4 and 513-5.

**TABLE 513-4
SETBACKS**

Table 513-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family and Two Family	Min. 12 ft.	Applicable along collector or arterial streets.
	Min. 20 ft.	
All other uses	Min. 12 ft., plus one foot for each one-foot of height over 12 ft., but need not exceed 20 ft. in depth.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft.	
All other uses	Zone-to-Zone Setback (Table 513-5)	
Accessory Structures		
Accessory to Single Family and Two Family	Min. 5ft.	
Accessory to all other uses	Zone-to-Zone Setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 513-5)	
INTERIOR SIDE		
Buildings		

Table 513-4: Setbacks

Requirement	Standard	Limitations & Qualifications
Single Family	Min. 5 ft.	Applicable to new buildings, other than townhouses and zero side yard dwellings.
	Min. 3 ft.	Applicable to existing buildings, other than townhouses and zero side yard dwellings.
	None	Applicable to townhouses.
	Per SRC 700.085090	Applicable to zero side yard dwellings.
Two Family	Min. 5 ft.	
All other uses	Zone-to-Zone Setback (Table 513-5)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to all other uses	Zone-to-Zone Setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 513-5)	
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
All other uses	Zone-to-Zone Setback (Table 513-5)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to All Other Uses	Zone-to-Zone Setback (Table 513-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 513-5)	

**TABLE 513-5
ZONE-TO-ZONE SETBACKS**

Table 513-5: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
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Table 513-5: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Residential Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Commercial Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Public Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Industrial and Employment Zone	Buildings and Accessory Structures	Min. 15 ft.	Type C
	Vehicle Use Areas		

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(e) Lot Coverage; Height. Buildings and accessory structures within the RM-I zone shall conform to the lot coverage and height standards set forth in Table 513-6.

**TABLE 513-6
LOT COVERAGE; HEIGHT**

Table 513-6: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 50%	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 25%	
Accessory to all other uses	No Max.	
HEIGHT		
Buildings		
Single Family, Two Family, Multiple Family, Residential Care, Nursing Care, and Short-Term Commercial Lodging	Max. 35 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max 15 ft.	

1 (f) **Maximum Square Footage for All Accessory Structures.** In addition to the
2 maximum coverage requirements established in Table 513-6, accessory structures to
3 Single Family and Two Family uses shall be limited to the maximum aggregate total
4 square footage set forth in Table 513-7.

5 **TABLE 513-7**

6 **MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES**

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Table 513-7: Maximum Square Footage for All Accessory Structures	
Main Building Gross Area	Maximum Aggregate Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

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12 (g) **Landscaping.** Landscaping within the RM-I zone shall be provided as set forth in
13 this subsection.

14 (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall
15 conform to the standards set forth in SRC Chapter 807.

16 (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under
17 SRC Chapter 806 and SRC Chapter 807.

18 (h) **Outdoor Storage.** Within the RM-I zone, outdoor storage shall be screened from
19 streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall,
20 or hedge.

21 **513.015. Design Review.** Design review under SRC Chapter 225 is required for development
22 within the RM-I as follows:

23 (a) Multiple family development shall be subject to design review according to the
24 multiple family design review guidelines or the multiple family design review standards
25 set forth in SRC Chapter 702.

26 (b) Residential Care with three or more self-contained dwelling units shall be subject
27 to design review according to the multiple family design review guidelines or the
28 multiple family design review standards set forth in SRC Chapter 702.

513.020. Other Provisions. In addition to the standards set forth in this Chapter, development within the RM-I zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

Section 14. The following SRC Chapter 514 is added to the Salem Revised Code:

514.001. Purpose. The purpose of the Multiple Family Residential-II (RM-II) zone is to implement the Multiple Family Residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RM-II zone generally allows Multiple Family residential uses, along with a mix of other uses that are compatible with and/or provide services to the residential area.

514.005. Uses. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RM-II zone are set forth in Table 514-1.

**TABLE 514-1
USES**

Table 514-1: Uses

Use	Status	Limitations & Qualifications
Household Living		

Table 514-1: Uses

Use	Status	Limitations & Qualifications
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Replacement of existing single family detached dwelling. ▪ New single family detached dwelling on a non-conforming lot of record less than 6,000 square feet in area. ▪ Townhouse. ▪ Residential Home, as defined under ORS 197.660. ▪ Manufactured dwelling park, subject to SRC Chapter 235.
	S	The following Single Family activities: <ul style="list-style-type: none"> ▪ Replacement of existing manufactured home, subject to SRC 700.025. ▪ Zero side yard dwelling, subject to SRC 700.085<u>090</u>.
	N	All other Single Family.
Two Family	P	
Multiple Family	P	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 10 persons.
	N	All other Room and Board.
Residential Care	P	
Nursing Care	SC	<u>Nursing Care, subject to SRC 700.040.</u>
Lodging		
Short-Term Commercial Lodging	P	Bed and Breakfast.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	Non-Profit Shelters serving 6 to 10 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	C	The following Personal Services activities: <ul style="list-style-type: none"> ▪ Beauty salons. ▪ Barber shops.
	N	All Other Personal Services
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	Commercial Parking, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.

Table 514-1: Uses

Use	Status	Limitations & Qualifications
	N	All other Commercial Parking.
Park-and-Ride Facilities	P	Park-and Ride Facilities, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other Park-and-Ride Facilities.
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	S	Golf courses, subject to SRC 700.015.
	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	Libraries.
	C	All other Recreation and Cultural Community Services.
Parks and Open Space	C	Arboreta and botanical gardens.
	P	All other Parks and Open Space.
Non-Profit Membership Assembly	C	
Religious Assembly	S	Religious Assembly, subject to SRC 700. 045 <u>050</u> .
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	C	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	S	Basic Education, subject to SRC 700.010.
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	Ambulance service facilities.
	P	All other Emergency Services.

Table 514-1: Uses

Use	Status	Limitations & Qualifications
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	Crematories.
	C	All other Funeral and Cremation Services.
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	Christmas tree sales, subject to SRC 701.015.

Table 514-1: Uses		
Use	Status	Limitations & Qualifications
Home Occupations	S	Home Occupations are allowed subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Borders or Leasing of Rooms by Resident Family	P	The taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

514.010. Development Standards. Development within the RM-II zone must comply with the development standards set forth in this section.

(a) Land Division in the RM-II Zone. Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than Household Living.

(b) Lot Standards. Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

**TABLE 514-2
LOT STANDARDS**

Table 514-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 6,000 sq. ft.	Applicable to all other Single Family, except new single family detached dwellings on non-conforming lots of record less than 6,000 square feet in area.
All Other Uses	Min. 6,000 sq. ft.	
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
All Other Uses	Min. 40 ft.	
LOT DEPTH		

Table 514-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
Single Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
All Other Uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other Single Family.
	Min. 30 ft.	Applicable to all other Single Family, when located on a lot fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 40 ft.	

(c) **Dwelling Unit Density.** Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3. Maximum dwelling unit density cannot be varied or adjusted.

**TABLE 514-3
DWELLING UNIT DENSITY**

Table 514-3: Dwelling Unit Density			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	12 dwelling units per acre	28 dwelling units per acre	
	N/A	N/A	Applicable to new single family detached dwelling on non-conforming lot of record less than 6,000 square feet in area.
	6 dwelling unit per acre	28 dwelling units per acre	Applicable to manufactured dwelling parks developed pursuant to SRC Chapter 235.

(d) **Setbacks.** Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

**TABLE 514-4
SETBACKS**

Table 514-4: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family and Two Family	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
All other uses	Min. 12 ft., plus one foot for each one-foot of height over 12 ft., but need not exceed 20 ft. in depth.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft.	
All Other Uses	Zone-to-Zone Setback (Table 514-5)	
Accessory Structures		
Accessory to Single Family and Two Family	Min. 5 ft.	
Accessory to all other uses	Zone-to-Zone Setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 514-5)	
INTERIOR SIDE		
Buildings		
Single Family	Min. 5 ft.	Applicable to new buildings, other than townhouses and zero side yard dwellings.
	Min. 3 ft.	Applicable to existing buildings, other than townhouses and zero side yard dwellings.
	None	Applicable to townhouses.

Table 514-4: Setbacks

Requirement	Standard	Limitations & Qualifications
	Per SRC 700.085090	Applicable to zero side yard dwellings.
Two Family	Min. 5 ft.	
All other uses	Zone-to-Zone Setback (Table 514-5)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to all other uses	Zone-to-Zone Setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 514-5)	
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
All other uses	Zone-to-Zone Setback (Table 514-5)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to all other uses	Zone-to-Zone Setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Zone-to-Zone Setback (Table 514-5)	

**TABLE 514-5
ZONE-TO-ZONE SETBACKS**

Table 514-5: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Residential Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C

Table 514-5: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
	Vehicle Use Areas		
Commercial Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Public Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Industrial and Employment Zone:	Buildings and Accessory Structures	Min. 15 ft.	Type C
	Vehicle Use Areas		
<u>Limitations and Qualifications</u>			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

(e) **Lot Coverage; Height.** Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.

**TABLE 514-6
LOT COVERAGE; HEIGHT**

Table 514-6: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 50%	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 25%	
Accessory to all other uses	No Max.	
HEIGHT		
Buildings		
Single Family and Two Family	Max. 35 ft.	
Multiple Family, Residential Care, Nursing Care, and Short-Term Commercial Lodging	Max. 50 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max 15 ft.	

(f) **Maximum Square Footage for All Accessory Structures.** In addition to the maximum coverage requirements established in Table 514-6, accessory structures to Single Family and Two Family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

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TABLE 514-7
MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES

Table 514-7: Maximum Square Footage for All Accessory Structures	
Main Building Gross Area	Maximum Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

(g) Landscaping. Landscaping within the RM-II zone shall be provided as set forth in this subsection.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(h) Outdoor Storage. Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

514.015. Design Review. Design review under SRC Chapter 225 is required for development within the RM-II as follows:

(a) Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(b) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

514.020. Other Provisions. In addition to the standards set forth in this Chapter, development within the RM-II zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a)** Trees and Shrubs SRC Chapter 86
- (b)** General Development Standards SRC Chapter 800
- (c)** Public Improvements SRC Chapter 802

- 1 (d) Streets and Right-of-Way Improvement SRC Chapter 803
- 2 (e) Driveway Approaches SRC Chapter 804
- 3 (f) Vision Clearance SRC Chapter 805
- 4 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 5 (h) Landscaping and Screening SRC Chapter 807
- 6 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 7 (j) Wetlands SRC Chapter 809
- 8 (k) Landslide Hazards SRC Chapter 810
- 9 (l) Sign Code SRC Chapter 900

10 **Section 15.** The following SRC Chapter 515 is added to the Salem Revised Code:

11 **515.001. Purpose.** The purpose of the Multiple Family High-Rise Residential (RH) zone is to
 12 establish the allowed uses and development standards for the RH zone district. The RH zone
 13 generally allows Multiple Family residential uses, along with a mix of other uses that are
 14 compatible with and/or provide services to the residential area.

15 **515.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the
 16 RH zone are set forth in Table 515-1.

17 **TABLE 515-1**
 18 **USES**

19 **Table 515-1: Uses**

20 Use	Status	Limitations & Qualifications
21 Household Living		
22 Single Family	P	The following Single Family activities: ▪ Replacement of single family detached dwelling existing on October 23, 2013. ▪ Residential Home, as defined under ORS 197.660.
	C	New single family detached dwelling, other than the replacement of a single family detached dwelling existing on October 23, 2013.
	N	All other Single Family.
26 Two Family	P	
Multiple Family	P	
27 Group Living		
28 Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 10 persons.
	N	All other Room and Board.
29 Residential Care	P	
30 Nursing Care	S	<i>Nursing Care, subject to SRC 700.040.</i>

Table 515-1: Uses

Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	P	Bed and Breakfast.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	P	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	Non-Profit Shelters serving 6 to 10 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	C	The following Personal Services activities: <ul style="list-style-type: none"> ▪ Beauty salons. ▪ Barber shops.
	N	All Other Personal Services
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	Commercial Parking, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other Commercial Parking.
Park-and-Ride Facilities	P	Park-and-Ride Facilities, when located on a lot whose side abuts property, other than a street or alley, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.
	N	All other Park-and-Ride Facilities.
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	C	Membership sports and recreation clubs.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	Libraries.
	C	All other Recreation and Cultural Community Services.

Table 515-1: Uses

Use	Status	Limitations & Qualifications
Parks and Open Space	C	Arboreta and botanical gardens.
	P	All other Parks and Open Space.
Non-Profit Membership Assembly	C	
Religious Assembly	S	Religious Assembly is allowed, subject to SRC 700. 045 <u>050</u> .
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	C	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	S	Basic Education, subject to SRC 700.010.
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	Ambulance service facilities.
	P	All other Emergency Services.
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		

Table 515-1: Uses

Use	Status	Limitations & Qualifications
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	The following Temporary Uses: <ul style="list-style-type: none"> ▪ Christmas tree sales, subject to SRC 701.015. ▪ Residential sales/development office, subject to SRC 701.030.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Boarders or Leasing of Rooms by a Resident Family	P	The taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Non-Residential Uses in a Mixed-Use Project	S	Non-Residential Uses in a Mixed-Use Project, subject to SRC 700.035.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant SRC Chapter 230 is allowed, subject to SRC 230.085.

515.010. Development Standards. Development within the RH zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the RH zone shall conform to the standards set forth in Table 515-2.

**TABLE 515-2
LOT STANDARDS**

Table 515-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		
All Uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	
All Other Uses	Min. 16 ft.	

(b) Setbacks. Setbacks within the RH zone shall be provided as set forth in Table 515-3.

**TABLE 515-3
SETBACKS**

Table 515-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	None	Applicable to buildings on lots located within the CSDP area.
	Min. 12 ft.	Applicable to buildings on lots located outside the CSDP area.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 4 ft. in height.
	None	Applicable to accessory structures greater than 4 ft. in height on lots located within the CSDP area.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height on lots located outside the CSDP area.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All Uses	None	Applicable to buildings on lots located within the CSDP area.

Table 515-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	Min. 12 ft.	Applicable to buildings on lots located outside the CSDP area.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 4 ft. in height.
	None	Applicable to accessory structures greater than 4 ft. in height on lots located within the CSDP area.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height on lots located outside the CSDP area.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR SIDE		
Buildings		
All Uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR REAR		
Buildings		
All Uses	Min. 5 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 5 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 20 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to All Uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Vehicle Use Areas		
All Uses	Per SRC Chapter	

Table 515-3: Setbacks

Requirement	Standard	Limitations & Qualifications
	806	

(c) **Lot Coverage; Height.** Buildings and accessory structures within the RH zone shall conform to the lot coverage and height standards set forth in Table 515-4.

**TABLE 515-4
LOT COVERAGE; HEIGHT**

Table 515-4: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All Uses	No Max.	
REAR YARD COVERAGE		
Buildings		
All Uses	N/A	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 25%	
Accessory to All Other Uses	No Max.	
HEIGHT		
Buildings		
All Uses	No Max.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	Max 15 ft.	
Accessory to All Other Uses	No Max.	

(d) **Maximum Square Footage for All Accessory Structures.** In addition to the maximum coverage requirements established in Table 515-4, accessory structures to Single Family and Two Family uses shall be limited to the maximum aggregate total square footage set forth in Table 515-5.

**TABLE 515-5
MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES**

Table 515-5: Maximum Square Footage for All Accessory Structures	
Main Building Gross Area	Maximum Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

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(e) Landscaping. Landscaping within the RH zone shall be provided as set forth in this subsection.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(f) Outdoor Storage. Within the RH zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

515.015. Design Review. Design review under SRC Chapter 225 is required for development within the RH as follows:

(a) Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(b) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

515.020. Other Provisions. In addition to the standards set forth in this Chapter, development within the RH zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- | | |
|---|-----------------|
| (a) Trees and Shrubs | SRC Chapter 86 |
| (b) General Development Standards | SRC Chapter 800 |
| (c) Public Improvements | SRC Chapter 802 |
| (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| (e) Driveway Approaches | SRC Chapter 804 |
| (f) Vision Clearance | SRC Chapter 805 |
| (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| (h) Landscaping and Screening | SRC Chapter 807 |
| (i) Preservation of Trees and Vegetation | SRC Chapter 808 |

- 1 (j) Wetlands SRC Chapter 809
- 2 (k) Landslide Hazards SRC Chapter 810
- 3 (l) Sign Code SRC Chapter 900

4 **Section 16.** The following SRC Chapter 520 is added to the Salem Revised Code:

5 **520.001. Purpose.** The purpose of the Neighborhood Commercial (CN) zone is to implement
6 the Commercial designation of the Salem Area Comprehensive Plan through the identification of
7 allowed uses and the establishment of development standards. The CN zone is generally
8 intended to provide areas of small-scale retail, office, and service uses that are compatible with
9 the scale and character of surrounding residential areas, and that serve nearby residents.

10 **520.005. Definitions.** Unless the context otherwise specifically requires, as used in this
11 Chapter, the following mean:

- 12 (a) CN district: The aggregate area of all contiguous properties zoned CN.

13 **520.010. Requirements for Application of Neighborhood Commercial Zone.**

14 (a) **Site Plan Required.**

15 (1) In addition to the submittal requirements for zone changes set forth in SRC
16 Chapter 265, proposals to zone land CN shall include a site plan that shall be
17 approved with the zone change application. The site plan shall contain the
18 following information:

19 (A) The size and location of existing and proposed buildings, structures,
20 accesses, off-street parking and loading spaces, and landscaping.

21 (2) The approved site plan shall be binding on the property; provided, however,
22 the site plan may be amended upon review and approval by the Planning
23 Commission. An amendment to an approved site plan is processed as a Type III
24 procedure under SRC Chapter 300.

25 (b) **Approval Criteria.** In addition to the approval criteria for zone changes set forth
26 in SRC Chapter 265, proposals to zone land CN shall meet the following criteria:

27 (1) The total street frontage of the proposed CN district will be not more than 800
28 feet; provided, however, that portion of the CN district fronting a street with
29 restricted access shall not be included in the total street frontage.

30 (2) Not less than one-fourth of the total street frontage of the proposed CN

1 district will be on collector and/or arterial streets.

2 (3) The proposed CN district will not be more than:

3 (A) One and one-half acres, when abutting a collector street; or

4 (B) Three acres, when abutting an arterial street and regardless of whether
5 the aggregate area also abuts a collector street.

6 (4) The boundaries of the proposed CN district will be separated from all other
7 commercial zones, including other CN districts, by not less than one-half mile;

8 (5) If two or more contiguous lots will be zoned CN, no lot shall have less than
9 50 feet of property line contiguous with another lot zoned CN.

10 **520.015. Uses.**

11 (a) Except as otherwise provided in this section, the permitted (P), special (S),
12 conditional (C), and prohibited (N) uses in the CN zone are set forth in Table 520-1.

13 **TABLE 520-1**

14 **USES**

15 **Table 520-1: Uses**

Use	Status	Limitations and Qualifications
Household Living		
Single Family	P	One dwelling unit for each business use on a lot.
	N	All other Single Family.
Two Family	P	One dwelling unit for each business use on a lot.
	N	All other Two Family.
Multiple Family	P	One dwelling unit for each business use on a lot.
	N	All other Multiple Family.
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	N	All other Room and Board.
Residential Care	P	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long Term Commercial Lodging	N	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	N	Bars and taverns, where the sale of alcohol is a primary use.
	P	All other Eating and Drinking Establishments, subject to SRC 520. 015(c).
Retail Sales	P	Retail Sales, subject to SRC 520. 015(c).

Table 520-1: Uses

Use	Status	Limitations and Qualifications
Personal Services	P	Personal Services, subject to SRC 520. 015(c).
Postal Services and Retail Financial Services	P	Postal and Retail Financial Services, subject to SRC 520. 015(c).
Business and Professional Services		
Office	P	Office, subject to SRC 520. 015(c).
Audio/Visual Medial Production	N	
Laboratory Research and Testing	P	Laboratory Research and Testing, subject to SRC 520. 015(c).
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	The following Commercial Entertainment – Indoor activities, subject to SRC 520. 015(c): <ul style="list-style-type: none"> ▪ Dance studios and schools for the instruction of children 18 years and under. ▪ Membership sports and recreation clubs.
	N	All other Commercial Entertainment - Indoor.
Commercial Entertainment – Outdoor	P	Membership sports and recreation clubs, subject to SRC 520. 015(c).
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	Recreational and Cultural Community Services, subject to SRC 520. 015(c).
Parks and Open Space	P	
Non-Profit Membership Assembly	P	Non-Profit Membership Assembly, subject to SRC 520. 015(c).
Religious Assembly	P	Religious Assembly, subject to SRC 520. 015(c).
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories, subject to SRC 520. 015(c).
Education Services		
Day Care	P	Day Care, subject to SRC 520. 015(c).
Basic Education	P	Basic Education, subject to SRC 520. 015(c).
Post-Secondary and Adult Education	P	Post-Secondary and Adult Education, subject to SRC 520. 015(c).
Civic Services		
Governmental Services	N	
Social Services	P	Social Services, subject to SRC 520. 015(c).

Table 520-1: Uses

Use	Status	Limitations and Qualifications
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	P	Lawn and garden services, subject to SRC 520. 015(c).
	N	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	N	
Industrial Services	N	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		

Table 520-1: Uses

Use	Status	Limitations and Qualifications
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	Christmas tree sales, subject to SRC 701.015.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) Additional Prohibited Uses. Notwithstanding Table 520-1, Eating and Drinking Establishments otherwise permitted within the CN zone shall be a prohibited use within the CN zone if developed with a drive-through.

(c) Limitations on Uses. Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:

(1) Establishments under the following uses shall be limited to no more than 2,000 square feet of total floor area per establishment:

- (A)** Personal Services.
- (B)** Postal Services and Retail Financial Services.
- (C)** Office.
- (D)** Laboratory Research and Testing.
- (E)** Outpatient Medical Services and Laboratories.
- (F)** Building and Grounds Services and Construction Contracting.

(2) Establishments under the following uses shall be limited to no more than 4,000 square feet of total floor area per establishment.

- (A)** Retail Sales.

(3) Establishments under the following uses shall be limited to no more than 5,000 square feet of total floor area per establishment.

- (A)** Eating and Drinking Establishments.
- (B)** Commercial Entertainment – Indoor.
- (C)** Commercial Entertainment – Outdoor.
- (D)** Recreational and Cultural Community Services.

- 1 (E) Non-Profit Membership Assembly.
- 2 (F) Religious Assembly.
- 3 (G) Day Care.
- 4 (H) Basic Education.
- 5 (I) Post-Secondary and Adult Education.
- 6 (J) Social Services.

7 **520.020. Development Standards.** Development within the CN zone must comply with the
 8 development standards set forth in this section.

9 (a) **Lot Standards.** Lots within the CN zone shall conform to the standards set forth
 10 in Table 520-2.

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14 **TABLE 520-2**
 15 **LOT STANDARDS**

16 **Table 520-2: Lot Standards**

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 5,000 sq. ft.	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	Min. 80 ft.	
STREET FRONTAGE		
All uses	Min. 16 ft.	

23 (b) **Setbacks.** Setbacks within the CN zone shall be provided as set forth in Tables
 24 520-3 and 520-4.

25 **TABLE 520-3**
 26 **SETBACKS**

27 **Table 520-3: Setbacks**

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 12 ft.	

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Table 520-3: Setbacks

Requirement	Standard	Limitations & Qualifications
Accessory Structures		
Accessory to all uses	Min. 12 ft.	Not applicable to transit stop shelters
Vehicle Use Areas		
All uses	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 520-4)	
Accessory Structures		
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 520-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 520-4)	
INTERIOR SIDE		
Buildings		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 520-4)	
Accessory Structures		
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 520-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 520-4)	
INTERIOR REAR		
Buildings		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 520-4)	
Accessory Structures		
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 520-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.

Table 520-3: Setbacks

Requirement	Standard	Limitations & Qualifications
All other uses	Zone-to-Zone Setback (Table 520-4)	

**TABLE 520-4
ZONE-TO-ZONE SETBACKS**

Table 520-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5ft.	Type A
Residential Zone	Buildings and Accessory Structures	Min. 15 ft.	Type B
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5ft.	Type A
Commercial Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5ft.	Type A
Public Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		

Limitations and Qualifications
(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the CN zone shall conform to the lot coverage and height standards set forth in Table 520-5.

**TABLE 520-5
LOT COVERAGE; HEIGHT**

Table 520-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 50%	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		

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Table 520-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
Buildings		
All uses	Max. 35 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	Max. 15 ft.	
Accessory to all other uses	Max 35 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(3) Development Site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

(e) Outdoor Storage. Within the CN zone, outdoor storage of materials and equipment is prohibited.

(f) Access. Not more than two driveway approaches serving lots within a CN district shall have direct access onto local streets.

(g) Hours of Operation. Except for grocery stores and Eating and Drinking Establishments, establishments within the CN zone shall not be open for business earlier than 6:00 a.m. and shall close no later than 12:00 midnight.

520.025. Design Review. Design review under SRC Chapter 225 is required for development within the CN as follows:

(a) Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(b) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

520.030. Other Provisions. In addition to the standards set forth in this Chapter, development within the CN zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

Section 17. The following SRC Chapter 521 is added to the Salem Revised Code:

521.001. Purpose. The purpose of the Commercial Office (CO) zone is to implement the Commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CO zone generally allows office and professional services, along with a mix of housing and limited retail and personal services.

521.005. Uses. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CO zone are set forth in Table 521-1.

**TABLE 521-1
USES**

Table 521-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		

Table 521-1: Uses

Use	Status	Limitations & Qualifications
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> Single family detached dwelling. One dwelling unit for each business use on a lot. Residential Home, as defined under ORS 197.660.
	S	The following Single Family activities: <ul style="list-style-type: none"> Townhouse, subject to SRC 700.075080. Zero side yard dwelling, subject to SRC 700.085090.
	N	All other Single Family.
Two Family	P	Duplex.
	N	All other Two Family.
Multiple Family	P	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 75 persons.
	N	All other Room and Board
Residential Care	P	
Nursing Care	SC	<i>Nursing Care, subject to SRC 700.040.</i>
Lodging		
Short-Term Commercial Lodging	P	Bed and breakfast establishments.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	P	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	Non-Profit Shelters serving 6 to 75 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	P	Eating places, located within buildings devoted principally to uses otherwise permitted in the CO Zone, provided that not more than 25 percent of the floor area of a one-story building, and not more than 50 percent of the floor area of a two or more story building, is occupied by the eating place.
	N	All other Eating and Drinking Establishments.
Retail Sales	P	The following Retail Sales activities: <ul style="list-style-type: none"> News dealers and newsstands. Caterers. Retail sales of agricultural products, when the sales area does not exceed 1,000 square feet in size.
	N	All other Retail Sales.
Personal Services	P	The following Personal Services activities are permitted: <ul style="list-style-type: none"> Beauty salons. Barber shops. Photographic portrait studios.
	N	All other Personal Services.
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	C	
Laboratory Research and Testing	P	

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Table 521-1: Uses

Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	Commercial Parking is permitted, unless noted below.
	N	Parking structures.
Park-and-Ride Facilities	P	Park-and-Ride Facilities are permitted, unless noted below.
	N	Parking structures.
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	S	Golf courses, subject to SRC 700.015.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	S	Golf courses, subject to SRC 700.015.
	P	All other Recreational and Cultural Community Services.
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	S	Religious Assembly, subject to SRC 700. 0450 <u>50</u> .
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Education Services		
Day Care	P	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	

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Table 521-1: Uses

Use	Status	Limitations & Qualifications
Cleaning Plants	N	
Industrial Services	N	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities
Marine Facilities	N	
Utilities		
Basic Utilities	C	Reservoirs; water storage facilities.
	P	All other Basic Utilities.
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	C	
Keeping of Livestock and Other Animals	N	
Animal Services	S	Small animal veterinary services, subject to SRC 700.065070.
	N	All other Animals Services.
Other Uses		
Temporary Uses	P	Christmas tree sales, subject to SRC 701.015.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.

Table 521-1: Uses

Use	Status	Limitations & Qualifications
Taking of Borders or Leasing of Rooms by Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

521.010. Development Standards. Development within the CO zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the CO zone shall conform to the standards set forth in Table 521-2.

**TABLE 521-2
LOT STANDARDS**

Table 521-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 5,000 sq. ft., plus additional lot area based on number of bedrooms within each dwelling unit	Additional lot area required as follows: <ul style="list-style-type: none"> ▪ 750 sq. ft. for each dwelling unit with one bedroom. ▪ 1,000 sq. ft. for each dwelling unit with two bedrooms. ▪ 1,200 sq. ft. for each dwelling unit with three or more bedrooms.
Multiple Family	Min. 5,000 sq. ft., plus additional lot area based on number of bedrooms within each dwelling unit	Applicable to Multiple Family consisting of 5 or fewer dwelling units. Additional lot area required as follows: <ul style="list-style-type: none"> ▪ 750 sq. ft. for each dwelling unit with one bedroom. ▪ 1,000 sq. ft. for each dwelling unit with two bedrooms. ▪ 1,200 sq. ft. for each dwelling unit with three or more bedrooms.
	Min. 5,000 sq. ft., plus additional lot area based on number of bedrooms within each dwelling unit	Applicable to Multiple Family consisting of 6 or more dwelling units. Additional lot area required as follows: <u>First through fifth dwelling units.</u> <ul style="list-style-type: none"> ▪ 750 sq. ft. for each dwelling unit with one bedroom.

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Table 521-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
		<ul style="list-style-type: none"> ▪ 1,000 sq. ft. for each dwelling unit with two bedrooms. ▪ 1,200 sq. ft. for each dwelling unit with three to five bedrooms. <p><u>Sixth and additional dwelling units.</u></p> <ul style="list-style-type: none"> ▪ 1,000 sq. ft. for each dwelling unit with no more than two bedrooms in a two or more story structure. ▪ 1,250 sq. ft. for each dwelling unit with no more than two bedrooms in a one-story structure. ▪ 1,700 sq. ft. for each dwelling unit with three or more bedrooms.
All Other Uses	Min. 6,000 sq. ft.	
LOT WIDTH		
Single Family, Two Family, and Multiple Family	Min. 40 ft.	
All Other Uses	None	
LOT DEPTH		
Single Family	Min. 70 ft.	
	Max. 300% of average lot width	
Two Family and Multiple Family	Min. 80 ft.	
All Other Uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	
	Min. 30 ft.	<p>Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more.</p> <p>In no case shall the lot width be less than 40 ft. at the front building setback line.</p>
All Other Uses	Min. 16 ft.	

(b) Setbacks. Setbacks within the CO zone shall be provided as set forth in Tables 521-3 and 521-4.

**TABLE 521-3
SETBACKS**

Table 521-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 12 ft.	
Accessory Structures		

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Table 521-3: Setbacks

Requirement	Standard	Limitations & Qualifications
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 12 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses, other than Single Family and Two Family	Min. 12 ft.	
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 5 ft.	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 521-4)	
Accessory Structures		
Accessory to Single Family and Two Family	Min. 5 ft.	
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 521-4)	
Vehicle Use Areas		
Single Family and Two Family	Per SRC Chapter 806	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 521-4)	
INTERIOR SIDE		
Buildings		
Single Family	Min. 5 ft.	Applicable to buildings, other than townhouses and zero side yard dwellings.
	Per SRC 700. 075 <u>080</u>	Applicable to townhouses.
	Per SRC 700. 085 <u>090</u>	Applicable to zero side yard dwellings.
Two Family	Min. 5 ft.	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 521-4)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 521-4)	
Vehicle Use Areas		

Table 521-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Single Family and Two Family	Per SRC Chapter 806	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 521-4)	
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 5 ft.	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 521-4)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 521-4)	
Vehicle Use Areas		
Single Family and Two Family	Per SRC Chapter 806	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 521-4)	

**TABLE 521-4
ZONE-TO-ZONE SETBACKS**

Table 521-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5ft.	Type A
Residential Zone	Buildings and Accessory Structures	Min. 15 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5ft.	Type A

1 **Table 521-4: Zone-to-Zone Setbacks**

2 Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
3 Commercial Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5ft.	Type A
4 Public Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
5 Industrial and Employment Zone: 6 EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
7 Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
8 <u>Limitations and Qualifications</u>			
9 (1) Zone-to-Zone setbacks are not required abutting an alley.			

10 (c) **Lot Coverage; Height.** Buildings and accessory structures within the CO zone
 11 shall conform to the lot coverage and height standards set forth in Table 521-5.

12 **TABLE 521-5**
 13 **LOT COVERAGE; HEIGHT**

14 **Table 521-5: Lot Coverage; Height**

15 Requirement	Standard	Limitations & Qualifications
16 LOT COVERAGE		
17 Buildings and Accessory Structures		
All uses	Max. 60%	
18 REAR YARD COVERAGE		
19 Buildings		
All uses	N/A	
20 Accessory Structures		
Accessory to all uses	No Max.	
21 HEIGHT		
22 Buildings		
Single Family and Two Family	Max. 35 ft.	
Multiple Family and Long-Term 23 Commercial Lodging	Max. 50 ft.	
All other uses	Max. 70 ft.	
24 Accessory Structures		
Accessory to Single Family, Two 25 Family, and Multiple Family	Max. 15 ft.	
Accessory to all other uses	Max 70 ft.	

27 (d) **Landscaping.**
 28 (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall
 29 conform to the standards set forth in SRC Chapter 807.
 30

1 **(2) Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under
2 SRC Chapter 806 and SRC Chapter 807.

3 **(3) Development Site.** A minimum of 15 percent of the development site shall
4 be landscaped. Landscaping shall meet the Type A standard set forth in SRC
5 Chapter 807. Other required landscaping under the UDC, such as landscaping
6 required for setbacks or vehicle use areas, may count towards meeting this
7 requirement.

8 **(e) Outdoor Storage.** Within the CO zone, outdoor storage of materials and
9 equipment is prohibited, except in conjunction with residential uses where the storage is
10 screened from adjacent streets and properties by a sight-obscuring fence, wall, or
11 hedge.

12 **521.015. Design Review.** Design review under SRC Chapter 225 is required for development
13 within the CO as follows:

14 **(a)** Multiple family development shall be subject to design review according to the
15 multiple family design review guidelines or the multiple family design review standards
16 set forth in SRC Chapter 702.

17 **(b)** Residential Care with three or more self-contained dwelling units shall be subject
18 to design review according to the multiple family design review guidelines or the
19 multiple family design review standards set forth in SRC Chapter 702.

20 **521.020. Other Provisions.** In addition to the standards set forth in this Chapter, development
21 within the CO zone must comply with all other applicable development standards of the UDC,
22 including but not limited to the following chapters:

- | | |
|--|-----------------|
| 23 (a) Trees and Shrubs | SRC Chapter 86 |
| 24 (b) General Development Standards | SRC Chapter 800 |
| 25 (c) Public Improvements | SRC Chapter 802 |
| 26 (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 27 (e) Driveway Approaches | SRC Chapter 804 |
| 28 (f) Vision Clearance | SRC Chapter 805 |
| 29 (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 30 (h) Landscaping and Screening | SRC Chapter 807 |

- 1 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 2 (j) Wetlands SRC Chapter 809
- 3 (k) Landslide Hazards SRC Chapter 810
- 4 (l) Sign Code SRC Chapter 900

5 **Section 18.** The following SRC Chapter 522 is added to the Salem Revised Code:

6 **522.001. Purpose.** The purpose of the Commercial Retail (CR) zone is to implement the
 7 Commercial designation of the Salem Area Comprehensive Plan through the identification of
 8 allowed uses and the establishment of development standards. The CR zone generally allows a
 9 wide array of retail sales and office uses.

10 **522.005. Uses.**

11 (a) Except as otherwise provided in this section, the permitted (P), special (S),
 12 conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

13 **TABLE 522-1**
 14 **USES**

15 **Table 522-1: Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Residential Home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to SRC 522.005(b).
	S	Secondary Dwellings and Guest Rooms, subject to SRC 700.06005.
	N	All other Single Family.
Two Family	N	
Multiple Family	C	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 75 persons.
	N	All other Room and Board.
Residential Care	P	
Nursing Care	P	
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	C	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	Non-Profit Shelters serving 6 to 75 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	P	

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Table 522-1: Uses		
Use	Status	Limitations & Qualifications
Retail Sales	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	P	All other Retail Sales.
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	C	
Motor Vehicle Services	P	Gasoline service stations.
	C	All other Motor Vehicle Services
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	P	
Heavy Vehicle and Trailer Sales	C	Truck rental and leasing.
	N	All other Heavy Vehicle and Trailer Sales.
Heavy Vehicle and Trailer Service and Storage	P	Truck stops.
	C	The following Heavy Vehicle and Trailer Service and Storage activities: <ul style="list-style-type: none"> ▪ Heavy vehicle and equipment operation instruction. ▪ Tire retreading and tire repair shops.
	N	All other Heavy Vehicle and Trailer Service and Storage.
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	C	Privately owned camps, campgrounds, and recreational vehicle parks.
	N	The following Commercial Entertainment – Outdoor activities: <ul style="list-style-type: none"> ▪ Amusement parks. ▪ Drive-in movie theaters.
	P	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	C	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Education Services		

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Table 522-1: Uses

Use	Status	Limitations & Qualifications
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	P	The following Buildings and Grounds Services and Construction Contracting activities: <ul style="list-style-type: none"> ▪ Landscape, lawn, and garden services. ▪ Tree and shrub services.
	C	Carpet and upholstery cleaning establishments.
	N	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	N	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	C	Distribution centers for online, mail order, and catalog sales.
	N	All other Warehousing and Distribution.
Self-Service Storage	N	
Manufacturing		
General Manufacturing	P	General Manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	C	The following General Manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: <ul style="list-style-type: none"> ▪ Industrial and institutional food service contractors. ▪ Costume jewelry and precious metals metalsmithing. ▪ Sundries and notions. ▪ Signs.
	N	All other General Manufacturing.
Heavy Manufacturing	N	
Printing	P	

Table 522-1: Uses		
Use	Status	Limitations & Qualifications
Transportation Facilities		
Aviation Facilities	N	
	P	Transit stop shelters.
Passenger Ground Transportation Facilities	C	The following Passenger Ground Transportation Facilities: <ul style="list-style-type: none"> Local and suburban passenger transportation. Intercity and rural highway passenger transportation within 2,000 feet from the center point of an I-5 interchange and having direct access on to a major arterial.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	C	Reservoirs; water storage facilities.
	P	All other Basic Utilities.
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	C	The following Waste-Related Facilities are allowed conditionally: <ul style="list-style-type: none"> Recycling depots. Solid waste transfer stations.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	P	
Keeping of Livestock and Other Animals	N	
Animal Services	N	New wildlife rehabilitation facility.
	P	All other Animal Services.
Other Uses		
Temporary Uses	P	The following Temporary Uses: <ul style="list-style-type: none"> Mobile food units, subject to SRC 701.020. Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.035.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) **Continued Uses.** Existing single family detached dwellings, other than manufactured dwellings, within the CR zone constructed prior to February 1, 1983, but

which would otherwise be made non-conforming by this Chapter, are hereby deemed continued uses.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 522.010(e).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a non-residential use shall thereafter prevent conversion back to a residential use.

522.010. Development Standards. Development within the CR zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the CR zone shall conform to the standards set forth in Table 522-2.

**TABLE 522-2
LOT STANDARDS**

Table 522-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		
All Uses	None	
STREET FRONTAGE		
	Min. 40 ft.	
Single Family	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the CR zone shall be provided as set forth in Tables 522-3 and 522-4.

**TABLE 522-3
SETBACKS**

Table 522-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to Single Family and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 5 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
Single Family	None	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 522-4)	
Accessory Structures		
Accessory to Single Family	Min. 5 ft.	
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 522-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 522-4)	
INTERIOR SIDE		
Buildings		
Single Family	None	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 522-4)	
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 522-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C

Table 522-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
		standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 522-4)	
INTERIOR REAR		
Buildings		
Single Family	None	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 522-4)	
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 522-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 522-4)	

**TABLE 522-4
ZONE-TO-ZONE SETBACKS**

Table 522-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Residential Zone	Buildings and Accessory Structures	Min. 15 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Commercial Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Public Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		

Table 522-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
---------------	---------------------	------------------------	-------------------------

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the CR zone shall conform to the lot coverage and height standards set forth in Table 522-5.

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**TABLE 522-5
LOT COVERAGE; HEIGHT**

Table 522-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 50 ft.	
Accessory Structures		
Accessory to Single Family and Multiple Family	Max. 15 ft.	
Accessory to all other uses	Max. 50 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(3) Development Site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC

- 1 (c) Public Improvements SRC Chapter 802
- 2 (d) Streets and Right-of-Way Improvement SRC Chapter 803
- 3 (e) Driveway Approaches SRC Chapter 804
- 4 (f) Vision Clearance SRC Chapter 805
- 5 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 6 (h) Landscaping and Screening SRC Chapter 807
- 7 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 8 (j) Wetlands SRC Chapter 809
- 9 (k) Landslide Hazards SRC Chapter 810
- 10 (l) Sign Code SRC Chapter 900

11 **Section 19.** The following SRC Chapter 523 is added to the Salem Revised Code:

12 **523.001. Purpose.** The purpose of the General Commercial (CG) zone is to implement the
 13 Commercial designation of the Salem Area Comprehensive Plan through the identification of
 14 allowed uses and the establishment of development standards. The CG zone generally allows a
 15 wide variety of commercial uses, including the sale of commodities, performance of services,
 16 repair facilities, motor vehicle sales and services, offices, and general wholesaling.

17 **523.005. Uses.**

18 (a) Except as otherwise provided in this section, the permitted (P), special (S),
 19 conditional (C), and prohibited (N) uses in the CG zone are set forth in Table 523-1.

20 **TABLE 523-1**

21 **USES**

22 **Table 523-1: Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Residential Home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to SRC 523.005(b).
	N	All other Single Family
Two Family	N	
Multiple Family	C	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 75 persons.
	N	All other Room and Board.
Residential Care	C	

Table 523-1: Uses

Use	Status	Limitations & Qualifications
Nursing Care	P	
Lodging		
Short-Term Commercial Lodging	P	
Long- Term Commercial Lodging	P	
Non-Profit Shelters	P	Non-Profit shelters serving 5 or fewer persons.
	C	Non-Profit shelters serving 6 to 75 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building, or within a yard fully enclosed by a sight-obscuring fence, wall, or hedge.
	P	All other Retail Sales.
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	P	
Motor Vehicle Services	P	
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	P	
Heavy Vehicle and Trailer Sales	P	
Heavy Vehicle and Trailer Service and Storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other Commercial Entertainment – Indoor.
Commercial Entertainment - Outdoor	C	Drive-in movie theaters.
	P	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	C	Race Tracks.
	P	All other Major Event Entertainment.
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	

Table 523-1: Uses

Use	Status	Limitations & Qualifications
Outpatient Medical Services and Laboratories	P	
Education Services		
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	P	
Cleaning Plants	P	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	P	
Heavy Wholesaling	P	The following Heavy Wholesaling activities: <ul style="list-style-type: none"> ▪ Nursery stock wholesalers. ▪ Tractor and farm equipment wholesalers.
	C	The following Heavy Wholesaling activities: <ul style="list-style-type: none"> ▪ Firearms wholesalers. ▪ Wood products and timber wholesalers.
	N	All other Heavy Wholesaling.
Warehousing and Distribution	P	The following Warehousing and Distribution activities: <ul style="list-style-type: none"> ▪ Distribution centers for online, mail order, and catalog sales. ▪ Postal processing and distribution centers.
	N	All other Warehousing and Distribution
Self-Service Storage	N	
Manufacturing		
General Manufacturing	P	General Manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.

Table 523-1: Uses

Use	Status	Limitations & Qualifications
	C	The following General Manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: <ul style="list-style-type: none"> ▪ Industrial and institutional food service contractors. ▪ Costume jewelry and precious metals metalsmithing. ▪ Sundries and notions. ▪ Signs.
	N	All other General Manufacturing.
Heavy Manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	
Marine Facilities	N	
Utilities		
Basic Utilities	C	Reservoirs; water storage facilities.
	P	All other Basic Utilities.
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	N	
Fuel Dealers	P	
Waste-Related Facilities	P	Recycling depots.
	C	Solid waste transfer stations.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	P	
Keeping of Livestock and Other Animals	C	
Animal Services	C	Wildlife rehabilitation facilities.
	P	All other Animal Services.
Other Uses		
Temporary Uses	P	The following Temporary Uses: <ul style="list-style-type: none"> ▪ Mobile food units, subject to SRC 701.020. ▪ Temporary motor vehicle and recreational vehicle sales, subject to SRC 701.035.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) Continued Uses. Existing single family detached dwellings, other than manufactured dwellings, within the CG zone constructed prior to February 1, 1983, but which would otherwise be made non-conforming by this Chapter, are hereby deemed continued uses.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 523.010(e).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a non-residential use shall thereafter prevent conversion back to a residential use.

523.010. Development Standards. Development within the CG zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the CG zone shall conform to the standards set forth in Table 523-2.

**TABLE 523-2
LOT STANDARDS**

Table 523-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		
All Uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
	Min. 30 ft.	
All Other Uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the CG zone shall be provided as set forth in Tables 523-3 and 523-4.

**TABLE 523-3
SETBACKS**

Table 523-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to Single Family and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 5 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
Single Family	None	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 523-4)	
Accessory Structures		
Accessory to Single Family	Min. 5 ft.	
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 523-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 523-4)	
INTERIOR SIDE		
Buildings		
Single Family	None	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 523-4)	
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory

Table 523-3: Setbacks

Requirement	Standard	Limitations & Qualifications
		structures.
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 523-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 823-4)	
INTERIOR REAR		
Buildings		
Single Family	None	
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 523-4)	
Accessory Structures		
Accessory to Single Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 523-4)	
Vehicle Use Areas		
Multiple Family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 523-4)	

**TABLE 523-4
ZONE-TO-ZONE SETBACKS**

Table 523-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Residential Zone	Buildings and Accessory Structures	Min. 15 ft.	Type C
	Vehicle Use Areas		

Table 523-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Commercial Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Public Zone	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the CG zone shall conform to the lot coverage and height standards set forth in Table 523-5.

**TABLE 523-5
LOT COVERAGE; HEIGHT**

Table 523-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to Single Family and Multiple Family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

1 **(2) Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under
2 SRC Chapter 806 and SRC Chapter 807.

3 **(3) Development Site.** A minimum of 15 percent of the development site shall
4 be landscaped. Landscaping shall meet the Type A standard set forth in SRC
5 Chapter 807. Other required landscaping under the UDC, such as landscaping
6 required for setbacks or vehicular use areas, may count towards meeting this
7 requirement.

8 **(e) Development Standards for Continued Uses.** Buildings or structures housing a
9 continued use may be structurally altered or enlarged, or rebuilt following damage or
10 destruction, provided such alteration, enlargement, or rebuilding complies with the
11 following standards:

12 **(1)** The altered, enlarged, or rebuilt building or structure shall conform to
13 development standards of the Single Family Residential (RS) zone set forth in
14 SRC Chapter 511, and to all other applicable provisions of the UDC.

15 **(2)** Any building or structure altered or enlarged shall not exceed the square
16 footage and height of the original building or structure by more than 20 percent.

17 **(3)** Any building or structure rebuilt shall be located on the same location on the
18 lot as the original building or structure, or in compliance with the setbacks of the
19 Single Family Residential (RS) zone set forth in SRC 511.010(b). The square
20 footage and height of the rebuilt building or structure shall not exceed the square
21 footage and height of the original building or structure by more than 20 percent.

22 **523.015. Design Review.** Design review under SRC Chapter 225 is required for development
23 within the CG as follows:

24 **(a)** Multiple family development shall be subject to design review according to the
25 multiple family design review guidelines or the multiple family design review standards
26 set forth in SRC Chapter 702.

27 **(b)** Residential Care with three or more self-contained dwelling units shall be subject
28 to design review according to the multiple family design review guidelines or the
29 multiple family design review standards set forth in SRC Chapter 702.
30

523.020. Other Provisions. In addition to the standards set forth in this Chapter, development within the CG zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

Section 20. The following SRC Chapter 524 is added to the Salem Revised Code:

524.001. Purpose. The purpose of the Central Business District (CB) zone is to implement the Central Business District designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CB zone serves Salem and the region as a principal center of business and commerce. It allows a compact arrangement of retail and commercial enterprises together with office, financial, cultural, entertainment, governmental, and residential use designed and situated to afford convenient access by pedestrians.

524.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 524-1.

TABLE 524-1

USES

Table 524-1: Uses

Use	Status	Limitations & Qualifications
Household Living		

Table 524-1: Uses

Use	Status	Limitations & Qualifications
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660.
	N	All other Single Family.
Two Family	P	Duplex.
	N	All other Two Family.
Multiple Family	P	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	C	The following Room and Board activities: <ul style="list-style-type: none"> ▪ Room and Board serving 6 to 75 persons. ▪ Relocation of an existing Room and Board facility within the CB zone serving more than 75 persons, provided the facility has existed within the CB zone as of September 1, 1993, and there is no increase in bed capacity.
	N	All other Room and Board.
Residential Care	P	
Nursing Care	P	
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	The following Non-Profit Shelters: <ul style="list-style-type: none"> ▪ Non-Profit Shelters serving 6 to 75 persons. ▪ Relocation of an existing Non-Profit Shelter within the CB zone serving more than 75 persons, provided the shelter has existed within the CB zone as of September 1, 1993, and there is no increase in bed capacity.
	N	All other Non-Profit Shelters.
Retail Sales and Services		
Eating and Drinking Establishments	P	
Retail Sales	P	
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	Mobile home dealers.
	P	All other Motor Vehicle and Manufactured Dwelling and Trailer Sales.
Motor Vehicle Services	P	
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	P	

Table 524-1: Uses

Use	Status	Limitations & Qualifications
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	P	
Commercial Entertainment - Outdoor	N	Drive-in movie theaters
	P	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	P	Major Event Entertainment conducted indoors.
	N	All other Major Event Entertainment.
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	N	The following Building and Grounds Services and Construction Contracting activities: <ul style="list-style-type: none"> ▪ Building construction. ▪ Heavy construction. ▪ Disinfecting and pest control services. ▪ Building cleaning and maintenance services.
	P	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	P	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		

Table 524-1: Uses

Use	Status	Limitations & Qualifications
General Wholesaling	P	General Wholesaling is permitted, provided that it is combined with retail sales in the same line of goods.
Heavy Wholesaling	P	Nursery stock, provided that it is combined with retail sales in the same line of goods.
	C	The following Heavy Wholesaling activities, provided they are combined with retail sales in the same line of goods: <ul style="list-style-type: none"> ▪ Minerals and ore. ▪ Metal service centers and wholesalers. ▪ Firearms. ▪ Wood products and timber.
	N	All other Heavy Wholesaling.
Warehousing and Distribution	P	Distribution centers for online, mail order, and catalog sales.
	N	All other Warehousing and Distribution
Self-Service Storage	N	
Manufacturing		
General Manufacturing	P	General Manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	C	The following General Manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: <ul style="list-style-type: none"> ▪ Industrial and institutional food service contractors. ▪ Costume jewelry and precious metals metalsmithing. ▪ Sundries and notions ▪ Signs.
	N	All other General Manufacturing.
Heavy Manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	
Marine Facilities	P	
Utilities		
Basic Utilities	C	Reservoirs; water storage facilities.
	P	Basic Utilities are permitted, unless noted below.
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	C	The following Waste-Related Facilities: <ul style="list-style-type: none"> ▪ Recycling depots. ▪ Solid waste transfer stations.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		

Table 524-1: Uses		
Use	Status	Limitations & Qualifications
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	N	
Agriculture and Forestry Services	P	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) Drive-Through Uses in Salem Downtown Historic District.

(1) Notwithstanding Table 524-1, banks and credit unions constructed on or after October 1, 2011 within the Salem Downtown Historic District shall be conditional uses within the Salem Downtown Historic District if developed with a drive-through, and adequate measures are taken to ensure pedestrian safety.

(2) Notwithstanding Table 524-1, any permitted, special, or conditional use within the Salem Downtown Historic District, except for banks and credit unions constructed on or after October 1, 2011, shall be a prohibited use within the Downtown Historic District if developed with a drive-through.

524.010. Development Standards. Development within the CB zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the CB zone shall conform to the standards set forth in Table 524-2.

**TABLE 524-2
LOT STANDARDS**

Table 524-2: Lot Standards		
Requirement	Standard	Limitations and Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		

Table 524-2: Lot Standards		
Requirement	Standard	Limitations and Qualifications
All Uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All Other Uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the CB zone shall be provided as set forth in Table 524-3.

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**TABLE 524-3
SETBACKS**

Table 524-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	0 ft. or 10 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	0 ft. or 10 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	0 ft. or 10 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR SIDE		
Buildings		
All uses	None	

Table 524-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR REAR		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	

(c) **Lot Coverage; Height.** Buildings and accessory structures within the CB zone shall conform to the lot coverage and height standards set forth in Table 524-4.

**TABLE 524-4
LOT COVERAGE; HEIGHT**

Table 524-4: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
REAR YARD COVERAGE		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		
Buildings		
All uses	No Max.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	Max. 15 ft.	
Accessory to all other uses	No Max.	

(d) **Landscaping.** Landscaping within the CB zone shall be provided as set forth in this subsection.

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

1 **(2) Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under
2 SRC Chapter 806 and SRC Chapter 807.

3 **524.015. Other Provisions.** In addition to the standards set forth in this Chapter, all
4 development within the CB zone must comply with the applicable development standards of the
5 UDC, including but not limited to the following chapters:

- | | |
|--|-----------------|
| 6 (a) Trees and Shrubs | SRC Chapter 86 |
| 7 (b) General Development Standards | SRC Chapter 800 |
| 8 (c) Public Improvements | SRC Chapter 802 |
| 9 (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 10 (e) Driveway Approaches | SRC Chapter 804 |
| 11 (f) Vision Clearance | SRC Chapter 805 |
| 12 (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 13 (h) Landscaping and Screening | SRC Chapter 807 |
| 14 (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 15 (j) Wetlands | SRC Chapter 809 |
| 16 (k) Landslide Hazards | SRC Chapter 810 |
| 17 (l) Sign Code | SRC Chapter 900 |

18 **Section 21.** The following SRC Chapter 530 is added to the Salem Revised Code:

19 **530.001. Purpose.** The purpose of the Fairview Mixed-Use (FMU) zone is to implement the
20 Mixed-Use designation of the Salem Area Comprehensive Plan by establishing a master
21 planning process through which allowed uses are identified and development standards are
22 established that:

- 23 (a) Encourage innovative planning resulting in mixed-use development, improved
24 protection of open spaces and natural features, and greater housing and transportation
25 options;
- 26 (b) Encourage the innovative integration of park and school uses;
- 27 (c) Encourage developments that recognize the relationship between buildings, their
28 use, open space, and infrastructure; providing varied opportunities for innovative and
29 diversified living environments in line with the principles of sustainable development
30 and sustainable business practices;

- 1 (d) Support affordable housing options and mixed-income neighborhoods;
- 2 (e) Facilitate the resourceful use of land through the arrangement of land uses,
- 3 buildings, circulation systems, open space, and infrastructure;
- 4 (f) Encourage economic opportunity;
- 5 (g) Preserve, to the greatest extent possible, existing natural areas and open space that
- 6 may not otherwise be protected through conventional development;
- 7 (h) Recognize and preserve the historical and archeological significance of buildings,
- 8 structures, and sites, and encourage historic resource designation of those buildings,
- 9 structures, and sites that merit official recognition; and
- 10 (i) Encourage energy conservation and improved air and water quality.

11 **530.005. Definitions.** Unless the context otherwise specifically requires, as used in this
12 Chapter, the following mean:

13 (a) **Building footprint:** The total area enclosed by the exterior walls of a building at
14 ground level, exclusive of courtyards.

15 (b) **Development:** The construction or demolition of a building or structure; or
16 alterations or improvements to the land, including but not limited to grading, for the
17 purposes of enhancing its economic value or productivity.

18 (c) **Master plan:** A comprehensive long-range plan intended to guide the growth and
19 development of a region and that includes analysis, recommendations, and proposals
20 for the region’s population, economy, housing, transportation, community facilities,
21 natural resources, and land use.

22 (d) **Mixed-use building:** A single building containing more than one type of land use
23 such as, but not limited to, residential, office, manufacturing, retail, public, or
24 entertainment.

25 **530.010. Overlay Areas.** For the purpose of regulating development within the FMU zone, the
26 following Overlay Areas, identified in Figure 530-1, are established:

27 (a) **Low-Intensity Residential (LI).** The Low-Intensity Residential area comprises
28 Single Family activities in detached housing types sited on separate lots with private
29 yards and street and/or alley access. Non-residential uses, except for a few limited
30 exceptions, are prohibited.

1 (b) **Mixed-Intensity (MI).** The Mixed-Intensity area comprises primarily residential
2 uses, along with a mix of small-scale neighborhood commercial, employment, and
3 public services uses. Buildings will be a mix of one-story to three-story detached,
4 attached, or stacked housing types sited on smaller individually-owned lots with private
5 yards and street and/or alley access, or larger lots under multiple or separate ownership
6 with shared street and/or alley access. Townhouse development is appropriate at the
7 higher density range.

8 (c) **Adaptive Use (AU).** The Adaptive Use area is intended to comprise the highest
9 concentration of existing buildings and historic development patterns. Residential and
10 non-residential development within this area may occur within existing structures that
11 have been rehabilitated or within new structures.

12 (d) **Village Center (VC).** The Village Center area comprises the most intense and
13 pedestrian-oriented residential, commercial, employment, and public services uses.
14 Residential uses will have densities of no less than 16 dwelling units per net acre. Non-
15 residential uses include a mix of large and small scale commercial establishments,
16 which cumulatively will be limited to not more than approximately 80,000 square feet
17 of pedestrian-oriented retail. Office uses are encouraged.

18 **530.015. Development within the FMU Zone.** All development within the FMU zone shall be
19 undertaken pursuant to the Fairview Plan, a Refinement Plan, and the development standards set
20 forth in this Chapter.

21 **530.020. Fairview Plan.** The Fairview Plan is a master plan that identifies the goals and
22 policies, and serves as the guiding document, for development within the FMU zone. Unless
23 otherwise provided in this Chapter, the Fairview Plan controls all development proposed to be
24 undertaken within the FMU zone.

25 (a) **Applicability.** An approved Fairview Plan shall be required prior to the approval
26 of any Refinement Plan.

27 (b) **Procedure Type.** An application for the Fairview Plan is processed as a Type III
28 procedure under SRC Chapter 300

29 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type III
30 application under SRC Chapter 300, an application for the Fairview Plan shall include

1 the following in the form of map(s), text, or both, as applicable:

2 (1) A description of the purpose, main concepts, goals, policies, and general
3 development guidelines for development within the FMU zone in light of the
4 purpose of this Chapter.

5 (2) An open space plan for the entire FMU zone identifying an integrated
6 network of open spaces for the purpose of preserving and enhancing identified
7 natural drainage patterns, significant trees and vegetation, and wetlands;
8 responding to significant topographical features; and providing opportunities for
9 active and passive recreation.

10 (3) A transportation and mobility plan for the entire FMU zone addressing the
11 integration of pedestrian, transit, and vehicular use on the site and providing safe
12 and efficient pedestrian, bicycle, and other non-single occupancy vehicle (SOV)
13 mobility; promoting transit; and reducing SOV trips.

14 (4) A transportation impact analysis (TIA) of the major transportation and
15 circulation elements intended to serve the FMU zone;

16 (5) A site analysis, which shall include the following:

17 (A) Identification of significant natural and built constraints of the site
18 and surroundings;

19 (B) Identification of existing and potential transit connections;

20 (C) Identification of adjacent parcels and structures within 150 feet of the
21 FMU zone boundary;

22 (D) On-site open space, recreational facilities, parks, and trails;

23 (E) Identification and delineation of existing natural resources, including,
24 but not limited to, wetlands, as identified on the Local Wetlands
25 Inventory, perennial and intermittent streams, and significant tree stands
26 or groves. Proposed methods for the preservation or conservation of these
27 resources shall be identified, with attention given to the Natural Resource
28 Guidelines under 530.065;

29 (F) Identification of existing structures, roads, and other development;

30 (G) Identification of existing provisions for City infrastructure and

1 utilities;

2 **(H)** Identification of area hydrology and water resources;

3 **(I)** Identification of existing topography and slope;

4 **(J)** General geologic character of the site;

5 **(K)** Identification of general soil types on the site;

6 **(L)** Identification and visual analysis of area viewsheds; and

7 **(M)** An inventory of buildings, structures, sites, objects, and known

8 archeological sites which possess the criteria for historic resource

9 designation under SRC Chapter 230. The inventory shall identify any

10 buildings, structures, sites, objects, or known archeological sites for which

11 official historic resource designation will be sought. The inventory may

12 identify any buildings, structures, or sites designated by the applicant as

13 “historically significant” that may be adaptively reused or renovated, but

14 for which historic resource designation will not be sought.

15 **(d) Criteria.** The Fairview Plan shall be approved if all of the following criteria are
16 met:

17 **(1)** The plan conforms to the applicable provisions of the Salem Area
18 Comprehensive Plan.

19 **(2)** The plan is compatible with adjoining land uses.

20 **(3)** The plan is physically feasible, given consideration of existing or proposed
21 infrastructure and public services.

22 **(4)** The plan conforms to the following goals:

23 **(A)** Encourage mixed-use development, improved protection of open
24 spaces and natural features, and greater housing and transportation
25 options;

26 **(B)** Encourage the innovative integration of park and school uses;

27 **(C)** Encourage the principles of sustainable development and sustainable
28 business practices;

29 **(D)** Support affordable housing options and mixed-income
30 neighborhoods;

- (E) Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
- (F) Encourage economic opportunities that comply with and support business practices;
- (G) Recognize the historic significance of buildings, structures, and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
- (H) Encourage energy conservation and improved air and water quality.

530.025. Amendments to the Fairview Plan.

(a) **Applicability.** No amendment to the Fairview Plan shall be made without receiving approval as set forth in this section.

(b) **Classes.**

(1) **Minor Amendment.** A minor amendment is any amendment to the Fairview Plan that does not result in a substantial change to the Fairview Plan.

(2) **Major Amendment.** A major amendment is any amendment to the Fairview Plan that results in a substantial change to the Fairview Plan. A substantial change to the Fairview Plan includes, but is not limited to, one that:

- (A) Varies or changes a Fairview Plan policy;
- (B) Increases or decreases the number of proposed residential units per acre by more than 20 percent or exceeds the maximum number of dwelling units permitted within the FMU zone;
- (C) Changes designated buffers, perimeter landscaping, or significant natural resource areas delineated in the Fairview Plan that were established to adapt the FMU zone to specific site characteristics or mitigate development impacts on the site and surrounding area;
- (D) Varies the building height, FAR, lot coverage, or building setbacks by more than 20 percent of that delineated in the adopted Fairview Plan;
- (E) Results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the Fairview Plan;

1 (F) Cumulatively results in a significant change in the purpose, scope,
2 main concepts, goals, policies, or general development guidelines of the
3 Fairview Plan as a consequence of more than one non-substantial change
4 submitted concurrently; or

5 (G) Results in a significant change in pedestrian or vehicular traffic
6 circulation within the FMU zone or in the surrounding area.

7 **(c) Procedure Type.**

8 **(1) Minor Amendment.** A minor amendment is processed as a Type II
9 procedure under SRC Chapter 300.

10 **(2) Major Amendment.** A major amendment is processed as a Type III
11 procedure under SRC Chapter 300, unless the amendment is initiated by the City.
12 A major amendment initiated by the City is processed as a Type IV procedure
13 under SRC Chapter 300.

14 **(d) Submittal Requirements.** In addition to the submittal requirements for a Type II
15 or Type III application under SRC Chapter 300, an application for a minor or major
16 amendment to the Fairview Plan shall include:

17 **(1)** The specific amendment proposed; and

18 **(2)** A statement documenting the need for the amendment.

19 **(e) Criteria.**

20 **(1) Minor Amendment.** A minor amendment shall be approved if all of the
21 following criteria are met:

22 **(A)** The proposed amendment does not substantially change the Fairview
23 Plan.

24 **(B)** The proposed amendment will not unreasonably impact surrounding
25 existing or potential uses or development.

26 **(2) Major Amendment.** A major amendment shall be approved if all of the
27 following criteria are met:

28 **(A)** The proposed amendment conforms to the applicable provisions of
29 the Salem Area Comprehensive Plan.

30 **(B)** The proposed amendment is compatible with adjoining land uses.

1 (C) The proposed amendment is physically feasible, given consideration
2 of existing or proposed infrastructure and public services.

3 (D) The proposed amendment conforms to the following goals:

4 (i) Encourage mixed-use development, improved protection of
5 open spaces and natural features, and greater housing and
6 transportation options;

7 (ii) Encourage the innovative integration of park and school uses;

8 (iii) Encourage the principles of sustainable development and
9 sustainable business practices;

10 (iv) Support affordable housing options and mixed-income
11 neighborhoods;

12 (v) Facilitate the resourceful use of land through the efficient
13 arrangement of land uses, buildings, circulation systems, open
14 space and infrastructure;

15 (vi) Encourage economic opportunities that comply with and
16 support business practices;

17 (vii) Recognize the historic significance of buildings, structures,
18 and sites, including archaeological sites, through appropriate
19 means, including, but not limited to, obtaining official historic
20 resource designation; and

21 (viii) Encourage energy conservation and improved air and water
22 quality.

23 **530.030. Refinement Plans.** Refinement Plans are detailed regulatory plans that implement the
24 Fairview Plan. Standards and processes stipulated in an approved Refinement Plan supersede the
25 standards and processes of the UDC and shall be used as review criteria for any specific
26 development proposal within the area covered by the Refinement Plan.

27 (a) **Applicability.** An approved Refinement Plan shall be required prior to
28 development within the FMU zone.

29 (b) **Minimum Refinement Plan Area.** The area subject to a Refinement Plan shall
30 contain no less than 40 acres.

1 (c) **Procedure Type.** An application for a Refinement Plan is processed as a Type III
2 procedure under SRC Chapter 300.

3 (d) **Submittal Requirements.** In addition to the submittal requirements for a Type III
4 application under SRC Chapter 300, an application for a Refinement Plan shall include
5 the following in the form of map(s), text, or both, as applicable:

- 6 (1) An Illustrative site plan;
- 7 (2) An identification of those land uses allowed under SRC 530.040 that are
8 proposed to be allowed in the Refinement Plan area;
- 9 (3) A general allocation and identification of major proposed land uses, including
10 residential by density range, non-residential, open space, and recreational land
11 uses;
- 12 (4) The name, location, and width of existing streets located within the
13 Refinement Plan area;
- 14 (5) The name, location, and width of proposed streets located within the
15 Refinement Plan area;
- 16 (6) Typical street cross-sections;
- 17 (7) Detailed standards governing development within the Refinement Plan area,
18 such as performance standards and standards for development densities, building
19 and accessory structure height, floor area and FAR, open space, lot area and lot
20 coverage, parking, landscaping, and other site improvements;
- 21 (8) Standards for the conservation, development, or utilization of natural
22 resources, including surface water, soils, vegetation, and wildlife;
- 23 (9) An identification and inventory of all wetland and riparian resources and all
24 intermittent and perennial waterways;
- 25 (10) An identification and inventory of all trees regulated under SRC Chapter
26 808;
- 27 (11) Where applicable, the proposed methods of protection or conservation of
28 natural features, historic structures, and view sheds;
- 29 (12) Proposed method for the perpetual maintenance of any common open space
30 and common facilities;

- 1 (13) Standards and responsibilities for maintenance of infrastructure and whether
2 the infrastructure is to be public or private;
- 3 (14) Standards for phasing and construction of streets proposed within the
4 Refinement Plan area, or needed for servicing the area, as identified in the
5 required studies submitted with the Refinement Plan;
- 6 (15) Location and extent of proposed provision for sewage disposal, effluent use,
7 stormwater drainage, and utilities;
- 8 (16) Standards for the phasing and construction of sewage disposal, effluent use,
9 stormwater drainage, solid waste disposal, and public utilities, as identified in the
10 required studies submitted with the Refinement Plan;
- 11 (17) A phasing plan for the following, as applicable:
- 12 (A) The preservation of site features established by the Fairview Plan;
- 13 (B) The development of the Refinement Plan area; and
- 14 (C) The construction, dedication, and provision of infrastructure and
15 public services;
- 16 (18) A draft form of financial assurances to be recorded prior to Refinement Plan
17 approval;
- 18 (19) A detailed explanation of how and to what extent the Refinement Plan is to
19 supplement or supersede City standards;
- 20 (20) Standards for the interpretation of the Refinement Plan regulations and
21 requirements;
- 22 (21) Development design guidelines and applicable approval process;
- 23 (22) General landscape plan;
- 24 (23) General drainage plan;
- 25 (24) An update to the traffic impact analysis (TIA) approved for the Fairview
26 Plan that includes trip generation factors for various modes, estimated trips per
27 day by land use, proposed vehicular access and circulation plan, and traffic
28 impacts by mode on adjacent development;
- 29 (25) Impacts on existing structures and other development;
- 30 (26) Impacts on existing infrastructure and public services; and

1 (27) Location of any buildings, structures, sites, objects, or known archeological
2 sites identified in the Fairview Plan inventory of buildings, structures, sites,
3 objects, or known archeological sites which possess the criteria for historic
4 resource designation under SRC Chapter 230, or which have been designated as
5 “historically significant” in the Fairview Plan inventory pursuant to SRC
6 530.020(c)(5)(M).

7 (e) **Criteria.** A Refinement Plan shall be approved if all of the following criteria are
8 met:

- 9 (1) The Refinement Plan is consistent with the Fairview Plan.
- 10 (2) The Refinement Plan conforms with the applicable provisions of the Salem
11 Area Comprehensive Plan.
- 12 (3) The Refinement Plan is compatible with adjoining land uses.
- 13 (4) The Refinement Plan is physically feasible, given consideration of existing or
14 proposed infrastructure and public services.
- 15 (5) The Refinement Plan conforms to all applicable standards of the UDC, except
16 where alternative standards are proposed.
- 17 (6) The Refinement Plan conforms to the following goals:
 - 18 (A) Encourage mixed-use development, improved protection of open
19 spaces and natural features, and greater housing and transportation
20 options;
 - 21 (B) Encourage the innovative integration of park and school uses;
 - 22 (C) Encourage the principles of sustainable development and sustainable
23 business practices;
 - 24 (D) Support affordable housing options and mixed-income
25 neighborhoods;
 - 26 (E) Facilitate the resourceful use of land through the efficient
27 arrangement of land uses, buildings, circulation systems, open space and
28 infrastructure;
 - 29 (F) Encourage economic opportunities that comply with and support
30 business practices;

1 (G) Recognize the historic significance of buildings, structures, and sites,
2 including archaeological sites, through appropriate means, including, but
3 not limited to, obtaining official historic resource designation; and

4 (H) Encourage energy conservation and improved air and water quality.

5 **530.035. Amendments to Refinement Plans.**

6 (a) **Applicability.** No amendment to a Refinement Plan shall be made without
7 receiving approval as set forth in this section.

8 (b) **Classes.**

9 (1) **Minor Amendment.** A minor amendment is any amendment to a
10 Refinement Plan that does not result in a substantial change to the Refinement
11 Plan.

12 (2) **Major Amendment.** A major amendment to a Refinement Plan is any
13 amendment to a Refinement Plan that results in a substantial change to the
14 Refinement Plan. A substantial change to a Refinement Plan includes, but is not
15 limited to, one that:

16 (A) Changes the uses allowed within the Refinement Plan;

17 (B) Varies or changes a Fairview Plan policy;

18 (C) Increases or decreases the number of proposed residential units per
19 acre by more than 20 percent or exceeds the maximum number of
20 dwelling units permitted within the FMU zone;

21 (D) Changes designated buffers, perimeter landscaping, or significant
22 natural resource areas that were established to adapt the FMU zone to
23 specific site characteristics or mitigate development impacts on the site
24 and surrounding area;

25 (E) Varies the building height, FAR, lot coverage, building setbacks, or
26 other development standards by more than 20 percent of that delineated in
27 the Refinement Plan;

28 (F) Cumulatively results in a significant change in the purpose, scope,
29 main concepts, goals, policies, or general development guidelines and
30 standards of the Refinement Plan, as a consequence of more than one non-

1 substantial change submitted concurrently; or

2 (G) Results in a significant change in pedestrian or vehicular traffic
3 circulation within the FMU zone or in the surrounding area.

4 **(c) Procedure Type.**

5 **(1) Minor Amendment.** A minor amendment is processed as a Type II
6 procedure under SRC Chapter 300.

7 **(2) Major Amendment.** A major amendment is processed as a Type III
8 procedure under SRC Chapter 300, unless the amendment is initiated by the City.
9 A major amendment initiated by the City is processed as a Type IV procedure
10 under SRC Chapter 300.

11 **(d) Submittal Requirements.** In addition to the submittal requirements for a Type II
12 or Type III application under SRC Chapter 300, an application for a minor or major
13 amendment to a Refinement Plan shall include:

14 **(1)** The specific amendment proposed; and

15 **(2)** A statement documenting the need for the amendment.

16 **(e) Criteria.**

17 **(1) Minor Amendment.** A minor amendment shall be approved if all of the
18 following criteria are met:

19 **(A)** The proposed amendment does not substantially change the
20 Refinement Plan.

21 **(B)** The proposed amendment will not unreasonably impact surrounding
22 existing or potential uses or development.

23 **(2) Major Amendment.** A major amendment shall be approved if all of the
24 following criteria are met:

25 **(A)** The proposed amendment conforms to the applicable provisions of
26 the Salem Area Comprehensive Plan.

27 **(B)** The proposed amendment is compatible with adjoining land uses.

28 **(C)** The proposed amendment is physically feasible, given consideration
29 of existing or proposed infrastructure and public services.

30 **(D)** The proposed amendment conforms to the following goals:

- (i) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
- (ii) Encourage the innovative integration of park and school uses;
- (iii) Encourage the principles of sustainable development and sustainable business practices;
- (iv) Support affordable housing options and mixed-income neighborhoods;
- (v) Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;
- (vi) Encourage economic opportunities that comply with and support business practices;
- (vii) Recognize the historic significance of buildings, structures, and sites, including archaeological sites, through appropriate means, including, but not limited to, obtaining official historic resource designation; and
- (viii) Encourage energy conservation and improved air and water quality.

530.040. Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the FMU zone are set forth in Table 530-1.

TABLE 530-1

USES

Table 530-1: Uses					
Use	Status				Limitations & Qualifications
	LI	MI	AU	VC	
Household Living					
Single Family	P	P	P	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660.
	N	P	P	P	Townhouse

Table 530-1: Uses

Use	Status				Limitations & Qualifications
	LI	MI	AU	VC	
	N	P	P	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	S	S	S	Manufactured home, subject to SRC 700.025.
	N	N	N	N	All other Single Family.
Two Family	N	P	P	P	
Multiple Family	N	P	P	P	
Group Living					
Room and Board	N	P	P	P	Room and Board serving 5 or fewer persons.
	N	N	N	N	All other Room and Board.
Residential Care	N	P	P	P	Residential Facility, as defined under ORS 197.660.
	N	N	P	P	All other Residential Care.
Nursing Care	N	P	P	P	
Lodging					
Short-Term Commercial Lodging	N	P	P	P	Bed and Breakfasts.
	N	N	P	P	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	N	P	P	P	
Non-Profit Shelters	N	N	N	N	
Retail Sales and Service					
Eating and Drinking Establishments	N	P	P	P	
Retail Sales	N	P	P	P	
Personal Services	N	P	P	P	
Postal Services and Retail Financial Services	N	P	P	P	
Business and Professional Services					
Office	N	P	P	P	
Audio/Visual Media Production	N	P	P	P	
Laboratory Research and Testing	N	P	P	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services					
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	N	N	N	Manufactured dwelling and prefabricated structure sales.
	N	N	P	P	Motor vehicle, recreational vehicle, and trailer rental.
	N	N	C	C	All other Motor Vehicle and Manufactured Dwelling and Trailer Sales.
Motor Vehicle Services	N	N	P	P	
Commercial Parking	N	N	P	P	
Park-and-Ride Facilities	N	N	P	P	
Taxicabs and Car Services	N	N	P	P	
Heavy Vehicle and Trailer Sales	N	N	C	N	
Heavy Vehicle and Trailer Service and Storage	N	N	P	N	
Recreation, Entertainment, and Cultural Services and Facilities					
Commercial Entertainment – Indoor	N	C	C	C	Nightclubs, located within 200 feet of a residential zone.

Table 530-1: Uses

Use	Status				Limitations & Qualifications
	LI	MI	AU	VC	
	N	P	P	P	
Commercial Entertainment – Outdoor	N	P	P	P	
Major Event Entertainment	N	N	N	N	
Recreational and Cultural Community Services	N	P	P	P	
Parks and Open Space	P	P	P	P	
Non-Profit Membership Assembly	N	P	P	P	
Religious Assembly	N	P	P	P	
Health Services					
Medical Centers/Hospitals	N	N	N	N	
Outpatient Medical Services and Laboratories	N	P	P	P	
Educational Services					
Day Care	N	P	P	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	N	N	P	P	All other Day Care.
Basic Education	N	P	P	P	
Post-Secondary and Adult Education	N	N	P	P	
Civic Services					
Governmental Services	N	P	P	P	
Social Services	N	N	P	P	
Governmental Maintenance Services and Construction	N	N	N	N	
Public Safety					
Emergency Services	N	N	P	P	The following Emergency Services activities: <ul style="list-style-type: none"> ▪ Ambulance station. ▪ Ambulance service facility.
	N	P	P	P	All other Emergency Services.
Detention Facilities	N	N	N	N	
Military Installations	N	P	P	P	
Funeral and Related Services					
Cemeteries	N	P	P	P	
Funeral and Cremation Services	N	N	P	P	
Construction Contracting, Repair, Maintenance, and Industrial Services					
General Repair Services	N	N	P	P	
Building and Grounds Services and Construction Contracting	N	N	P	N	
Cleaning Plants	N	P	P	P	
Industrial Services	N	N	P	N	
Whole Sales, Storage, and Distribution					
General Wholesaling	N	N	P	N	
Heavy Wholesaling	N	N	N	N	

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Table 530-1: Uses

Use	Status				Limitations & Qualifications
	LI	MI	AU	VC	
Warehousing and Distribution	N	N	P	P	
Self-Service Storage	N	N	P	P	
Manufacturing					
General Manufacturing	N	C	P	C	
Heavy Manufacturing	N	N	N	N	
Printing	N	C	P	C	
Transportation Facilities					
Aviation Facilities	N	N	N	N	
Passenger Ground Transportation Facilities	P	P	P	P	Transit stop shelters.
	N	N	P	P	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	N	N	N	
Utilities					
Basic Utilities	P	P	P	P	
Wireless Communication Facilities	Allowed				Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	N	N	N	
Power Generation Facilities	N	N	N	N	
Data Center Facilities	N	N	P	N	
Fuel Dealers	N	N	P	N	
Waste-Related Facilities	N	P	P	P	Recycling depot.
	N	N	N	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction					
Petroleum and Natural Gas Production	N	N	N	N	
Surface Mining	N	N	N	N	
Farming, Forestry, and Animal Services					
Agriculture	P	P	P	P	
Forestry	N	P	P	N	
Agriculture and Forestry Services	N	N	P	N	
Keeping of Livestock and Other Animals	N	N	N	N	
Animal Services	N	P	P	P	Small animal veterinary services.
	N	N	N	N	All other Animal Services.
Other Uses					
Temporary Uses	N	P	P	P	Residential sales/development office, subject to SRC 701.030.
Home Occupations	S	S	S	S	Home Occupations, subject to SRC 700.020.
Accessory Dwelling Units	P	P	P	P	
Taking of Borders or Leasing of Rooms by a Resident Family	P	P	P	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.

(1) **Lot Standards.** Lots within the FMU zone used for uses and activities falling under Household Living shall conform to the standards set forth in Table 530-2.

**TABLE 530-2
LOT STANDARDS FOR USES AND ACTIVITIES FALLING UNDER HOUSEHOLD LIVING**

Table 530-2: Lot Standards for Uses and Activities Falling Under Household Living		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Household Living Uses and Activities	None	
LOT WIDTH		
All Household Living Uses and Activities	None	
LOT DEPTH		
All Household Living Uses and Activities	None	
STREET FRONTAGE		
Single Family	Min. 18 ft.	
	Max. 100 ft.	
Two Family	Min. 36 ft.	
	Max. 100 ft.	
Multiple Family	Min. 24 ft.	Applicable to Multiple Family consisting of not more than 4 dwelling units.
	Min. 6ft. per dwelling unit	Applicable to Multiple Family consisting of more than 4 dwelling units.
	Max. 30 ft. per dwelling unit	

(2) **Dwelling Unit Density.** Dwelling unit density within the FMU zone for uses and activities falling under Household Living shall conform to the standards set forth in Table 530-3.

**TABLE 530-3
DWELLING UNIT DENSITY FOR USES AND ACTIVITIES FALLING UNDER HOUSEHOLD LIVING**

Table 530-3: Dwelling Unit Density for Uses and Activities Falling Under Household Living		
Overlay Area	Minimum	Maximum
Limited Intensity (LI)	5 d.u./acre	8 d.u./acre
Mixed Intensity (MI)	7 d.u./acre	35 d.u./acre
Adaptive Use (AU)	6 d.u./acre	30 d.u./acre
Village Center (VC)	16 d.u./acre	35 d.u./acre

(3) **Setbacks.** Setbacks within the FMU zone for uses and activities falling under Household Living shall be provided as set forth in Table 530-4.

TABLE 530-4
SETBACKS FOR USES AND ACTIVITIES FALLING UNDER HOUSEHOLD LIVING

Table 530-4: Setbacks for Uses and Activities Falling Under Household Living		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All Household Living Uses and Activities	Min. 10 ft. Max. 20 ft.	Applicable in the MI, AU, and VC Areas.
Accessory Structures		
Accessory to All Household Living Uses and Activities	Min. 10 ft.	
ABUTTING ALLEY		
Buildings		
All Household Living Uses and Activities	Min. 5 ft.	
Accessory Structures		
Accessory to All Household Living Uses and Activities	Min. 5 ft.	
INTERIOR FRONT		
Buildings		
All Household Living Uses and Activities	None	
Accessory Structures		
Accessory to All Household Living Uses and Activities	None	
INTERIOR SIDE		
Buildings		
All Household Living Uses and Activities	None	
Accessory Structures		
Accessory to All Household Living Uses and Activities	None	
INTERIOR REAR		
Buildings		
All Household Living Uses and Activities	None	
Accessory Structures		
Accessory to All Household Living Uses and Activities	None	

(4) **Lot Coverage; Height.** Buildings and accessory structures within the FMU zone used for uses and activities falling under Household Living shall conform to the lot coverage and height standards set forth in Table 530-5.

TABLE 530-5
LOT COVERAGE; HEIGHT FOR USES AND ACTIVITIES FALLING UNDER HOUSEHOLD LIVING

Table 530-5: Lot Coverage; Height for Uses and Activities Falling Under Household Living

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All Household Living Uses and Activities	No Max.	Applicable within the MI, AU, and VC Areas.
	Max. 55%	Applicable within the LI Area.
REAR YARD COVERAGE		
Buildings		
All Household Living Uses and Activities	N/A	
Accessory Structures		
Accessory to All Household Living Uses and Activities	No Max.	
HEIGHT		
Buildings		
All Household Living Uses and Activities	Max. 35 ft.	Applicable within the LI Area.
	Max. 45 ft.	Applicable within the MI, AU, and VC Areas.
Accessory Structures		
Accessory to All Household Living Uses and Activities	Max 35 ft.	Applicable within the LI Area.
	Max. 45 ft.	Applicable within the MI, AU, and VC Areas.

(5) Building Orientation.

(A) All single family attached dwellings and multiple family residential complexes shall have their primary orientation to the street. Entrances to multiple family buildings may include entrances to individual units or breezeway/courtyard entrances (i.e. to a cluster of residential units); or

(B) All single-family attached dwellings and multiple family residential complexes may have their primary orientation to a side yard when a direct pedestrian connection is provided between the main entrance and the street, with at least one entrance located not more than 20 feet from the curb line of the street.

(6) Design Review Guidelines and Design Review Standards.

If multiple family residential design guidelines, design standards, and/or a design review process are not identified in the Fairview Plan or Refinement Plan, all multiple family residential development shall comply with either all of the applicable multiple family design review guidelines or all of the applicable multiple family design review standards set forth in SRC Chapter 702.

(7) Parking. The requirements of SRC Chapter 806 shall apply to all residential development within the FMU zone, except that:

1 (A) Minimum required off-street parking for Single Family uses or
2 activities shall be 1 space per dwelling unit.

3 (B) On-street parking may be used to fulfill a portion of the parking
4 requirement for multi-family residential dwelling units.

5 **(8) Landscaping.**

6 (A) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall
7 conform to the standards set forth in SRC Chapter 807.

8 (B) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as
9 provided under SRC Chapter 806 and SRC Chapter 807.

10 **(9) Natural Resource Protection and Hazard Mitigation.** In order to preserve
11 existing natural resources and prevent natural hazards, the requirements of the
12 following chapters shall apply to residential development within the FMU zone:

13 (A) SRC Chapter 808 (Preservation of Trees and Vegetation).

14 (B) SRC Chapter 809 (Wetlands).

15 (C) SRC Chapter 810 (Landslide Hazards).

16 **530.055. Public School Siting.** The siting and development of public schools within the FMU
17 zone shall be determined pursuant to the following criteria:

18 (a) It is the goal of this section to insure that the coordination, of planning, siting, and
19 development of schools is consistent with the plans of the Salem Keizer School
20 District, the needs of the residents in the community, and the Salem Area
21 Comprehensive Plan.

22 (b) Planning for school location and siting should be done in close coordination with
23 the Salem Keizer School District's ongoing comprehensive planning, taking into
24 consideration the following factors:

25 (1) The neighborhoods the schools are to serve;

26 (2) Site limitations;

27 (3) The impact upon the transportation system;

28 (4) Pedestrian access,

29 (5) Projected residential growth patterns in and near the FMU zone;

30 (6) Schools should be located to avoid serious distractions to study or classroom

1 activity;

2 (7) Acquisition of school sites should be coordinated with the city to further the
3 joint acquisition and development of park and school sites and to permit the joint
4 use of school and park facilities;

5 (8) Each school should be located to provide the best possible access to the
6 student population served;

7 (9) Elementary schools should be located:

8 (A) In the center of existing or future residential neighborhoods in the
9 school's potential attendance area within safe and reasonable walking
10 distance of as many students as possible;

11 (B) So their attendance areas will be bounded, rather than intersected, by
12 barriers presenting obstacles or dangers to children walking to and from
13 school. Such barriers include major streets, waterways, and industrial
14 areas; and

15 (C) Whenever possible, on residential streets which provide sufficient
16 access for buses and other necessary traffic but have a minimum of non-
17 school related vehicle activity; and

18 (10) Secondary schools should be located:

19 (A) Geographically central to the population served;

20 (B) To have adequate, safe, and direct access from the community's
21 principal street network; and

22 (C) To encourage the use of walkways, bikeways, and public transit.

23 (c) Future public school siting is taken into account in all Refinement Plans so that an
24 appropriate site for a public school will be available to serve the future school
25 attendance area when needed. In no event shall any standards or processes stipulated in
26 a Refinement Plan modify, change, or otherwise affect the standards and criteria for the
27 siting of a public school contained in this section. In addition to the criteria set forth in
28 subsections (a) and (b) of this section, potential public school site or sites shall consider
29 the impact and affect on the existing public secondary school sites directly adjacent to
30 the FMU zone, to ensure that future development within the FMU zone takes into

1 account the existing adjacent public secondary school site which will serve the school
2 attendance area of which the FMU zone is a part.

3 (d) The school district shall be notified in advance of any Refinement Plan, or
4 amendment thereto, that may be filed, and be given an opportunity to comment thereon,
5 and if such comment is made, shall have standing to appeal the Refinement Plan.

6 **530.060. Historic Preservation.** Any structure existing on December 24, 2003, identified for
7 demolition shall, prior to issuance of a demolition permit, be documented according to the survey
8 and inventory practices set forth by the Oregon State Historical Preservation Office.

9 **530.065. Natural Resource Guidelines.**

10 (a) The presence of natural resources within the FMU zone helps to define the special
11 character of the land within it. In order to maintain this character, the Fairview Plan,
12 any subsequent Refinement Plan, and any development within the FMU zone shall
13 identify how existing natural resources will be protected and how natural hazards will
14 be mitigated through compliance with the following:

15 (1) SRC Chapter 808 (Preservation of Trees and Vegetation);

16 (2) SRC Chapter 809 (Landslide Hazards); and

17 (3) SRC Chapter 810 (Wetlands).

18 (b) The Fairview Plan and any subsequent Refinement Plan shall consider all of the
19 following:

20 (1) The preservation of the natural drainage patterns of the site;

21 (2) The existence and use of native plant species, where appropriate;

22 (3) The integrity of mature stands of trees that are in good health;

23 (4) The minimization of the amount of impervious surfaces near all waterways;

24 and

25 (5) Significant wildlife habitat.

26 **530.070. Transportation Planning.**

27 (a) For the purposes of this section, "transportation facility" means any physical
28 facility that moves or assists in the movement of people or goods including, but not
29 limited to: arterial and collector and local streets and other important non-collector
30 street connections; public transit routes, terminals, major transfer stations, major transit

1 stops, and park-and-ride stations; bicycle and pedestrian routes, but excluding
2 electrical, sewer, water and other utilities systems.

3 **(b)** The Fairview Plan, and any subsequent Refinement Plan, or any site plan or other
4 development proposal within the FMU zone shall identify whether the plan or
5 development significantly affects a transportation facility by:

6 (1) Changing the level of service of an existing or planned transportation facility;

7 (2) Changing standards implementing the street classification system;

8 (3) Allowing types or levels of land uses which would result in levels of travel or
9 access which are inconsistent with the level of service of a transportation facility;

10 or

11 (4) Reducing the level of service of the facility below the minimum acceptable
12 level identified in the Salem Transportation System Plan.

13 **(c)** Any component of the Fairview Plan, any subsequent Refinement Plan, or any
14 development, which significantly affects a transportation facility shall assure that the
15 proposed uses or development are consistent with the identified function, capacity, and
16 performance standards of the transportation facility by either:

17 (1) Limiting allowed uses to be consistent with the planned function, capacity,
18 and performance standards of the transportation facility;

19 (2) Altering densities or design requirements to reduce demand for automobile
20 travel and meet travel needs through other modes; or

21 (3) Providing transportation facilities adequate to support the proposed uses.

22 **530.075. FMU Zone Implementation and Assurances.**

23 **(a) FMU Zone Implementation.** The implementation of the FMU zone shall be in
24 accordance with the procedures of the Salem Revised Code. The Fairview Plan or a
25 Refinement Plan may establish additional implementation procedures, provided such
26 methods are not in conflict with required procedures and are fully described in the
27 plans.

28 **(b) Assurances.** The Public Works Department may require financial or other
29 assurances for any development within the FMU zone to ensure proper installation of
30 required street, sewer, water, stormwater, drainage, flood control, and other

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improvements.

530.080. Issuance of Building Permits. If alternative standards approved in a Refinement Plan and are being utilized in a specific development proposal, a statement of compliance shall be submitted at the time of application to demonstrate how the proposed development complies with SRC Chapter 56 and the alternative standards adopted as part of the Refinement Plan.

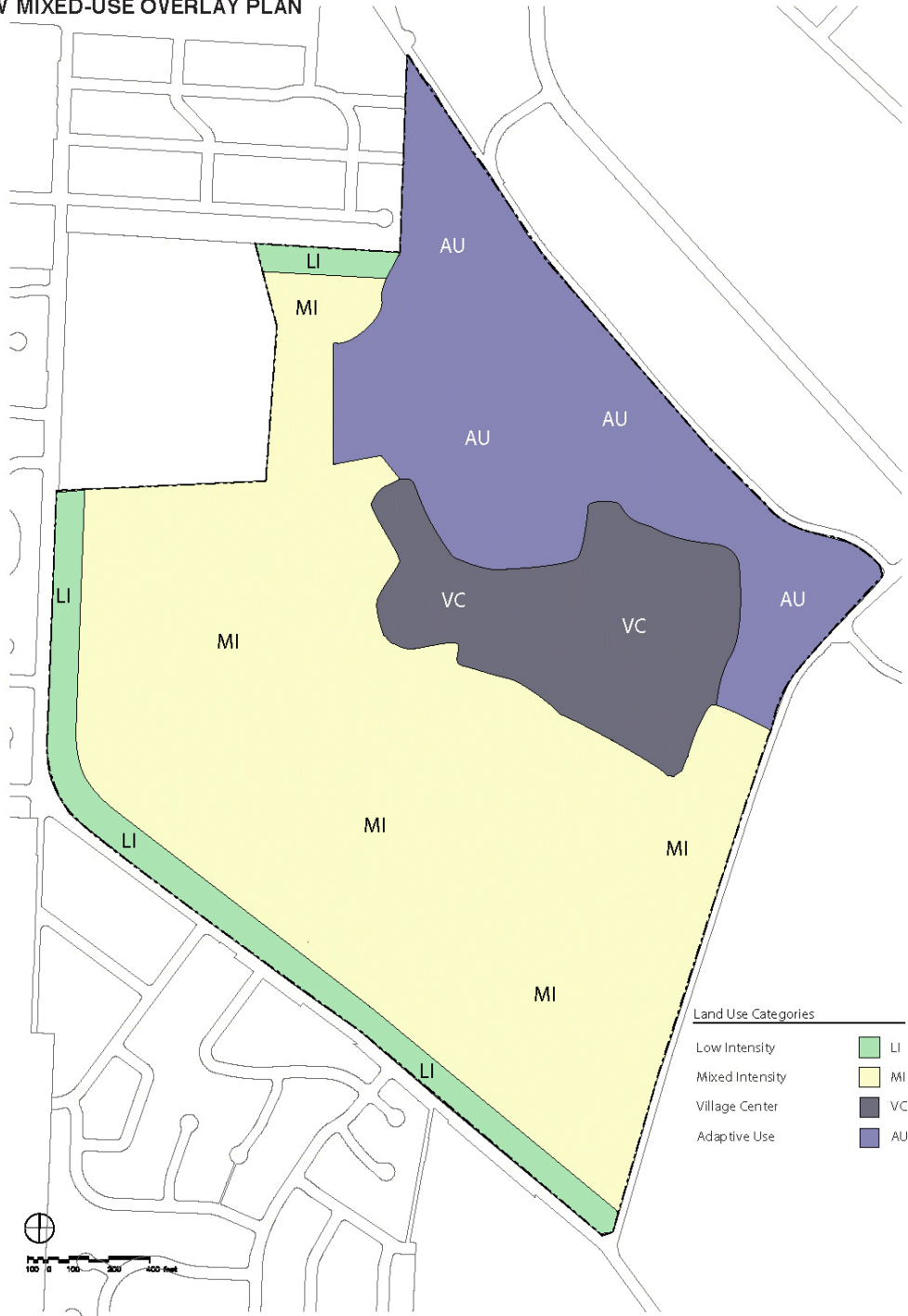
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FIGURE 530-1

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FAIRVIEW OVERLAY AREAS

FAIRVIEW MIXED-USE OVERLAY PLAN



Section 22. The following SRC Chapter 531 is added to the Salem Revised Code:

531.001. Purpose. The purpose of the South Waterfront Mixed-Use (SWMU) zone is to implement the River-Oriented Mixed-Use designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards to further economic development and support the creation of a vibrant downtown. The SWMU provides for a mixture of uses developed in a manner that promotes an active and inviting pedestrian environment, and that takes advantage of close proximity to Pringle Creek, Riverfront Park, the Willamette River, and the downtown.

531.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

- (a) Development site: A single building, all or a portion of a single lot, or all or a portion of multiple lots within a single ownership or control (i.e., lands included within the land use application), as determined by the applicant.
- (b) Ground floor: The first full building floor which is not more than two feet above grade. For buildings facing Pringle Creek, ground floor means the floor most closely aligned with street level.
- (c) Ground floor area: The floor area of a building or structure devoted to a particular use, measured within the exterior walls that are at the grade plane of the building or structure.
- (d) Total floor area: The floor area of a building or structure devoted to a particular use, measured within the exterior walls of all stories of a building or structure.

531.010. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the SWMU zone are set forth in Table 531-1.

**TABLE 531-1
USES**

Table 531-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Townhouse. ▪ Residential Home, as defined under ORS 197.660.
	N	All other Single Family.
Two Family	P	Duplex.

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Table 531-1: Uses

Use	Status	Limitations & Qualifications
	N	All other Two Family.
Multiple Family	P	
Group Living		
Room and Board	N	
Residential Care	P	The following Residential Care activities: <ul style="list-style-type: none"> ▪ Residential Facility, as defined under ORS 197.660. ▪ Assisted living.
	N	All other Residential Care.
Nursing Care	P	In-patient rehabilitation and recuperative care.
	N	All other Nursing Care.
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	Non-Profit Shelters serving 6 to 75 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Services		
Eating and Drinking Establishments	P	Eating and Drinking Establishments, subject to SRC 531.010(c).
Retail Sales	P	Retail Sales, subject to SRC 531.010(c).
Personal Services	P	Personal Services, subject to SRC 531.010(c).
Postal Services and Retail Financial Services	P	Postal Services and Retail Financial Services, subject to SRC 531.010(c).
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	Laboratory Research and Testing, subject to SRC 531.010(c).
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	P	Indoor sales and leasing, subject to SRC 531.010(c).
	N	All other Motor Vehicle and Manufactured Dwelling and Trailer Sales.
Motor Vehicle Services	N	
Commercial Parking	N	Commercial Parking on surface parking lots.
	P	All other Commercial Parking, subject to SRC 531.010(c).
Park-and-Ride Facilities	P	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	N	Firing Ranges.
	P	All other Commercial Entertainment – Indoor is permitted.
Commercial Entertainment - Outdoor	N	The following Commercial Entertainment – Outdoor activities: <ul style="list-style-type: none"> ▪ Recreational vehicle parks. ▪ Firing Ranges.
	P	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	

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Table 531-1: Uses

Use	Status	Limitations & Qualifications
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	General Repair Services, subject to SRC 531.010(c).
Building and Grounds Services and Construction Contracting	N	The following Building and Grounds Services and Construction Contracting activities: <ul style="list-style-type: none"> ▪ Lawn and garden services. ▪ Exterminators.
	P	All other Building and Grounds Services and Construction Contracting, subject to SRC 531.010(c).
Cleaning Plants	P	Cleaning Plants, subject to SRC 531.010(c).
Industrial Services	N	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	P	General Manufacturing, subject to SRC 531.010(c).
Heavy Manufacturing	N	
Printing	P	Printing, subject to SRC 531.010(c).
Transportation Facilities		
Aviation Facilities	N	

Table 531-1: Uses

Use	Status	Limitations & Qualifications
Passenger Ground Transportation Facilities	P	
Marine Facilities	P	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	P	
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) Additional Prohibited Uses. Notwithstanding Table 531-1, any permitted, special, or conditional use within the SWMU zone less than 10,000 square feet in total floor shall be a prohibited use within the SWMU zone if developed with a drive-through.

(c) Limitations on Uses. Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:

(1) Establishments under the following uses shall be limited to no more than 10,000 square feet of total floor area per establishment:

- (A)** Laboratory Research and Testing.
- (B)** Building and Grounds Services and Construction Contracting.
- (C)** Cleaning Plants.
- (D)** General Manufacturing.

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(E) Printing.

(2) The total floor area of all establishments falling under Motor Vehicle and Manufactured Dwelling and Trailer Sales shall be limited to a maximum of 20,000 square feet.

(3) Buildings for establishments under the following uses shall be limited to no more than 40,000 square feet of ground floor area:

(A) Retail Sales, with the exception of grocery stores. Grocery stores shall be limited to buildings with no more than 60,000 square feet of ground floor area.

(B) Personal Services.

(C) Postal Services and Retail Financial Services.

(D) General Repair Services.

(E) Animal Services.

(4) Buildings for establishments under the following uses shall be limited to no more than 60,000 square feet of ground floor area:

(A) Eating and Drinking Establishments.

(B) Commercial Entertainment – Indoor.

(C) Commercial Entertainment – Outdoor.

(5) Commercial Parking shall be limited to the following locations:

(A) Structures existing as of January 7, 2009, that have been rehabilitated or remodeled to allow for the use of the structure for parking.

(B) Underground parking structures.

(C) Any other structures, provided:

(i) No more than 25 percent of the parking spaces within an individual structure shall be used for Commercial Parking.

(ii) The total number of parking spaces within the structures shall not exceed the maximum number of parking spaces allowed for each use pursuant to SRC Chapter 806.

(d) Mix of Uses Required.

1 (1) Within the SWMU zone a minimum of 15 percent of each development site
2 shall be Household Living and a minimum of 15 percent of each development site
3 shall be other than Household Living. The percentage shall be calculated by
4 determining the percentage of total habitable building floor area devoted to
5 Household Living activities and the total habitable building floor area devoted to
6 activities other than Household Living, relative to the total habitable building
7 floor area, exclusive of parking structures and other non-habitable space. Total
8 habitable building floor area used for Short-Term Commercial Lodging may be
9 substituted for up to 25 percent of the required Household Living area.

10 (2) The required mix of uses may be reduced to a minimum of 5 percent provided
11 the following are met:

12 (A) There is a vertical mix of uses in one or more mixed-use buildings.
13 The mix shall include space for activities other than Household Living on
14 at least a portion of the ground floor and Household Living activities on
15 one or more upper floors; and

16 (B) All ground floor Household Living activities facing a public street
17 shall maintain a minimum structural ceiling height of 12 feet to provide
18 the opportunity for future conversion to activities other than Household
19 Living.

20 **531.015. Development Phasing Plan.**

21 (a) **Applicability.** When the required mix of uses for a development site will be met in
22 phases, no development shall occur without receiving development phasing plan
23 approval as provided in this section.

24 (b) **Procedure Type.** A development phasing plan is processed as a Type II procedure
25 under SRC Chapter 300.

26 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
27 application under SRC Chapter 300, an application for a development phasing plan
28 shall include a site plan(s), of a size and form and in the number of copies meeting the
29 standards established by the Planning Administrator, containing the following
30 information:

1 (1) The approximate location, amount in square feet (a size range may be
2 provided), and sequence for development of each use;

3 (2) The approximate location of proposed parking areas, landscaping, on-site
4 circulation, and other on-site improvements; showing how each will function after
5 the completion of each phase and following complete build-out of the
6 development site; and

7 (3) The approximate location and sequence of development of proposed City
8 infrastructure and public utilities necessary to serve the project; showing how
9 each will be constructed, dedicated, and/or reserved.

10 (d) **Criteria.** A development phasing plan shall be approved if the following criteria
11 are met:

12 (1) The plan provides for a mix of uses, as required under SRC 531.010(d). If a
13 size range for uses was provided, the plan demonstrates that the square footages
14 of uses prescribed by the range meet the minimum mix of uses required under
15 SRC 531.010(d).

16 (2) The plan demonstrates that parking, landscaping, on-site circulation, and
17 other on-site improvements can be provided in manner allowing them to function
18 both independently for each phase and cohesively as a whole following complete
19 build out of the development site.

20 (3) The plan appears to be consistent with the applicable provisions of this
21 Chapter.

22 (4) The plan demonstrates that adequate City infrastructure and public utilities
23 can be provided to serve the project for each phase and following complete build
24 out of the development site.

25 (e) **Effect of Development Phasing Plan Approval.**

26 (1) Where a development phasing plan has been approved for a development site,
27 development of each phase must be consistent with the approved development
28 phasing plan. If a development application for a subsequent phase is submitted
29 that is not consistent with the previously approved development phasing plan, a
30

1 modified development phasing plan must be submitted as provided under SRC
2 531.020.

3 (2) Notwithstanding paragraph (1) of this subsection, a development phasing plan
4 does not convey subsequent phases of a project with any vested rights to the
5 proposed development.

6 **531.020. Modification of Development Phasing Plan.**

7 (a) **Applicability.** A development phasing plan may be modified after its effective
8 date if the proposed modification meets the criteria in this section.

9 (b) **Procedure Type.** Modification of a development phasing plan is processed as a
10 Type II procedure under SRC Chapter 300.

11 (c) **Submittal Requirements.**

12 (1) In addition to the submittal requirements for a Type II application under SRC
13 Chapter 300, an application for modification of a development phasing plan shall
14 include a site plan(s), of a size and form and in the number of copies meeting the
15 standards established by the Planning Administrator, for the entire site area shown
16 in the original development phasing plan containing the following information:

- 17 (A) The approximate location, amount in square feet, and sequence for
18 development of each use. Development that has occurred in prior phases
19 of the original development phasing plan may be used by the applicant in
20 the percentage calculations of the modified development phasing plan,
21 regardless of property ownership or control at the time of the submittal;
22 (B) The approximate location of proposed parking areas, landscaping, on-
23 site circulation, and other on-site improvements; showing how each will
24 function after the completion of each phase, and following complete build-
25 out of the development site; and
26 (C) The approximate location and sequence of development of proposed
27 City infrastructure and public utilities necessary to serve the project;
28 showing how each will be constructed, dedicated, and/or reserved.

29 (2) It is not necessary that owners of previously developed lots shown on the
30 original development phasing plan sign the application for the revised

development phasing plan unless the revised development phasing plan would impact the mix of uses or the parking, landscaping, on-site circulation, or other on-site improvements on the previously developed lot.

(d) Criteria. An application for modification of a development phasing plan shall be approved if the following criteria are met:

(1) The proposed modification maintains a mix of uses, as required under SRC 531.010(d).

(2) The proposed modification will not result in parking, landscaping, on-site circulation, and other on-site improvements being provided in a manner that prevents them from functioning both independently for each phase and cohesively as a whole following complete build out of the development site.

(3) The plan appears to be consistent with the applicable provisions of this Chapter.

(4) The proposed modification does not affect the provision of adequate City infrastructure and public utilities to serve the project.

531.025. Development Standards. Development within the SWMU zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the SWMU zone shall conform to the standards set forth in Table 531-2.

**TABLE 531-2
LOT STANDARDS**

Table 531-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		
All Uses	None	
STREET FRONTAGE		
All Uses	None	

(b) Setbacks. Setbacks within the SWMU zone shall be provided as set forth in Table 531-3.

**TABLE 531-3
SETBACKS**

Table 531-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings and Accessory Structures		
All uses	Per SRC 531.035	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings and Accessory Structures		
All uses	Per SRC 531.035	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR SIDE		
Buildings and Accessory Structures		
All uses	Per SRC 531.035	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR REAR		
Buildings and Accessory Structures		
All uses	Per SRC 531.035	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	

(c) **Lot Coverage; Height.** Buildings and accessory structures within the SWMU zone shall conform to the lot coverage, and height standards set forth in Table 531-4.

**TABLE 531-4
LOT COVERAGE; HEIGHT**

Table 531-4: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
HEIGHT		
Buildings		
All uses	No Max.	
Accessory Structures		
Accessory to all uses	No Max.	

1 **531.030. Design Review.** Design review under SRC Chapter 225 is required for development
2 within the SWMU zone as follows:

3 (1) Except as otherwise provided in this section, design review according to the design
4 review guidelines or the design review standards set forth in SRC 531.035 is required
5 for all development within the SWMU zone.

6 (2) In lieu of design review according to the design review guidelines or the design
7 review standards set forth in SRC 531.035, development affecting non-conforming
8 buildings or non-conforming structures existing as of January 7, 2009 shall be subject
9 to design review demonstrating how the proposed development reduces the degree of
10 non-conformity with the applicable design review guidelines set forth in SRC 531.035.

11 (3) Multiple Family development shall only be subject to design review according to
12 the design review guidelines or the design review standards set forth in SRC 531.035.

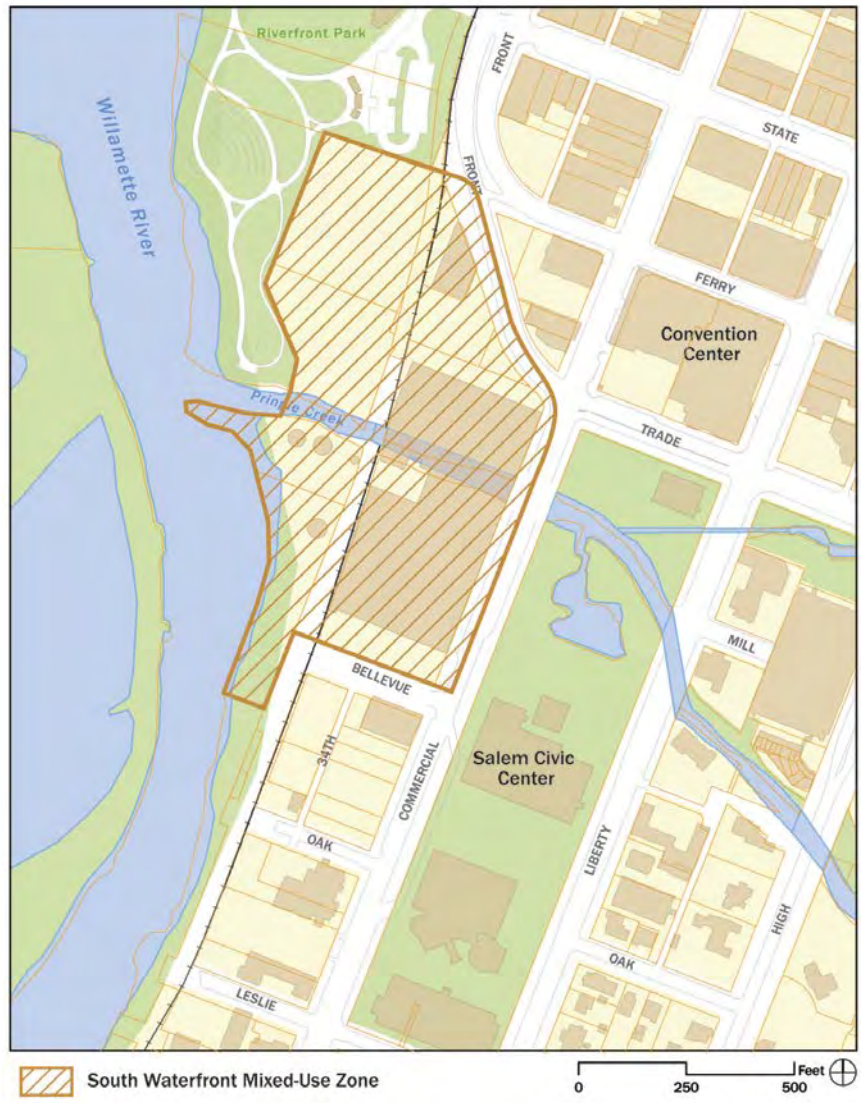
13 **531.035. Design Review Guidelines and Design Review Standards.**

14 (a) **Pedestrian-Oriented Building Design: General.** The design review guidelines
15 and design review standards set forth in this subsection apply to buildings throughout
16 the entire South Waterfront Mixed-Use zone (see Figure 531-1); provided, however, the
17 design review guidelines and design review standards do not apply to building facades
18 that are both facing and located within 80 feet of the railroad right-of-way.

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FIGURE 531-1
SOUTHWATERFRONT MIXED-USE ZONE



(1) Building Facades.

(A) Design Review Guidelines.

(i) Architectural detailing shall be incorporated that visually divides and breaks up the building’s vertical mass in a manner that is complimentary to Downtown Salem’s existing building stock.

(B) Design Review Standards.

(i) All buildings, regardless of height or number of stories, shall divide vertical mass into three clear and distinct zones: a base,

1 middle, and top (see Figure 531-2). The base must at least
2 encompass the first full building floor above grade. Vertical
3 building mass shall be divided by using one or more of the
4 following architectural detailing techniques to differentiate the
5 base, middle, and top of the building:

6 (aa) Horizontal bands, such as string courses or projecting
7 cornices. Horizontal bands shall be a minimum of 8 inches
8 in height and must project a minimum of 3/4 inch from the
9 building facade. Cornices must project a minimum of 1
10 foot, but not more than 5 feet, from the facade of the
11 building.

12 (bb) Changes in building form/massing through the use of
13 building offsets or projections measuring a minimum of 3
14 feet in depth.

15 (cc) Changes in color, pattern, and/or material. If changes
16 in color, pattern, and/or material are utilized as an
17 architectural detailing technique, it must be used in
18 combination with one or more of the other identified
19 architectural detailing techniques.

20 **FIGURE 531-2**

21 **DIVISION OF VERTICAL BUILDING MASS (BASE, MIDDLE, AND TOP)**



1 **(2) Ground Floor Height.**

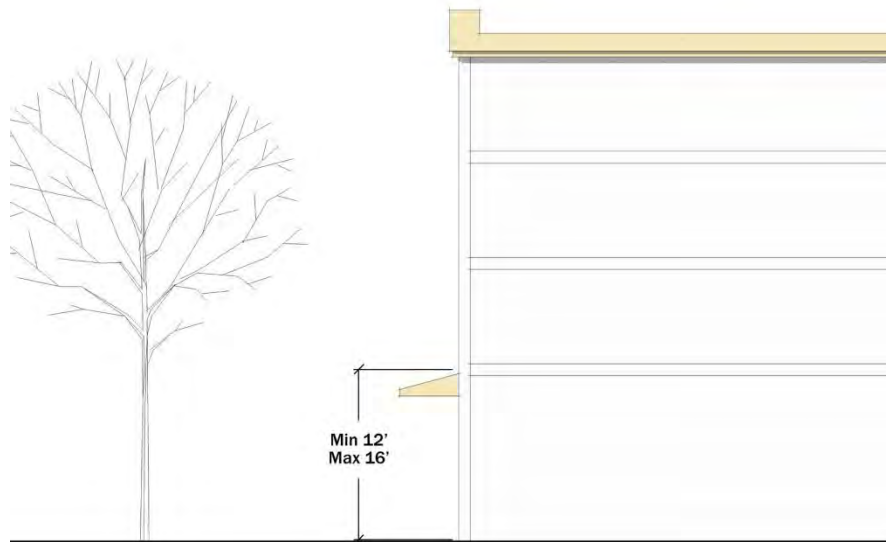
2 **(A) Design Review Guidelines.**

3 (i) The ground floors of buildings along streets, or facing open
4 space, shall be of sufficient height to be easily converted to
5 commercial use. If a raised foundation or one-half story of visible
6 below grade parking is provided, this level shall enhance the
7 pedestrian environment along the sidewalk through landscaping or
8 other techniques to ensure a pedestrian-friendly environment.

9 **(B) Design Review Standards.**

10 (i) The ground floors of buildings along streets, or facing open
11 space, shall be a minimum of 12 feet, but not more than 16 feet, in
12 height (see Figure 531-3). For the purposes of this standard,
13 ground floor height is measured from the top of the building
14 foundation to the ceiling of the first floor.

15 **FIGURE 531-3**
16 **GROUND FLOOR HEIGHT**



28 **(3) Building Transparency.**

29 **(A) Design Review Guidelines.**

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(i) Ground floor building facades facing streets and open space shall include large transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

(ii) Windows on ground floor and upper floor building facades shall be provided to ensure that public and private open spaces are safe and secure at all times by providing sufficient “eyes” on streets, courtyards, forecourts, plazas, and parks.

(B) Design Review Standards.

(i) Ground floor building facades facing streets and open space shall include transparent windows along a minimum of 60 percent of the length, and on a minimum of 60 percent of the overall area, of the ground floor facade (see Figure 531-4). This includes ground floor facades facing streets, Pringle Creek, public open spaces, and private open spaces such as forecourts or plazas. For purposes of this standard, ground floor facade area includes exterior wall areas up to 12 feet above finished grade. Loading and service areas, ground floor parking, one-half story below grade visible parking, above grade raised foundations, and ground floor residential dwelling units are exempt from this requirement.

(ii) Ground floor windows shall have a minimum Visible Transmittance (VT) of 60 percent; provided, however, medical and dental offices may have tinted windows.

(iii) Upper floor building facades facing streets and open space shall include vertically-oriented windows along a minimum of 30 percent of each building floor length, and on a minimum of 30 percent of the overall exterior wall area, of the upper floor facade.

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FIGURE 531-4
BUILDING TRANSPARENCY



(4) Primary Building Entries.

(A) Design Review Guidelines.

- (i)** Primary building entries shall be inviting to pedestrians and promote a sense of interaction between the public and private realms. Opaque doors shall be avoided.
- (ii)** Building entries shall create a “transition zone” between the public realm on the sidewalk and the private realm within the building.

(B) Design Review Standards.

- (i)** Primary building entries shall be comprised of a minimum of 40 percent transparent glass (see Figure 531-5). The glass shall have a minimum Visible Transmittance (VT) of 60 percent. Opaque doors are not permitted. Entries opening directly into individual residential dwellings are exempt from this requirement.
- (ii)** Primary building entries shall:
 - (aa)** Include weather protection, in the form of awnings or canopies. Awnings and canopies shall have a minimum

1 depth of 5 feet, and shall have a minimum clearance height
2 above the sidewalk of 8 feet and a maximum clearance
3 height above the sidewalk of 13 feet 6 inches (see Figure
4 531-6); or

5 **(bb)** Be recessed into the building facade a minimum
6 depth of 3 feet (see Figure 531-7).

7 **FIGURE 531-5**
8 **TRASPARENT BUILDING ENTRIES**



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FIGURE 531-6
PRIMARY ENTRY AWNING/CANOPY DIMENSIONS

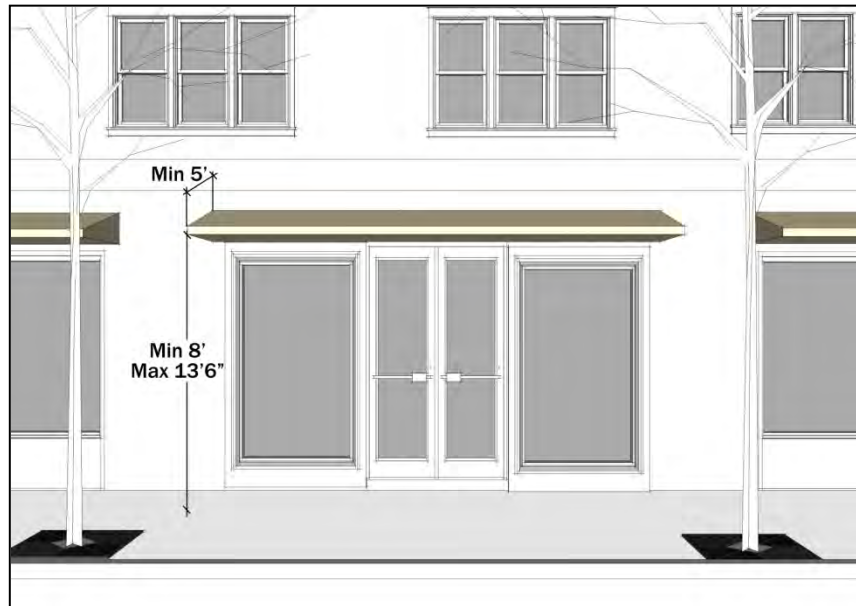
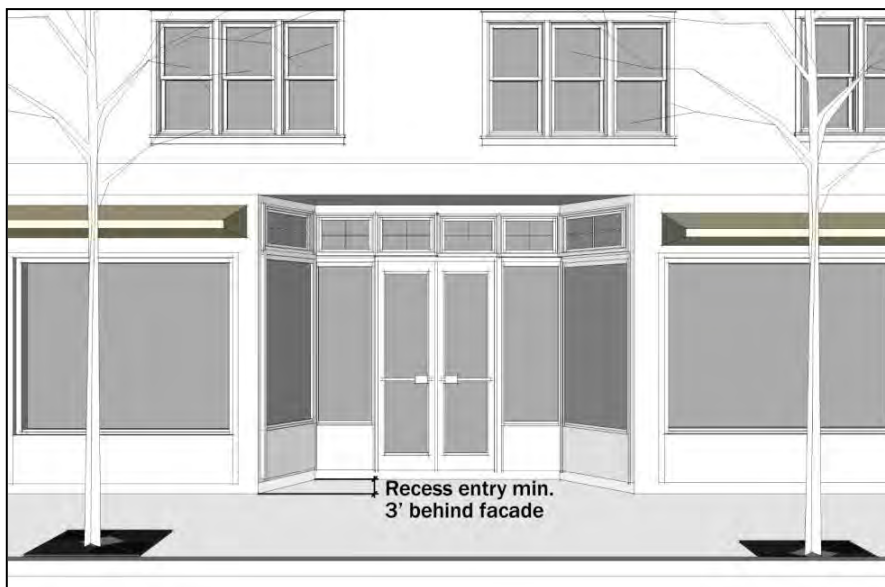


FIGURE 531-7
RECESSED ENTRY DIMENSIONS



(5) Mechanical and Service Equipment.

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(A) Design Review Guidelines.

(i) Ground level and rooftop mechanical and service equipment shall be visually screened and, whenever possible, located so it is not visible from public sidewalks and open spaces.

(ii) Maximize opportunities to incorporate sustainable energy measures, such as solar panels and wind generators, into buildings.

(B) Design Review Standards.

(i) Ground level mechanical and service equipment, such as garbage collection areas, recycling collection areas, and mechanical equipment, shall be screened with landscaping or a site obscuring fence or wall (see Figure 531-8). Ground level mechanical and service equipment and its associated screening shall be located so as to not be visible from public sidewalks and open spaces.

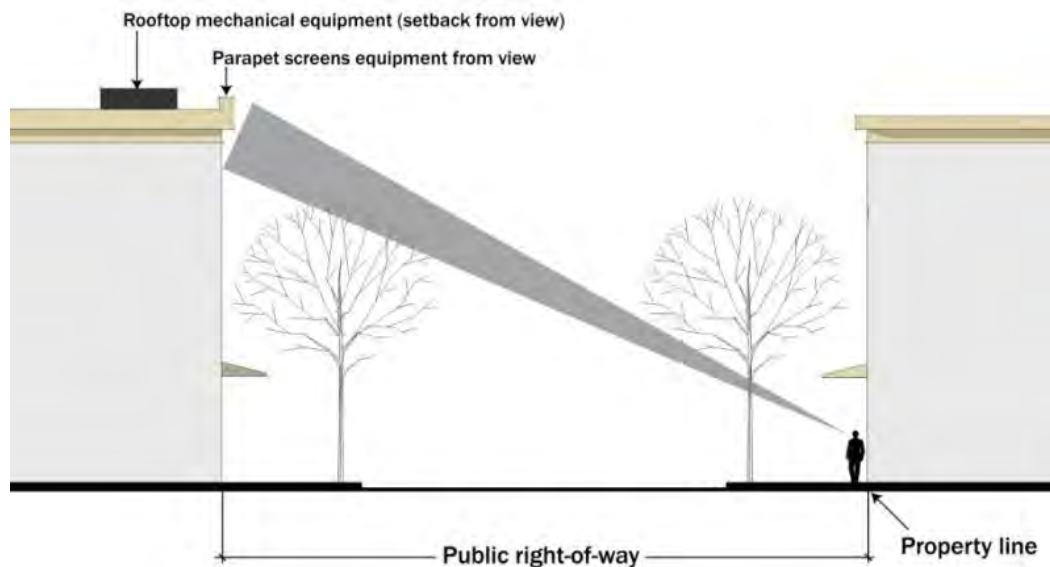
(ii) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be setback and screened so as to not be visible to a person standing on the property line on the far side of any adjacent, at-grade public street (see Figure 531-9). All rooftop mechanical equipment shall be setback and screened so as to not be visible to a person standing 60 feet from the building within any adjacent public open space.

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FIGURE 531-8
SCREENING OF GROUND LEVEL MECHANICAL AND SERVICE EQUIPMENT



FIGURE 531-9
SCREENING OF ROOFTOP MECHANICAL EQUIPMENT



(b) Pedestrian-Oriented Building Design: Specific. The design review guidelines and design review standards set forth in this subsection apply to buildings located along the north side of Pringle Creek, along Commercial Street, and at the corner of Commercial Street and Front Street (see Figure 531-10). The design review guidelines and design review standards applicable to parking included under paragraph (2) of this subsection apply to all of the above frontages, and to the frontage along Front Street, as shown in Figure 531-10.

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1 **FIGURE 531-10**
 2 **APPLICABILITY OF REQUIREMENTS FOR PEDESTRIAN-ORIENTED BUILDING**
 3 **DESIGN: SPECIFIC**
 4



24 **(1) Building Setbacks and Frontages.**

25 **(A) Design Review Guidelines.**

26 (i) Buildings shall create well-defined “edges” to the public realm
 27 by minimizing setbacks from the street right-of-way. Zero lot line
 28 buildings are encouraged. Buildings may be sited so as to create
 29 opportunities for well-designed public or civic spaces between
 30 buildings and the sidewalk.

1 (ii) A comfortable, inviting, and well-framed open space
2 environment shall be created along Pringle Creek by establishing a
3 well-defined building wall “edge” along the north bank of the
4 creek.

5 (iii) Pringle Creek, the site’s principal natural asset, shall be
6 preserved by setting buildings back a sufficient distance from the
7 north bank of the creek.

8 (iv) Buildings and primary building entries shall be oriented to
9 and easily accessible from sidewalks and public open space.

10 **(B) Design Review Standards.**

11 (i) Except along Pringle Creek, buildings shall be oriented to the
12 right-of-way, and shall be built to the front lot line contiguous with
13 the right-of-way (see Figure 531-11). This standard applies to the
14 first 25 feet or two stories of building height only. Above 25 feet or
15 two stories in height, a building may be setback from the right-of-
16 way.

17 (ii) Along Front Street, or at identified “Gateway” corners,
18 buildings may be set back up to 50 feet, provided the area within
19 the setback is developed as a public plaza. In other locations,
20 buildings may be setback up to 20 feet for not more than 50
21 percent of the length of the building facade, provided the area
22 within the setback is developed as public or private gathering
23 space, such as forecourts or plazas (see Figure 531-12).

24 (iii) Buildings that are chamfered at the corner may be set back to
25 the extent necessary to accommodate the chamfered corner.

26 (iv) Upon redevelopment, and to the extent appropriate permitting
27 agencies authorize, existing buildings over Pringle Creek shall be
28 removed. Construction of new buildings over Pringle Creek is
29 prohibited.
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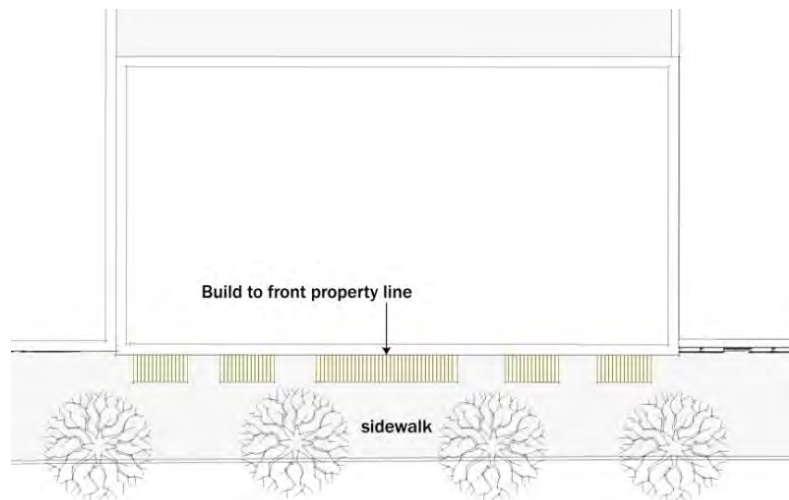
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(v) Along the north bank of Pringle Creek, buildings shall be set back a minimum of 20 feet from the creek.

(vi) Lots fronting on Commercial Street or abutting Pringle Creek shall provide continuous building frontage along the public right-of-way and/or the creek face for a minimum of 75% of the width of the lot (see Figure 531-13).

(vii) Primary building entrances shall be located either along Commercial Street, Front Street, or the north bank of Pringle Creek, or oriented to public street intersections or street corners. Primary building entrances shall be directly connected to the sidewalk.

FIGURE 531-11
BUILDINGS CONSTRUCTED CONTIGUOUS TO FRONT PROPERTY LINE



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FIGURE 531-12
ADDITIONAL FRONT SETBACK FOR GATHERING SPACE

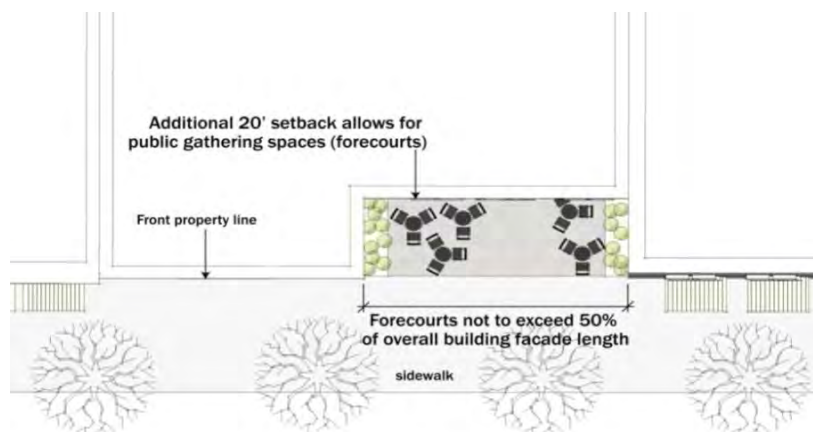
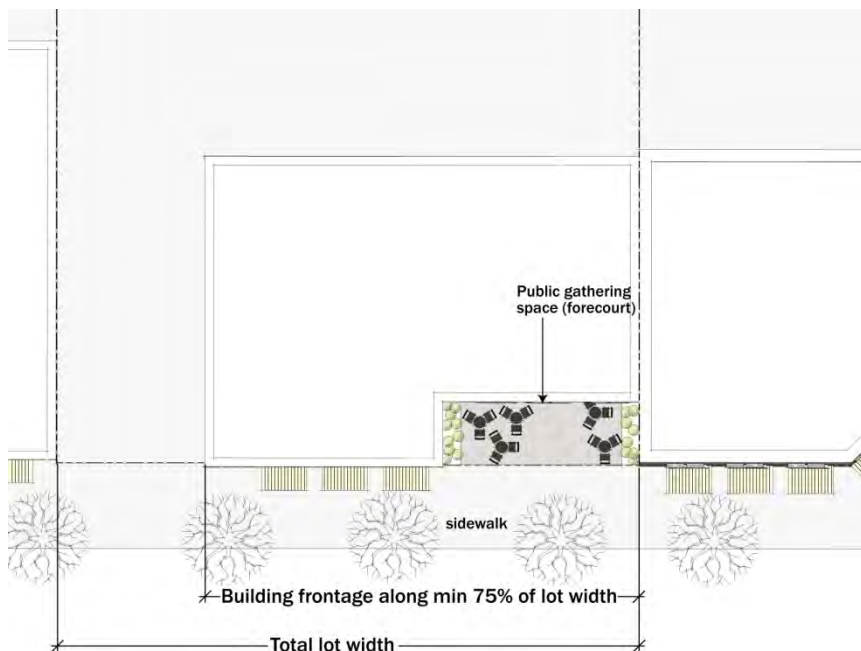


FIGURE 531-13
REQUIRED BUILDING FRONTAGE ALONG COMMERCIAL STREET AND PRINGLE CREEK



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(2) Parking.

(A) Design Review Guidelines.

(i) Surface parking lots along buildings facing public streets shall be buffered from view by pedestrians on the sidewalk. Whenever possible, surface parking lots shall be placed behind buildings.

(ii) Parking structures fronting on public streets shall include space for ground floor commercial and/or Household Living uses along their public street facing facades in order to create an active and engaging pedestrian environment.

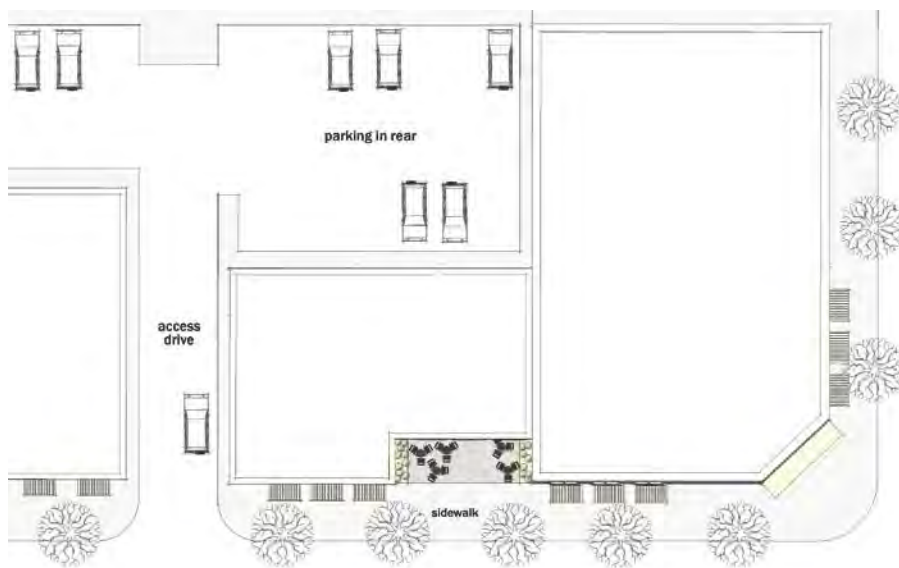
(B) Design Review Standards.

(i) Off-street parking is prohibited between buildings and the street, except along Front Street (see Figure 531-14). Along Front Street, disabled parking and passenger loading and unloading zones are permitted between buildings and the street.

(ii) Parking structures fronting on Commercial Street or Front Street shall include space for ground floor commercial and/or Household Living uses along a minimum of 70 percent of their Commercial Street or Front Street facing facades.

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FIGURE 531-14
SURFACE PARKING LOCATED BEHIND BUILDING



(3) Weather Protection.

(A) Design Review Guidelines.

(i) Weather protection, in the form of awnings, canopies, arcades, or galleries appropriate to the design of the building, shall be provided along ground floor building facades facing streets and public space in order to create a comfortable and inviting pedestrian environment.

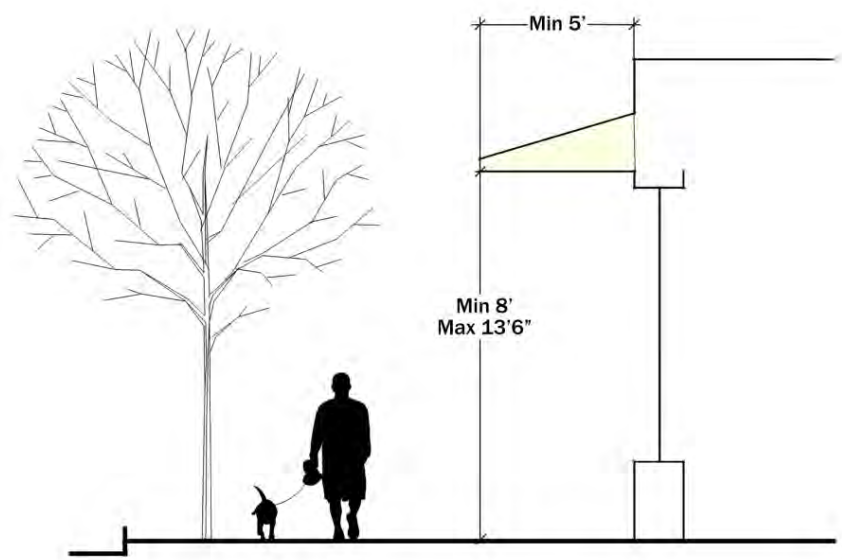
(B) Design Review Standards.

(i) Weather protection, in the form of awnings, canopies, arcades, or galleries, shall be provided along a minimum of 50 percent of the length of the ground floor building facade facing streets and public space.

(ii) Awnings and canopies shall have a minimum depth of 5 feet, and shall have a minimum clearance height above the sidewalk of 8 feet and a maximum clearance height above the sidewalk of 13 feet 6 inches (see Figure 531-15).

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FIGURE 531-15
AWNING/CANOPY DIMENSIONS



(c) Relationship to Riverfront Park. The design review guidelines and design review standards set forth in this subsection apply to buildings located on lots immediately adjacent to Riverfront Park (see Figure 531-16).

1 **FIGURE 531-16**
 2 **APPLICABILITY OF REQUIREMENTS FOR RELATIONSHIP TO RIVERFRONT**
 3 **PARK**



23 **(1) Park-Facing Ground Floors.**

24 **(A) Design Review Guidelines.**

25 (i) The park-facing ground floors of buildings located along
 26 Riverfront Park shall be highly integrated and responsive to the
 27 park and shall enhance the public environment. If structured
 28 parking is provided, the park facing ground floor of the parking
 29 structure shall include space for commercial and/or Household
 30 Living uses to the extent practicable in order to activate the ground
 floor and provide “eyes” on the park.

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(B) Design Review Standards.

(i) Buildings located along Riverfront Park shall include space for ground floor commercial and/or Household Living uses along a minimum of 70 percent of their park-facing facades. Commercial uses must provide pedestrian access to and from the park. If Household Living uses are provided on the ground floor, building entries to individual dwelling units must provide pedestrian access to and from the park. Fences, privacy hedges, or other partitions may be used to separate private outdoor Household Living space from public space, but may be no more than 48 inches in height (see Figure 531-17).

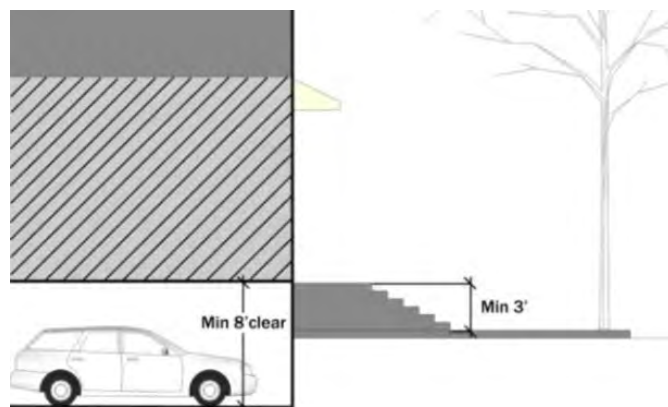
(ii) Parking structures shall include space for ground floor commercial and/or Household Living uses along a minimum of 70 percent of their park facing facades, unless the parking is “tucked” beneath the building one-half story below grade. When parking is “tucked” beneath the building one-half story below grade, the ground floor of the building must be accessed via a stoop that is a minimum of 3 feet, but not more than 4 feet 6 inches, in height (see Figure 531-18). Parking levels must provide a minimum vertical clearance of 8 feet (see Figure 531-18). Any exposed parking ventilation areas visible from the pedestrian level must be screened with landscaping. A stoop may be counted toward the minimum ground floor height required under SRC 531.035(a)(2).

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FIGURE 531-17
PRIVATE OUTDOOR SPACE SEPARATED FROM PUBLIC SPACE



FIGURE 531-18
PARKING “TUCKED” BENEATH BUILDING WITH STOOP



(2) Building Shadows. Conformance with the design review guidelines and design review standards set forth in this paragraph shall be demonstrated through conducting a shadow study.

(A) Design Review Guidelines.

(i) Buildings shall be sited adjacent to Riverfront Park in a manner that minimizes shadows on the playground.

(B) Design Review Standards.

1 (i) Buildings shall be sited adjacent to Riverfront Park so that
2 shadows are not cast on the playground as follows:

3 (aa) No shadow shall be cast on the playground on March
4 21st (vernal equinox) at 3:00 p.m. (see Figure 531-19); and

5 (bb) No shadow shall be cast on the playground on
6 December 21st (winter solstice) at 3:00 p.m. (see Figure
7 531-20).

8
9 **FIGURE 531-19**
10 **SHADOW STUDY ILLUSTRATING SHADOW IMPACTS AT 3:00 P.M. ON MARCH**
11 **21ST**



22 *Note: Example study assumes full build-out of parcel, and is*
23 *for illustrative purposes only. The example is not reflective of*
24 *how an actual building would respond to development*
25 *standards and design considerations.*

1 **FIGURE 531-20**
2 **SHADOW STUDY ILLUSTRATING SHADOW IMPACTS AT 3:00 P.M. ON**
3 **DECEMBER 21ST**



14 *Note: Example study assumes full build-out of parcel, and is*
15 *for illustrative purposes only. The example is not reflective of*
16 *how an actual building would respond to development*
17 *standards and design considerations.*

18 **(d) Gateways.** The design review guidelines and design review standards set forth in
19 this subsection apply only to corner or “Gateway” locations identified in Figure 531-21.
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FIGURE 531-21
APPLICABILITY OF REQUIREMENTS FOR GATEWAYS



(1) Corner Treatments.

(A) Design Review Guidelines.

(i) Buildings located at corners and gateways shall incorporate architectural or site planning design elements that visually emphasize the corner of the building. One or more of the following techniques may be used to meet this guideline:

- (aa) Prominent architectural elements that emphasize the corner of the building, such as increased building height or

1 massing, cupolas or turrets, pitched roofs at the corner of
2 the building, special window treatments, etc. (see Figure
3 531-22).

4 (bb) Special “signature” signage located at the corner of
5 the building (see Figure 531-24).

6 (cc) Public gathering spaces, such as plazas, located at the
7 corner that incorporate special paving materials, site
8 furnishings, and/or landscaping treatments (see Figure 531-
9 25).

10 **(B) Design Review Standards.**

11 (i) Buildings located at corners and gateways shall provide
12 primary building entries located at chamfered corners (see Figure
13 531-23).

14 **FIGURE 531-22**

15 **ARCHITECTURAL ELEMENTS THAT EMPHASIZE BUILDING CORNERS**



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FIGURE 531-23
PRIMARY BUILDING ENTRY LOCATED AT CHAMFERED BUILDING CORNER



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FIGURE 531-24
“SIGNATURE” SIGNAGE AT BUILDING CORNER



FIGURE 531-25
PUBLIC GATHERING SPACES AT BUILDING CORNERS



1 (e) **Pedestrian Connections.** The design review guidelines and design review
2 standards set forth in this subsection apply to developments along the north bank of
3 Pringle Creek and to developments at the western and northern edges of the site
4 abutting Riverfront Park, as identified in Figure 531-26.

5 **FIGURE 531-26**
6 **REQUIRED PEDESTRIAN CONNECTIONS**



25 **(1) Required Pedestrian Connections.**

26 **(A) Design Review Guidelines.**

27 (i) An easement or public dedication shall be provided promoting
28 connectivity for non-vehicular traffic along the north bank of
29 Pringle Creek. The connection shall be accessible from the
30 sidewalk along Commercial Street, and shall connect to Riverfront
Park.

1 (ii) Convenient pedestrian access and connectivity shall be
2 provided from the northwestern portion of the site to pedestrian
3 facilities in Riverfront Park.

4 **(B) Design Review Standards.**

5 (i) At least one public pedestrian connection shall be provided
6 along the north bank of Pringle Creek (see Figure 531-26). The
7 pedestrian connection shall connect to the sidewalk along
8 Commercial Street at street level.

9 (ii) At least two pedestrian connections shall be provided from the
10 site to the established pedestrian paths in Riverfront Park as
11 follows:

12 (aa) One connection to Riverfront Park shall be provided
13 at the western edge of the site (see Figure 531-26).

14 (bb) One connection to Riverfront Park shall be provided
15 at the northern edge of the site (see Figure 531-26).

16 (iii) A pedestrian connection shall be provided to connect the west
17 sidewalk along Commercial Street to established pedestrian paths
18 in Riverfront Park.

19 (iv) Required pedestrian connections along the north bank of
20 Pringle Creek shall be a minimum width of 10 feet.

21 **531.040. Other Provisions.** In addition to the standards set forth in this Chapter, development
22 within the SWMU zone must comply with all other applicable development standards of the
23 UDC, including but not limited to the following chapters:

- | | |
|---|-----------------|
| 24 (a) Trees and Shrubs | SRC Chapter 86 |
| 25 (b) General Development Standards | SRC Chapter 800 |
| 26 (c) Public Improvements | SRC Chapter 802 |
| 27 (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 28 (e) Driveway Approaches | SRC Chapter 804 |
| 29 (f) Vision Clearance | SRC Chapter 805 |
| 30 (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |

- 1 (h) Landscaping and Screening SRC Chapter 807
- 2 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 3 (j) Wetlands SRC Chapter 809
- 4 (k) Landslide Hazards SRC Chapter 810
- 5 (l) Sign Code SRC Chapter 900

6 **Section 23.** SRC 532.001 through 532.040 are repealed and replaced with the following:

7 **532.001. Purpose.** The purpose of this Chapter is to create the Neighborhood Center Mixed Use
 8 (NCMU) zone, in order to implement the Mixed-Use Comprehensive Plan designation, and to
 9 encourage the development of appropriately scaled, pedestrian friendly neighborhood center
 10 developments.

11 **532.005. Definitions.** Unless the context otherwise specifically requires, as used in this
 12 Chapter, the following mean:

- 13 (a) Contiguous: Touching along boundaries.
- 14 (b) Ground floor area: The floor area of a building or structure devoted to a particular
 15 use, measured within the exterior walls that are at the grade plane of the building or
 16 structure.
- 17 (c) Major intersection: The intersection of two streets, one of which is designated in
 18 the Salem Transportation System Plan as a major arterial or minor arterial, and the
 19 other which is designated in the Salem Transportation System Plan as a major arterial,
 20 minor arterial, or collector.
- 21 (d) NCMU district: A lot or parcel, or contiguous lots or parcels, that are zoned
 22 NCMU and that will be developed as a unit.
- 23 (e) Neighborhood Center Master Plan: A comprehensive development plan for a
 24 district approved pursuant to SRC Chapter 215.

25 **532.010. Requirements for Application of Neighborhood Center Mixed Use Zone.** In
 26 addition to the approval criteria for zone changes set forth in SRC Chapter 265, proposals to
 27 zone land NCMU shall meet the following criteria:

- 28 (a) The proposed NCMU district shall have an area that contains a minimum of 3
 29 acres, but not more than 15 acres; and

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(b) NCMU districts that are separated by public street right-of-way shall not be considered contiguous; and

(c) The proposed NCMU district shall be located within one-eighth of a mile of a major intersection, as measured from the center of the intersection to the point in the district that is nearest to the intersection.

532.015. Uses Allowed with Neighborhood Center Master Plan. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the NCMU zone with a Neighborhood Center Master Plan are set forth in Table 532-1. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan, approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan.

**TABLE 532-1
NCMU ZONE USES WITH MASTER PLAN**

Table 532-1: NCMU Zone Uses with Master Plan			
Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Household Living			
Single Family	N	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Townhouse. ▪ Residential Home, as defined under ORS 197.660.
	N	S	Manufactured home, subject to SRC 700.025.
	N	N	All other Single Family.
Two Family	N	P	Duplex.
	N	N	All other Two Family.
Multiple Family	P	N	Multiple Family, located in a mixed-use building above ground floor non-residential uses.
	N	N	All other Multiple Family.
Group Living			
Room and Board	N	N	
Residential Care	P	N	Residential Care, located in a mixed-use building above ground floor non-residential uses.
	P	C	Assisted living.
	N	N	All other Residential Care.
Nursing Care	N	N	
Lodging			
Short-Term Commercial Lodging	P	N	Short-Term Commercial Lodging with five or fewer guest rooms.
	N	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	N	N	

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Table 532-1: NCMU Zone Uses with Master Plan

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Non-Profit Shelters	N	N	
Retail Sales and Services			
Eating and Drinking Establishments	P	N	
Retail Sales	P	N	
Personal Services	P	N	
Postal Services and Retail Financial Services	P	N	Retail Financial Services.
	P	C	Postal Services.
Business and Professional Services			
Office	P	N	
Audio/Visual Media Production	N	N	
Laboratory Research and Testing	N	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			
Motor Vehicle and Manufactured Dwelling and Trailer Sales	P	N	Indoor sales and leasing.
	N	N	All other Motor Vehicle and Manufactured Dwelling and Trailer Sales.
Motor Vehicle Services	N	N	
Commercial Parking	N	N	
Park-and-Ride Facilities	N	N	
Taxicabs and Car Services	N	N	
Heavy Vehicle and Trailer Sales	N	N	
Heavy Vehicle and Trailer Service and Storage	N	N	
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial Entertainment - Indoor	N	N	The following Commercial Entertainment – Indoor activities: <ul style="list-style-type: none"> ▪ Firing ranges. ▪ Theaters greater than 5,000 square feet. ▪ Pool halls. ▪ Continuous entertainment activities, such as bowling alleys, ice rinks, and game arcades.
	P	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment - Outdoor	N	N	
Major Event Entertainment	N	N	
Recreational and Cultural Community Services	P	C	
Parks and Open Space	P	P	
Non-Profit Membership Assembly	P	N	
Religious Assembly	P	C	
Health Services			
Medical Centers/Hospitals	N	N	

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Table 532-1: NCMU Zone Uses with Master Plan			
Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Outpatient Medical Services and Laboratories	P	N	
Educational Services			
Day Care	P	C	
Basic Education	P	C	
Post-Secondary and Adult Education	P	C	
Civic Services			
Governmental Services	P	C	
Social Services	P	N	
Governmental Maintenance Services and Construction	N	N	
Public Safety			
Emergency Services	P	C	
Detention Facilities	N	N	
Military Installations	N	N	
Funeral and Related Services			
Cemeteries	N	N	
Funeral and Cremation Services	N	N	
Construction Contracting, Repair, Maintenance, and Industrial Services			
General Repair Services	P	N	
Building and Grounds Services and Construction Contracting	N	N	
Cleaning Plants	N	N	
Industrial Services	N	N	
Wholesale Sales			
General Wholesaling	N	N	
Heavy Wholesaling	N	N	
Warehousing and Distribution	N	N	
Self-Service Storage	N	N	
Manufacturing			
General Manufacturing	N	N	
Heavy Manufacturing	N	N	
Printing	N	N	
Transportation Facilities			
Aviation Facilities	N	N	
Passenger Ground Transportation Facilities	P	P	Transit stop shelters.
	N	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	N	
Utilities			

Table 532-1: NCMU Zone Uses with Master Plan			
Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Basic Utilities	C	C	The following Basic Utilities: <ul style="list-style-type: none"> ▪ Pump stations. ▪ Reservoirs. ▪ Radio microwave relay stations. ▪ Telephone substations. ▪ Electric substations.
	P	P	All other Basic Utilities.
Wireless Communication Facilities	Allowed	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	N	
Power Generation Facilities	N	N	
Data Center Facilities	N	N	
Fuel Dealers	N	N	
Waste-Related Facilities	N	N	
Mining and Natural Resource Extraction			
Petroleum and Natural Gas Production	N	N	
Surface Mining	N	N	
Farming, Forestry, and Animal Services			
Agriculture	N	N	
Forestry	N	N	
Agriculture and Forestry Services	N	N	
Keeping of Livestock and Other Animals	N	N	
Animal Services	N	N	Kennels.
	P	N	All other Animal Services.
Other Uses			
Home Occupations	S	S	Home Occupations, subject to SRC 700.020.

532.020. Uses Allowed in-Lieu of Neighborhood Center Master Plan. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the NCMU zone in-lieu of a Neighborhood Center Master Plan are set forth in Table 532-2. The uses set forth in Table 532-2 are allowed in the NCMU zone in-lieu of development pursuant to a Neighborhood Center Master Plan, and are subject to the development standards set forth in SRC 532.035.

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1 **TABLE 532-2**

2 **NCMU ZONE USES IN-LIEU OF MASTER PLAN**

3 **Table 532-2: NCMU Zone Uses In-Lieu of Master Plan**

4 Use	Status	Limitations & Qualifications
5 Household Living		
6 Single Family	P	The following Single Family activities: ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660.
	S	Manufactured home, subject to SRC 700.025.
	N	All other Single Family.
7 Two Family	N	
8 Multiple Family	N	
9 Group Living		
10 Room and Board	N	
11 Residential Care	N	
12 Nursing Care	N	
13 Lodging		
14 Short-Term Commercial Lodging	N	
15 Long-Term Commercial Lodging	N	
16 Non-Profit Shelters	N	
17 Retail Sales and Services		
18 Eating and Drinking Establishments	N	
19 Retail Sales	N	
20 Personal Services	N	
21 Postal Services and Retail Financial Services	N	
22 Business and Professional Services		
23 Office	N	
24 Audio/Visual Media Production	N	
25 Laboratory Research and Testing	N	
26 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
27 Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
28 Motor Vehicle Services	N	
29 Commercial Parking	N	
30 Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
31 Recreation, Entertainment, and Cultural Services and Facilities		
32 Commercial Entertainment - Indoor	N	

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Table 532-2: NCMU Zone Uses In-Lieu of Master Plan

Use	Status	Limitations & Qualifications
Commercial Entertainment - Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	N	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	

Table 532-2: NCMU Zone Uses In-Lieu of Master Plan		
Use	Status	Limitations & Qualifications
Passenger Ground Transportation Facilities	N	
Marine Facilities	N	
Utilities		
Basic Utilities	C	The following Basic Utilities: <ul style="list-style-type: none"> ▪ Pump stations. ▪ Reservoirs. ▪ Radio microwave relay stations. ▪ Telephone substations. ▪ Electric substations.
	P	All other Basic Utilities.
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Home Occupations	S	Home Occupations, subject to SRC 700.020.

532.025. Development in a NCMU District.

(a) Except for development undertaken pursuant to SRC 532.030, development within a NCMU district shall comply with the Neighborhood Center Master Plan.

(b) The following activities may be undertaken in a NCMU district without approval of a Neighborhood Center Master Plan:

- (1) Site grading;
- (2) Environmental remediation;
- (3) Use or reuse of existing structures; or

(4) Installation of utilities serving adjacent properties.

532.030. Development Standards for Residential Development in-Lieu of Neighborhood Center Master Plan. In-lieu of developing property through a Neighborhood Center Master Plan, residential development that meets the standards set forth in this section, and all other applicable standards of the UDC, is permitted without a Neighborhood Center Master Plan.

(a) **Lot Standards.** Lots shall comply with the standards set forth in Table 532-3.

TABLE 532-3

LOT STANDARDS

Table 532-3: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 7,000 sq. ft.	
LOT WIDTH		
All uses	Min. 70 ft.	
LOT DEPTH		
All uses	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width.	
STREET FRONTAGE		
All uses	Min. 70 ft.	

(b) **Setbacks.** Setbacks shall be provided as set forth in Table 532-4.

TABLE 532-4

SETBACKS

Table 532-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
INTERIOR FRONT		

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Table 532-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
Buildings		
All uses	Min. 12 ft.	
Accessory Structures		
Accessory to all uses	Min. 12 ft.	
INTERIOR SIDE		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
All uses	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to all uses	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(c) **Lot Coverage; Height.** Buildings and accessory structures shall conform to the lot coverage and height standards set forth in Table 532-5.

**TABLE 532-5
LOT COVERAGE; HEIGHT**

Table 532-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 60%	
HEIGHT		
Buildings		
All uses	Max. 35 ft.	Applicable to new buildings.
	Max. 28 ft. or existing building height, whichever is greater.	Applicable to existing buildings.

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Table 532-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
Accessory Structures		
Accessory to all uses	Max. 15 ft.	

(d) Maximum Square Footage for All Accessory Structures. In addition to the maximum coverage requirements established in Table 532-5, accessory structures to Single Family uses shall be limited to the maximum aggregate total square footage set forth in Table 532-6.

**TABLE 532-6
MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES**

Table 532-6: Maximum Square Footage for All Accessory Structures	
Main Building Gross Area	Maximum Aggregate Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

(e) Garages Required.

(1) Except as otherwise provided in SRC 700.025 for manufactured homes on individual lots, each single family dwelling shall have, at the time of construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to, or detached from, the dwelling. Nothing in this paragraph shall prevent subsequent removal or conversion of a garage, so long as the minimum number of required off-street parking spaces is maintained.

(2) Exception to this standard may be made if, at the time of the building permit review, the applicant can show that the construction of the single family dwelling is being provided by a not-for-profit organization to families at or below the City's 60 percent median income level, as defined by the U.S. Department of Housing and Urban Development. Provision shall be made for a minimum of 480 cubic feet of on-site storage within a portion of the single family dwelling, or within a detached accessory structure. Such exemption shall only be made for those single family dwellings built on lots created through a subdivision.

1 **532.035. Other Provisions.** Additional standards may apply to development in the NCMU
2 zone as a result of regulations found in other chapters of the UDC, including but not limited to
3 the chapters identified in this section. In the event of a conflict between the standards contained
4 in the NCMU zone and the standards contained within other chapters of the UDC, the standards
5 contained in the NCMU zone shall govern.

- 6 (a) Trees and Shrubs SRC Chapter 86
- 7 (b) General Development Standards SRC Chapter 800
- 8 (c) Public Improvements SRC Chapter 802
- 9 (d) Streets and Right-of-Way Improvement SRC Chapter 803
- 10 (e) Driveway Approaches SRC Chapter 804
- 11 (f) Vision Clearance SRC Chapter 805
- 12 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 13 (h) Landscaping and Screening SRC Chapter 807
- 14 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 15 (j) Wetlands SRC Chapter 809
- 16 (k) Landslide Hazards SRC Chapter 810
- 17 (l) Sign Code SRC Chapter 900

18 **Section 24.** The following SRC Chapter 540 is added to the Salem Revised Code:

19 **540.001. Purpose.** The purpose of the Public Amusement (PA) zone is to implement the Parks,
20 Open Space, and Outdoor Recreation designation of the Salem Area Comprehensive Plan
21 through the identification of allowed uses and the establishment of development standards. The
22 PA zone generally allows a variety of public and private parks, open space, and indoor and
23 outdoor recreation.

24 **540.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PA
25 zone are set forth in Table 540-1.

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TABLE 540-1

USES

Table 540-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Dwelling unit for a caretaker on the premises being cared for or guarded. ▪ Houseboats, when developed in conjunction with a marina.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All Other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	
Commercial Entertainment – Outdoor	N	The following Commercial Entertainment – Outdoor activities: <ul style="list-style-type: none"> ▪ Camps. ▪ Recreational vehicle parks.

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Table 540-1: Uses

Use	Status	Limitations & Qualifications
	P	All other Commercial Entertainment – Indoor.
Major Event Entertainment	P	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	N	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.

Table 540-1: Uses		
Use	Status	Limitations & Qualifications
Marine Facilities	P	Marinas.
	N	All other Marine Facilities.
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	C	Wildlife rehabilitation facilities.
	N	All other Animal Services.
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	N	

540.010. Development Standards. Development within the PA zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the PA zone shall conform to the standards set forth in Table 540-2.

**TABLE 540-2
LOT STANDARDS**

Table 540-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 10,000 sq. ft.	
LOT WIDTH		
All uses	Min. 50 ft.	
LOT DEPTH		
All uses	Min. 80 ft.	

Table 540-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
STREET FRONTAGE		
All uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the PA zone shall be provided as set forth in Tables 540-3 and 540-4.

**TABLE 540-3
SETBACKS**

Table 540-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 540-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 540-4)	
Vehicle Use Areas		
All Uses	Zone-to-Zone Setback (Table 540-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 540-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback	

Table 540-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	(Table 540-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 540-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 540-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 540-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 540-4)	

**TABLE 540-4
ZONE-TO-ZONE SETBACKS**

Table 540-4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Residential Zone	Buildings and Accessory Structures	Min. 20 ft.	Type A	Applicable to buildings and accessory structures not more than 35 ft. in height.
		Min. 30 ft.	Type A	Applicable to buildings and accessory structures greater than 35 ft. in height.
	Vehicle Use Areas	Min. 20 ft.	Type A	
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Commercial Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Public Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Industrial and Employment Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) **Lot Coverage; Height.** Buildings and accessory structures within the PA zone shall conform to the lot coverage and height standards set forth in Table 540-5.

**TABLE 540-5
LOT COVERAGE; HEIGHT**

Table 540-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 60%	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max. 70 ft.	

(d) Landscaping.

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(e) **Outdoor Storage.** Within the PA zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot-high sight-obscuring fence, wall, or hedge.

540.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the PA zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- | | |
|--|-----------------|
| (a) Trees and Shrubs | SRC Chapter 86 |
| (b) General Development Standards | SRC Chapter 800 |
| (c) Public Improvements | SRC Chapter 802 |
| (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| (e) Driveway Approaches | SRC Chapter 804 |
| (f) Vision Clearance | SRC Chapter 805 |
| (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| (h) Landscaping and Screening | SRC Chapter 807 |

- 1 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 2 (j) Wetlands SRC Chapter 809
- 3 (k) Landslide Hazards SRC Chapter 810
- 4 (l) Sign Code SRC Chapter 900

5 **Section 25.** The following SRC Chapter 541 is added to the Salem Revised Code:

6 **541.001. Purpose.** The purpose of the Public and Private Cemeteries (PC) zone is to implement
 7 the Community Service designation of the Salem Area Comprehensive Plan through the
 8 identification of allowed uses and the establishment of development standards. The PC zone
 9 allows cemeteries and a limited number of other compatible uses.

10 **541.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PC
 11 zone are set forth in Table 541-1.

12 **TABLE 541-1**
 13 **USES**

Table 541-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All Other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	
Audio/Visual Media Production	N	

Table 541-1: Uses

Use	Status	Limitations & Qualifications
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	N	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	P	
Funeral and Cremation Services	C	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	

Table 541-1: Uses		
Use	Status	Limitations & Qualifications
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Home Occupations	N	

541.010. Development Standards. Development within the PC zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the PC zone shall conform to the standards set forth in Table 541-2.

TABLE 541-2

LOT STANDARDS

Table 541-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 10,000 sq. ft.	
LOT WIDTH		
All uses	Min. 50 ft.	
LOT DEPTH		
All uses	Min. 80 ft.	
STREET FRONTAGE		
All uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the PC zone shall be provided as set forth in Tables 541-3 and 541-4.

**TABLE 541-3
SETBACKS**

Table 541-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 541-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 541-4)	
Vehicle Use Areas		

Table 541-3: Setbacks

Requirement	Standard	Limitations & Qualifications
All uses	Zone-to-Zone Setback (Table 541-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 541-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 541-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 541-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 541-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 541-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 541-4)	

**TABLE 541-4
ZONE-TO-ZONE SETBACKS**

Table 541-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Residential Zone	Buildings and Accessory Structures	Min. 20 ft.	Type A	Applicable to buildings and accessory structures not more than 35 ft. in height.
		Min. 30 ft.	Type A	Applicable to buildings and accessory structures greater than 35 ft. in height.
	Vehicle Use Areas	Min. 20 ft.	Type A	
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Commercial Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Public Zone	Buildings and Accessory Structures	None	N/A	

Table 541-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
	Vehicle Use Areas	Min. 5 ft.	Type A	
Industrial and Employment Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
<u>Limitations and Qualifications</u>				
(1) Zone-to-Zone setbacks are not required abutting an alley.				

(c) **Lot Coverage; Height.** Buildings and accessory structures within the PC zone shall conform to the lot coverage and height standards set forth in Table 541-5.

**TABLE 541-5
LOT COVERAGE; HEIGHT**

Table 541-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 30%	
HEIGHT		
Buildings		
All uses	Max. 35 ft.	
Accessory Structures		
Accessory to all uses	Max. 35 ft.	

(d) **Landscaping.**

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(e) **Outdoor Storage.** Within the PC zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot-high sight-obscuring fence, wall, or hedge.

541.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the PC zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86

- 1 (b) General Development Standards SRC Chapter 800
- 2 (c) Public Improvements SRC Chapter 802
- 3 (d) Streets and Right-of-Way Improvement SRC Chapter 803
- 4 (e) Driveway Approaches SRC Chapter 804
- 5 (f) Vision Clearance SRC Chapter 805
- 6 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 7 (h) Landscaping and Screening SRC Chapter 807
- 8 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 9 (j) Wetlands SRC Chapter 809
- 10 (k) Landslide Hazards SRC Chapter 810
- 11 (l) Sign Code SRC Chapter 900

12 **Section 26.** The following SRC Chapter 542 is added to the Salem Revised Code:

13 **542.001. Purpose.** The purpose of the Public and Private Educational Services (PE) zone is to
 14 implement the Community Service designation of the Salem Area Comprehensive Plan through
 15 the identification of allowed uses and the establishment of development standards. The PE zone
 16 generally allows a variety of public and private educational service uses, together with a limited
 17 variety of other compatible uses.

18 **542.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PE
 19 zone are set forth in Table 542-1.

20 **TABLE 542-1**

21 **USES**

22 **Table 542-1: Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All Other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	P	
Nursing Care	P	

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Table 542-1: Uses

Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	P	
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	P	The following office activities: <ul style="list-style-type: none"> ▪ Distance education and distance learning. ▪ Home health care services.
	N	All other Office.
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	P	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	P	

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Table 542-1: Uses		
Use	Status	Limitations & Qualifications
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	N	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	

Table 542-1: Uses		
Use	Status	Limitations & Qualifications
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	C	Wildlife rehabilitation facilities.
	N	All other Animal Services.
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	N	

540.010. Development Standards. Development within the PE zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the PE zone shall conform to the standards set forth in Table 542-2.

**TABLE 542-2
LOT STANDARDS**

Table 542-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 10,000 sq. ft.	
LOT WIDTH		
All uses	Min. 50 ft.	
LOT DEPTH		
All uses	Min. 80 ft.	
STREET FRONTAGE		
All uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the PE zone shall be provided as set forth in Tables 542-3 and 542-4.

**TABLE 542-3
SETBACKS**

Table 542-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		

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Table 542-3: Setbacks

Requirement	Standard	Limitations & Qualifications
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Area		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 542-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 542-4)	
Vehicle Use Area		
All uses	Zone-to-Zone Setback (Table 542-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 542-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 542-4)	
Vehicle Use Area		
All uses	Zone-to-Zone Setback (Table 542-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 542-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 542-4)	
Vehicle Use Area		
All uses	Zone-to-Zone Setback (Table 542-4)	

**TABLE 542-4
ZONE-TO-ZONE SETBACKS**

Table 542-4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Residential Zone	Buildings and Accessory Structures	Min. 20 ft.	Type A	Applicable to buildings and accessory structures not more than 35 ft. in height.
		Min. 30 ft.	Type A	Applicable to buildings and accessory structures greater than 35 ft. in height.
	Vehicle Use Areas	Min. 20 ft.	Type A	
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Commercial Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Public Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Industrial and Employment Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the PE zone shall conform to the lot coverage and height standards set forth in Table 542-5.

**TABLE 542-5
LOT COVERAGE; HEIGHT**

Table 542-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 50%	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max. 70 ft.	

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(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(e) Outdoor Storage. Within the PE zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot-high sight-obscuring fence, wall, or hedge.

542.015. Design Review. Design review under SRC Chapter 225 is required for development within the PE as follows:

(a) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

542.020. Other Provisions. In addition to the standards set forth in this Chapter, development within the PE zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a)** Trees and Shrubs SRC Chapter 86
- (b)** General Development Standards SRC Chapter 800
- (c)** Public Improvements SRC Chapter 802
- (d)** Streets and Right-of-Way Improvement SRC Chapter 803
- (e)** Driveway Approaches SRC Chapter 804
- (f)** Vision Clearance SRC Chapter 805
- (g)** Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h)** Landscaping and Screening SRC Chapter 807
- (i)** Preservation of Trees and Vegetation SRC Chapter 808
- (j)** Wetlands SRC Chapter 809
- (k)** Landslide Hazards SRC Chapter 810
- (l)** Sign Code SRC Chapter 900

Section 27. The following SRC Chapter 543 is added to the Salem Revised Code:

543.001. Purpose. The purpose of the Public and Private Health Services (PH) zone is to implement the Community Service designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The PH zone generally allows a variety of public and private health service uses, together with a limited variety of other compatible uses.

543.005. Uses. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PH zone are set forth in Table 543-1.

**TABLE 543-1
USES**

Table 543-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All Other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	P	
Nursing Care	P	
Lodging		
Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	P	
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	P	Drug stores and pharmacies.
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	P	Home health care services.
	C	Distance education and distance learning.
	N	All other Office.
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		

Table 543-1: Uses

Use	Status	Limitations & Qualifications
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	P	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	C	
Post-Secondary and Adult Education	C	
Civic Services		
Governmental Services	P	Administration of public health programs.
	N	All other Governmental Services.
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	P	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	

Table 543-1: Uses

Use	Status	Limitations & Qualifications
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	P	General warehousing and storage, when operated by a public entity.
	N	All other Warehousing and Distribution.
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	P	Helicopter landing areas.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	P	Compost facility for yard debris franchise haulers and government entities, when located on the site of, and in compliance with, the Oregon State Corrections Area Plan.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	C	Wildlife rehabilitation facilities.
	N	All other Animal Services.
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	N	

540.010. Development Standards. Development within the PH zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the PH zone shall conform to the standards set forth in Table 543-2.

**TABLE 543-2
LOT STANDARDS**

Table 543-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 10,000 sq. ft.	
LOT WIDTH		
All uses	Min. 50 ft.	
LOT DEPTH		
All uses	Min. 80 ft.	
STREET FRONTAGE		
All uses	Min. 16 ft.	

(b) Setbacks. Setbacks within the PH zone shall be provided as set forth in Tables 543-3 and 543-4.

**TABLE 543-3
SETBACKS**

Table 543-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		

Table 543-3: Setbacks

Requirement	Standard	Limitations & Qualifications
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 543-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 543-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 543-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 543-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 543-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 543-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 543-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 543-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 543-4)	

**TABLE 543-4
ZONE-TO-ZONE SETBACKS**

Table 543-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Residential Zone	Buildings and Accessory Structures	Min. 20 ft.	Type A	Applicable to buildings and accessory structures not more than 35 ft. in height.
		Min. 30 ft.	Type A	Applicable to buildings and accessory structures greater than 35 ft. in height.
	Vehicle Use Areas	Min. 20 ft.	Type A	

Table 543-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Commercial Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Public Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Industrial and Employment Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
<u>Limitations and Qualifications</u>				
(1) Zone-to-Zone setbacks are not required abutting an alley.				

(c) Lot Coverage; Height. Buildings and accessory structures within the PH zone shall conform to the lot coverage and height standards set forth in Table 543-5.

**TABLE 543-5
LOT COVERAGE; HEIGHT**

Table 543-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 60%	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max. 70 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

1 (e) **Outdoor Storage.** Within the PH zone, outdoor storage shall be screened from
2 streets and adjacent properties by a minimum 6-foot-high sight-obscuring fence, wall,
3 or hedge.

4 **543.015. Design Review.** Design review under SRC Chapter 225 is required for development
5 within the PH as follows:

6 (a) Residential Care with three or more self-contained dwelling units shall be subject
7 to design review according to the multiple family design review guidelines or the
8 multiple family design review standards set forth in SRC Chapter 702.

9 **543.020. Other Provisions.** In addition to the standards set forth in this Chapter, development
10 within the PH zone must comply with all other applicable development standards of the UDC,
11 including but not limited to the following chapters:

- | | |
|---|-----------------|
| 12 (a) Trees and Shrubs | SRC Chapter 86 |
| 13 (b) General Development Standards | SRC Chapter 800 |
| 14 (c) Public Improvements | SRC Chapter 802 |
| 15 (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 16 (e) Driveway Approaches | SRC Chapter 804 |
| 17 (f) Vision Clearance | SRC Chapter 805 |
| 18 (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 19 (h) Landscaping and Screening | SRC Chapter 807 |
| 20 (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 21 (j) Wetlands | SRC Chapter 809 |
| 22 (k) Landslide Hazards | SRC Chapter 810 |
| 23 (l) Sign Code | SRC Chapter 900 |

24 **Section 28.** The following SRC Chapter 544 is added to the Salem Revised Code:

25 **544.010. Purpose.** The purpose of the Public Service (PS) zone is to implement the Community
26 Service designation of the Salem Area Comprehensive Plan through the identification of allowed
27 uses and the establishment of development standards. The PS zone generally allows a variety of
28 civic service, social service, health service, and educational service uses, together with a limited
29 variety of other compatible uses.

1 **544.020. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the PS
 2 zone are set forth in Table 544-1.

3 **TABLE 544-1**
 4 **USES**

5 **Table 544-1: Uses**

6 Use	Status	Limitations & Qualifications
7 Household Living		
8 Single Family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All Other Single Family.
9 Two Family	N	
10 Multiple Family	N	
11 Group Living		
12 Room and Board	N	
13 Residential Care	P	
Nursing Care	P	
14 Lodging		
15 Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
16 Non-Profit Shelters	P	
17 Retail Sales and Service		
18 Eating and Drinking Establishments	P	
19 Retail Sales	P	Caterers.
	N	All other Retail Sales.
20 Personal Services	N	
Postal Services and Retail Financial Services	N	
21 Business and Professional Services		
22 Office	P	The following Office activities: <ul style="list-style-type: none"> ▪ Distance education and distance learning. ▪ Home health care services. ▪ Information technology services.
	N	All other Office.
23 Audio/Visual Media Production	N	
24 Laboratory Research and Testing	N	
25 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
26 Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
27 Motor Vehicle Services	N	
28 Commercial Parking	N	
29 Park-and-Ride Facilities	P	
Taxicabs and Car Services	N	
30 Heavy Vehicle and Trailer Sales	N	

Table 544-1: Uses

Use	Status	Limitations & Qualifications
Heavy Vehicle and Trailer Service and Storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	P	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	P	
Public Safety		
Emergency Services	P	
Detention Facilities	P	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	P	Major post offices and postal distributions centers.
	N	All other Warehousing and Distribution.
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	

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Table 544-1: Uses

Use	Status	Limitations & Qualifications
Heavy Manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation Facilities	P	Helicopter landing areas.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	P	
Power Generation Facilities	P	
Data Center Facilities	P	
Fuel Dealers	N	
Waste-Related Facilities	C	Solid waste disposal sites.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	C	Wildlife rehabilitation facility.
	N	All other Animal Services.
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	N	

544.010. Development Standards. Development within the PS zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the PS zone shall conform to the standards set forth in Table 544-2.

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**TABLE 544-2
LOT STANDARDS**

Table 544-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	Min. 10,000 sq. ft.	
LOT WIDTH		
All uses	Min. 50 ft.	
LOT DEPTH		
All uses	Min. 80 ft.	
STREET FRONTAGE		
All uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the PS zone shall be provided as set forth in Tables 544-3 and 544-4.

**TABLE 544-3
SETBACKS**

Table 544-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 544-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback	

Table 544-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	(Table 544-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 544-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 544-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 544-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 544-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 544-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 544-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 544-4)	

**TABLE 544-4
ZONE-TO-ZONE SETBACKS**

Table 544-4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Residential Zone	Buildings and Accessory Structures	Min. 20 ft.	Type A	Applicable to buildings and accessory structures not more than 35 ft. in height.
		Min. 30 ft.	Type A	Applicable to buildings and accessory structures greater than 35 ft. in height.
	Vehicle Use Areas	Min. 20 ft.	Type A	
Mixed-Use Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Commercial Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	

Table 544-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening	Limitations & Qualifications
Public Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	
Industrial and Employment Zone	Buildings and Accessory Structures	None	N/A	
	Vehicle Use Areas	Min. 5 ft.	Type A	

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the PS zone shall conform to the lot coverage and height standards set forth in Table 544-5.

**TABLE 544-5
LOT COVERAGE; HEIGHT**

Table 544-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 60%	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max. 70 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(e) Outdoor Storage. Within the PS zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot-high sight-obscuring fence, wall, or hedge.

544.015. Design Review. Design review under SRC Chapter 225 is required for development within the PS as follows:

1 (a) Residential Care with three or more self-contained dwelling units shall be subject
2 to design review according to the multiple family design review guidelines or the
3 multiple family design review standards set forth in SRC Chapter 702.

4 **544.020. Other Provisions.** In addition to the standards set forth in this Chapter, development
5 within the PS zone must comply with all other applicable development standards of the UDC,
6 including but not limited to the following chapters:

- | | | |
|----|--|-----------------|
| 7 | (a) Trees and Shrubs | SRC Chapter 86 |
| 8 | (b) General Development Standards | SRC Chapter 800 |
| 9 | (c) Public Improvements | SRC Chapter 802 |
| 10 | (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 11 | (e) Driveway Approaches | SRC Chapter 804 |
| 12 | (f) Vision Clearance | SRC Chapter 805 |
| 13 | (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 14 | (h) Landscaping and Screening | SRC Chapter 807 |
| 15 | (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 16 | (j) Wetlands | SRC Chapter 809 |
| 17 | (k) Landslide Hazards | SRC Chapter 810 |
| 18 | (l) Sign Code | SRC Chapter 900 |

19 **Section 29.** The following SRC Chapter 545 is added to the Salem Revised Code:

20 **545.001. Purpose.** The purpose of the Capitol Mall (PM) zone is to implement the Community
21 Service Government designation of the Salem Area Comprehensive Plan through the
22 identification of allowed uses and the establishment of development standards appropriate for the
23 Capitol Mall. The Capitol Mall is the center of State government. The PM zone generally
24 allows a variety of governmental services, civic services, and social services uses, together with
25 residential uses and a limited variety of other compatible uses.

26 **545.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the
27 PM zone are set forth in Table 545-1.

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TABLE 545-1

USES

Table 545-1: Uses

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ Dwelling unit for a caretaker on the premises being cared for or guarded.
	N	All Other Single Family.
Two Family	P	Duplex, when located on a corner lot.
	N	All other Two Family.
Multiple Family	P	
Group Living		
Room and Board	P	
Residential Care	P	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	P	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	P	Caterers.
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	N	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	N	

Table 545-1: Uses

Use	Status	Limitations & Qualifications
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	The following Outpatient Medical Services and Laboratories activities: <ul style="list-style-type: none"> ▪ Medical laboratories. ▪ Dental laboratories. ▪ Outpatient care facilities. ▪ Kidney dialysis centers. ▪ Commercial blood banks, plasma centers. ▪ Commercial reproductive services.
	P	All other Outpatient Medical Services and Laboratories.
Educational Services		
Day Care	P	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	P	
Public Safety		
Emergency Services	N	The following Emergency Services activities: <ul style="list-style-type: none"> ▪ Ambulance station. ▪ Ambulance service facility.
	P	All other Emergency Services.
Detention Facilities	P	
Military Installations	P	
Funeral and Related Services		
Cemeteries	P	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	P	The following Building and Grounds Services and Construction Contracting activities: <ul style="list-style-type: none"> ▪ Disinfecting and pest control services. ▪ Building cleaning and maintenance services.
	N	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		

Table 545-1: Uses

Use	Status	Limitations & Qualifications
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	P	Helicopter landing areas.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	P	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.

1 **545.010. Development Standards.** Development within the PM zone must comply with the
 2 development standards set forth in this section.

3 (a) **Lot Standards.** Lots within the PM zone shall conform to the standards set forth
 4 in Table 545-2.

5 **TABLE 545-2**
 6 **LOT STANDARDS**

7 **Table 545-2: Lot Standards**

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 7,000 sq. ft.	
All other uses	Min. 10,000 sq. ft.	
LOT WIDTH		
Single Family, Two Family, and Multiple Family	Min. 40 ft.	
All other uses	Min. 50 ft.	
LOT DEPTH		
All Uses	Min. 80 ft.	
STREET FRONTAGE		
	Min. 40 ft.	
Single Family	Min. 30 ft.	Applicable to lots fronting along the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 16 ft.	

21 (b) **Dwelling Unit Density.** Dwelling unit density within the PM zone shall conform
 22 to the standards set forth in Table 545-3. Maximum dwelling unit density cannot be
 23 varied or adjusted.

24 **TABLE 545-3**
 25 **DWELLING UNIT DENSITY**

26 **Table 545-3: Dwelling Unit Density**

Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family and Two Family	N/A	N/A	
Multiple Family	None	28 dwelling units per acre	

(c) **Setbacks.** Setbacks within the PM zone shall be provided as set forth in Table 545-4.

**TABLE 545-4
SETBACKS**

Table 545-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus one foot for each one-foot of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Min. 5 ft.	Applicable to any portion of a building not more than 35 ft. in height
	Min. 20 ft.	Applicable to any portion of a building greater than 35 ft. in height.
Accessory Structures		
Accessory to Single Family and Two Family	Min. 5 ft.	
Accessory to all other uses	Min. 5 ft.	Applicable to any portion of an accessory structure not more than 35 ft. in height
	Min. 20 ft.	Applicable to any portion of a an accessory structure greater than 35 ft. in height.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR SIDE		
Buildings		
All uses	Min. 5 ft.	Applicable to any portion of a building not more than 35 ft. in height

Table 545-4: Setbacks

Requirement	Standard	Limitations & Qualifications
	Min. 20 ft.	Applicable to any portion of a building greater than 35 ft. in height.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to all other uses	Min. 5 ft.	Applicable to any portion of an accessory structure not more than 35 ft. in height
	Min. 20 ft.	Applicable to any portion of an accessory structure greater than 35 ft. in height.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR REAR		
Buildings		
All uses	Min. 5 ft.	Applicable to any portion of a building not more than 35 ft. in height
	Min. 20 ft.	Applicable to any portion of a building greater than 35 ft. in height.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 foot for each one-foot of height over 9 feet.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to all other uses	Min. 5 ft.	Applicable to any portion of an accessory structure not more than 35 ft. in height
	Min. 20 ft.	Applicable to any portion of an accessory structure greater than 35 ft. in height.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	

(d) Lot Coverage; Height. Buildings and accessory structures within the PM zone shall conform to the lot coverage and height standards set forth in Table 545-5.

**TABLE 545-5
LOT COVERAGE; HEIGHT**

Table 545-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	Max. 60%	
HEIGHT		

Table 545-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
Buildings		
Single Family, Two Family, and Multiple Family	Max. 35 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(e) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(f) Outdoor Storage. Within the PM zone, outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot-high sight-obscuring fence, wall, or hedge.

545.015. Design Review. Design review under SRC Chapter 225 is required for development within the PM as follows:

(a) Multiple family development shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(b) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

545.020. Other Provisions. In addition to the standards set forth in this Chapter, development within the PM zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a)** Trees and Shrubs SRC Chapter 86
- (b)** General Development Standards SRC Chapter 800
- (c)** Public Improvements SRC Chapter 802
- (d)** Streets and Right-of-Way Improvement SRC Chapter 803

1	(e) Driveway Approaches	SRC Chapter 804
2	(f) Vision Clearance	SRC Chapter 805
3	(g) Off-Street Parking, Loading, and Driveways	SRC Chapter 806
4	(h) Landscaping and Screening	SRC Chapter 807
5	(i) Preservation of Trees and Vegetation	SRC Chapter 808
6	(j) Wetlands	SRC Chapter 809
7	(k) Landslide Hazards	SRC Chapter 810
8	(l) Sign Code	SRC Chapter 900

9 **Section 30.** The following SRC Chapter 550 is added to the Salem Revised Code:

10 **550.001. Purpose.** The purpose of the Employment Center (EC) zone is to implement the
11 Employment Center designation of the Salem Area Comprehensive Plan through the
12 identification of allowed uses and the establishment of development standards. The EC zone
13 generally allows a range of industrial and employment uses, together with areas of supportive
14 retail and service uses, providing a variety of long-term and short-term employment
15 opportunities and furthering economic development within the City.

16 **550.005. Establishment of EC Retail-Service Center Subzones.** Within the perimeter
17 boundary of any area zoned EC, EC Retail-Service Center Subzones may be established upon
18 one or more lots. EC Retail-Service Center Subzones are intended to provide for areas within
19 the EC zone where a greater variety of uses are allowed to support the needs of employees,
20 visitors, and other uses within the EC zone. The total area of all EC Retail-Service Center
21 Subzones within the EC Zone perimeter boundary shall not exceed 20 acres. For the purposes of
22 this section, the EC Zone perimeter boundary is the outer extent of the area zoned EC.

23 **550.010. Uses.**

24 (a) **EC Zone.** The permitted (P), special (S), conditional (C), and prohibited (N) uses
25 in the EC zone are set forth in Table 550-1.

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**TABLE 550-1
EC ZONE USES**

Table 550-1: EC Zone Uses

Use	Status	Limitations and Qualifications
Household Living		
Single Family	P	Dwelling unit for a caretaker or watchperson on the premises being cared for or guarded.
	N	All other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long- Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	N	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	N	
Business and Professional Services		
Office	N	Public utility offices.
	P	All other Office.
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	P	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	

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Table 550-1: EC Zone Uses

Use	Status	Limitations and Qualifications
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	N	
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	Public utility service and storage yards.
	P	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	P	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	P	
Heavy Wholesaling	N	The following Heavy Wholesaling activities: ▪ Salvage or wrecking yards. ▪ Scrap dealers.
	P	All other Heavy Wholesaling.
Warehousing and Distribution	N	The following Warehousing and Distribution activities: ▪ Stockpiling of sand, gravel, or other aggregate materials. ▪ Storage of weapons and ammunition.
	P	All other Warehousing and Distribution.
Self-Service Storage	N	
Manufacturing		
General Manufacturing	P	

Table 550-1: EC Zone Uses

Use	Status	Limitations and Qualifications
Heavy Manufacturing	N	The following Heavy Manufacturing activities: <ul style="list-style-type: none"> ▪ Animal slaughtering and processing. ▪ Cement, concrete, and asphalt product manufacturing. ▪ Nonmetallic mineral product manufacturing. ▪ Lumber mills, pulp and paper mills, and other similar wood products manufacturing.
	P	All other Heavy Manufacturing.
Printing	P	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	P	
Data Center Facilities	P	
Fuel Dealers	N	Solid fuel dealers.
	P	All other Fuel Dealers are permitted.
Waste-Related Facilities	P	Recycling operations.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	N	
Agriculture and Forestry Services	P	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Home Occupations	N	

(b) **EC Retail-Service Center Subzone.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the EC Retail-Service Center Subzone are set forth in Table 550-2. Such uses are the only uses allowed within the EC Retail-Service Center Subzone.

TABLE 550-2

EC RETAIL-SERVICE CENTER SUBZONE USES

Table 550-2: EC Retail-Service Center Subzone Uses		
Use	Status	Limitations and Qualifications
Household Living		
Single Family	N	
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	P	
Long- Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	P	
Personal Services	P	
Postal and Retail Financial Services	P	
Business and Professional Services		
Office	P	The following Office activities: <ul style="list-style-type: none"> ▪ Business schools ▪ Vocational schools
	N	All other Office.
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	P	The following Motor Vehicle Services: <ul style="list-style-type: none"> ▪ Gasoline service stations. ▪ Car washes. ▪ Quick lubrication services.
	N	All other Motor Vehicle Services.
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	Theaters.
	P	All other Commercial Entertainment – Indoor.

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Table 550-2: EC Retail-Service Center Subzone Uses

Use	Status	Limitations and Qualifications
Commercial Entertainment – Outdoor	N	The following Commercial Entertainment – Outdoor activities: <ul style="list-style-type: none"> ▪ Recreational vehicle parks. ▪ Drive-in movie theaters.
	P	All other Commercial Entertainment - Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	N	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	N	
Post-Secondary and Adult Education	P	The following Post-Secondary and Adult Education activities: <ul style="list-style-type: none"> ▪ Business schools. ▪ Vocational schools.
	N	All other Post-Secondary and Adult Education.
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	N	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	

Table 550-2: EC Retail-Service Center Subzone Uses		
Use	Status	Limitations and Qualifications
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Services.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	P	Recycling depots.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	P	
Other Uses		
Home Occupations	N	

550.015. Development Standards.

(a) **EC Zone.** Development within the EC zone must comply with the development standards set forth in this subsection.

(1) **Lot Standards.** Lots within the EC zone shall conform to the standards set forth in Table 550-3.

**TABLE 550-3
LOT STANDARDS**

Table 550-3: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		
All Uses	None	
STREET FRONTAGE		
All Uses	Min. 16 ft.	

(2) **Setbacks.** Setbacks within the EC zone shall be provided as set forth in Tables 550-4 and 550-5.

**TABLE 550-4
SETBACKS**

Table 550-4: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 10 ft.	
Accessory Structures		
Accessory to all uses	Min. 10 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 550-5)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 550-5)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 550-5)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 550-5)	
Accessory Buildings and Structures		

Table 550-4: Setbacks		
Requirement	Standard	Limitations & Qualifications
Accessory to all uses	Zone-to-Zone Setback (Table 550-5)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 550-5)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 550-5)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 550-5)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 550-5)	

**TABLE 550-5
ZONE-TO-ZONE SETBACKS**

Table 550-5: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas	Min. 5 ft.	
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type D
	Vehicle Use Areas	Min. 5 ft.	
Mixed-Use Zone	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas	Min. 5 ft.	
Commercial Zone	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas	Min. 5 ft.	
Public Zone	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas	Min. 5 ft.	
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas	Min. 5 ft.	
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas	Min. 5 ft.	
<u>Limitations and Qualifications</u>			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

1 (3) **Lot Coverage; Height.** Buildings and accessory structures within the EC
 2 zone shall conform to the lot coverage and height standards set forth in Table 550-
 3 6.

4 **TABLE 550-6**
 5 **SETBACKS; LOT COVERAGE; HEIGHT**

6 **Table 550-6: Lot Coverage; Height**

Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All Uses	Max. 60%	
HEIGHT		
Buildings		
All Uses	Max. 80 ft.	
	Max. 28 ft.	Applicable to buildings located within 90 ft. of a property line abutting a residential zone.
Accessory Structures		
Accessory to All Uses	Max. 80 ft.	
	Max. 28 ft.	Applicable to buildings located within 90 ft. of a property line abutting a residential zone.

15
 16 (4) **Landscaping.**

17 (A) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall
 18 conform to the standards set forth in SRC Chapter 807.

19 (B) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as
 20 provided under SRC Chapter 806 and SRC Chapter 807, except that areas
 21 used primarily for truck parking, loading, and circulation shall not be
 22 required to provide:

- 23 (i) Perimeter setbacks and landscaping adjacent to buildings and
 24 structures, pursuant to SRC 806.035(c)(4);
- 25 (ii) Trees, pursuant to SRC 806.035(d)(3); and
- 26 (iii) Landscape islands and planter bays, pursuant to SRC
 27 806.035(d)(4).

28 (5) **Outdoor Storage.** Within the EC zone, outdoor storage shall conform to the
 29 following standards:

30 (A) Storage areas shall not be located within required setbacks.

1 (B) Storage areas shall be enclosed by a minimum 6-foot-high sight-
2 obscuring fence, wall, or hedge; or a berm.

3 (C) Materials and equipment stored shall not exceed a maximum height
4 of 14 feet above grade; provided, however, materials and equipment more
5 than 6 feet in height above grade shall be screened by sight-obscuring
6 landscaping.

7 (6) **Solid Waste Service Areas.** In addition to conforming to the standards set
8 forth under SRC 800.055, solid waste service areas shall be screened from public
9 streets by sight-obscuring landscaping, fences, or walls.

10 (7) **Stormwater Management.** Runoff from landscape strips, berms or grade
11 drops shall be intercepted by a perimeter swale and diverted to a stormwater
12 treatment system approved by the Public Works Director.

13 (8) **Lighting.** Exterior lighting systems, if used, shall be designed to provide
14 illumination for the lot, and not cause glare onto the public right-of-way or any
15 surrounding residentially zoned properties or natural areas. Exterior lighting
16 systems, including parking lot lighting, shall meet the following standards:

17 (A) The illumination level beyond any property line adjacent to a
18 residentially zoned property or natural area shall not exceed 0.5 horizontal
19 foot-candles on the adjacent residentially zoned property or natural area;
20 and

21 (B) Luminaries shall have a cutoff classification with no more than 2.5
22 percent of the candlepower above 90 degrees from vertical, and no more
23 than 10 percent above 80 degrees from vertical. As an alternative, shields
24 may be installed on the luminaries to achieve the cutoff requirements, or a
25 non-cutoff luminary having a light source that emits no more than 10,000
26 lumens at each pole location may be installed. The luminaries shall be
27 designed to eliminate glare.

28 (9) **Industrial Performance Standards.** Within the EC zone, no land or
29 structure shall be used or occupied unless maintained and operated in continuing
30 compliance with all applicable standards adopted by the Oregon Department of

1 Environmental Quality (DEQ), including the holding of all licenses and permits
2 required by DEQ regulation, local ordinance, and state and federal law.

3 **(b) EC Retail-Service Center Subzone.** Development within the EC Retail-Service
4 Center Subzone shall, in addition to the development standards generally applicable in
5 the EC zone, comply with the development standards set forth in this subsection.

6 **(1) Floor Area.** Uses within the EC Retail-Service Center Subzone shall be
7 limited to no more than 25,000 square feet of total floor area per establishment;
8 provided, however:

9 **(A) Short-Term Commercial Lodging** may accommodate up to 100 guest
10 rooms per establishment, regardless of total floor area.

11 **(B) Health clubs and gyms** may occupy up to 40,000 square feet of total
12 floor area per establishment.

13 **(2) Pedestrian Access.** Within the EC Retail-Service Center Subzone,
14 pedestrian access shall be provided as set forth in this subsection.

15 **(A) Connections to Streets.** For development sites within an EC Retail-
16 Service Center Subzone that have frontage on a street, pedestrian
17 connections shall be provided between building entrances and the street,
18 or transit stops if the transit stops are located within the frontage for the
19 building, according to the following standards:

20 **(i)** For development sites with one street frontage, a direct
21 pedestrian connection shall be provided between the main entrance
22 of each building and the adjacent street. The connection may not
23 be more than 20 feet longer than, or a distance equal to 120 percent
24 of, a line drawn perpendicular from the main entrance of the
25 building to the sidewalk closest to the building, or the closest
26 improved right-of-way if there are no sidewalks.

27 **(ii)** For development sites with more than one street frontage:

28 **(aa)** A direct pedestrian connection shall be provided
29 between the main entrance of each building and the
30 adjacent street fronting the main entrance. The connection

1 may not be more than 20 feet longer than, or a distance
2 equal to 120 percent of, a line drawn perpendicular from
3 the main entrance of the building to the sidewalk closest to
4 the building, or the closest improved right-of-way if there
5 are no sidewalks.

6 **(bb)** A pedestrian connection shall be provided between
7 every other entrance of each building and the adjacent
8 street fronting the entrance; provided, however, if 50
9 percent or more of the building facade is located within 10
10 feet of the street, no pedestrian connection is required.

11 **(B) Internal Connections.** An on-site pedestrian circulation system shall
12 be provided to connect all buildings within the EC Retail-Service Center
13 Subzone, and to connect to parking areas, bicycle parking areas,
14 recreational areas, common outdoor areas, and any pedestrian amenities.

15 **(C) No Pedestrian Access Required in Certain Circumstances.** No
16 pedestrian connections or pedestrian circulation system shall be required if
17 physical or topographical conditions exist that makes the connections or
18 circulation system impracticable. Physical and topographical conditions
19 include, but are not limited to, steep slopes, wetlands, or other bodies of
20 water where a connection or circulation system could not reasonably be
21 provided.

22 **(D) Materials.**

23 **(i)** Pedestrian connections and circulation systems shall be hard-
24 surfaced and not less than 6 feet in width.

25 **(ii)** Portions of pedestrian connections and circulation systems that
26 cross driveways, parking areas, or loading areas must be clearly
27 identified by use of grade changes at least 4 inches in height,
28 different paving materials, or other similar methods. Striping shall
29 not be used as a method of identification of pedestrian connections
30 and pedestrian circulation systems.

1 (iii) Portions of pedestrian connections and pedestrian circulation
2 systems that are parallel and adjacent to an auto travel lane shall be
3 raised above the level of the auto travel lane, or separated from the
4 auto travel lane by a raised curb, bollards, landscaping, or other
5 physical barrier approved by the Director. If the pedestrian
6 connection or pedestrian circulation system is raised above the
7 level of the auto travel lane, the pedestrian connection or
8 pedestrian circulation system shall be at least 4 inches high, and
9 each end of the raised portions shall be equipped with curb ramps.
10 Bollard spacing shall be no further apart than 5 feet on center.

11 (E) **Lighting.** Illumination for the on-site pedestrian circulation system
12 shall be not less than 3 foot-candles at all points along the system.

13 **550.020. Other Provisions.** In addition to the standards set forth in this Chapter, development
14 within the EC zone must comply with all other applicable development standards of the UDC,
15 including but not limited to the following chapters:

- | | | |
|----|--|-----------------|
| 16 | (a) Trees and Shrubs | SRC Chapter 86 |
| 17 | (b) General Development Standards | SRC Chapter 800 |
| 18 | (c) Public Improvements | SRC Chapter 802 |
| 19 | (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 20 | (e) Driveway Approaches | SRC Chapter 804 |
| 21 | (f) Vision Clearance | SRC Chapter 805 |
| 22 | (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 23 | (h) Landscaping and Screening | SRC Chapter 807 |
| 24 | (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 25 | (j) Wetlands | SRC Chapter 809 |
| 26 | (k) Landslide Hazards | SRC Chapter 810 |
| 27 | (l) Sign Code | SRC Chapter 900 |

28 **Section 31.** The following SRC Chapter 551 is added to the Salem Revised Code:

29 **551.001. Purpose.** The purpose of the Industrial Commercial (IC) zone is to implement the
30 Industrial Commercial designation of the Salem Area Comprehensive Plan through the

1 identification of allowed uses and the establishment of development standards. The IC zone
 2 generally allows a wide variety of retail, office, heavy commercial, light manufacturing, and
 3 warehousing activities.

4 **551.005. Uses.**

5 (a) Except as otherwise provided in this section, the permitted (P), special (S),
 6 conditional (C), and prohibited (N) uses in the IC zone are set forth in Table 551-1.

7 **TABLE 551-1**

8 **USES**

9 **Table 551-1: Uses**

10 Use	Status	Limitations & Qualifications
11 Household Living		
12 Single Family	P	The following Single Family activities: ▪ Residential Home, as defined under ORS 197.660, within an existing single family dwelling allowed as a continued use pursuant to SRC 551.005(b). ▪ Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	C	The following Single Family activities: ▪ Single family detached dwelling. ▪ Residential Home, as defined under ORS 197.660. ▪ Manufactured home.
	N	All other Single Family.
19 Two Family	C	Duplex.
	N	All other Two Family.
20 Multiple Family	C	
21 Group Living		
22 Room and Board	C	Room and Board serving up to 75 persons.
	N	All other Room and Board.
23 Residential Care	C	
Nursing Care	P	
24 Lodging		
25 Short-Term Commercial Lodging	P	
Long- Term Commercial Lodging	C	
26 Non-Profit Shelters	C	Non-Profit Shelters serving up to 75 persons.
	N	All other Non-Profit Shelters.
27 Retail Sales and Service		
28 Eating and Drinking Establishments	P	
Retail Sales	P	
29 Personal Services	P	
30 Postal Services and Retail Financial Services	P	
Business and Professional Services		

Table 551-1: Uses

Use	Status	Limitations & Qualifications
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	P	
Motor Vehicle Services	P	
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	P	
Heavy Vehicle and Trailer Sales	P	
Heavy Vehicle and Trailer Service and Storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	C	Night clubs, located within 200 feet of a residential zone.
	P	All other Commercial Entertainment – Indoor .
Commercial Entertainment - Outdoor	P	
Major Event Entertainment	N	Race tracks.
	P	All other Major Event Entertainment.
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Education Services		
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	P	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	

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Table 551-1: Uses

Use	Status	Limitations & Qualifications
Building and Grounds Services and Construction Contracting	P	
Cleaning Plants	P	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	P	
Heavy Wholesaling	C	The following Heavy Wholesaling activities: <ul style="list-style-type: none"> ▪ Firearms wholesalers. ▪ Wood products and timber wholesalers.
	N	The following Heavy Wholesaling activities: <ul style="list-style-type: none"> ▪ Chemicals and allied products wholesalers. ▪ Scrap dealers.
	P	All other Heavy Wholesaling.
Warehousing and Distribution	P	
Self-Service Storage	P	
Manufacturing		
General Manufacturing	P	The following General Manufacturing activities: <ul style="list-style-type: none"> ▪ Industrial and institutional food service contractors. ▪ Sign Manufacturing. ▪ Fabrics, leather goods, footwear, and apparel manufacturing. EXCEPT rubber and plastic footwear manufacturing. ▪ General food manufacturing. ▪ Beverage and related products manufacturing. ▪ Tobacco products manufacturing. ▪ Cabinetry. ▪ Aircraft and aircraft parts manufacturing. ▪ Motor Vehicles and Motor Vehicle Equipment manufacturing. ▪ Computer and electronics manufacturing. ▪ Paperboard containers and boxes manufacturing.
	C	The following General Manufacturing activities: <ul style="list-style-type: none"> ▪ Rubber and plastic footwear manufacturing. ▪ Rubber and plastics products manufacturing. ▪ Costume jewelry and precious metals metalsmithing. ▪ Furniture manufacturing. ▪ Fabricated metal products manufacturing. ▪ Wood product manufacturing. ▪ Engineered wood product manufacturing. ▪ Wood preservation. ▪ Plastics and rubber products manufacturing. ▪ General chemical manufacturing. ▪ Leather tanning. ▪ Metal coating and engraving. ▪ Battery manufacturing. ▪ Ship and boat building. ▪ Commercial and service industry machinery manufacturing. ▪ Metalworking machinery manufacturing. ▪ Sawmill and woodworking machinery manufacturing.
	N	All other General Manufacturing.
Heavy Manufacturing	N	

Table 551-1: Uses		
Use	Status	Limitations & Qualifications
Printing	P	
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	
Marine Facilities	P	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	P	
Fuel Dealers	P	
Waste-Related Facilities	P	Recycling depots.
	C	Solid waste transfer stations.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	C	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	P	
Keeping of Livestock and Other Animals	C	The following Keeping of Livestock and Other Animal activities: <ul style="list-style-type: none"> ▪ Animal shelters. ▪ Boarding kennels. ▪ Animal training facilities.
	N	All other Keeping of Livestock and Other Animals.
Animal Services	C	Wildlife rehabilitation facilities.
	P	All other Animal Services.
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) **Continued Uses.** Existing single family detached dwellings, other than manufactured dwellings, within the IC zone constructed prior to February 1, 1983, but which would otherwise be made non-conforming by this Chapter, are hereby deemed continued uses.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 551.010(g).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a non-residential use shall thereafter prevent conversion back to a residential use.

551.010. Development Standards. Development within the IC zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the IC zone shall conform to the standards set forth in Table 551-2.

**TABLE 551-2
LOT STANDARDS**

Table 551-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	None	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
	Min. 30 ft.	
All other uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the IC zone shall be provided as set forth in Tables 551-3 and 551-4.

**TABLE 551-3
SETBACKS**

Table 551-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 5 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
Single Family and Two Family	None	
Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 551-4)	
Accessory Structures		
Accessory to Single Family and Two Family	Min. 5 ft.	
Accessory to Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 551-4)	
Vehicle Use Areas		
Single Family and Two Family	Per SRC Chapter 806	
Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 551-4)	
INTERIOR SIDE		
Buildings		
Single Family and Two Family	None	
Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 551-4)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.

Table 551-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Accessory to Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 551-4)	
Vehicle Use Areas		
Single Family and Two Family	Per SRC Chapter 806	
Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All uses	Zone-to-Zone Setback (Table 551-4)	
INTERIOR REAR		
Buildings		
Single Family and Two Family	None	
Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 551-4)	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
Accessory to all other uses	Zone-to-Zone Setback (Table 551-4)	
Vehicle Use Areas		
Single Family and Two Family	Per SRC Chapter 806	
Multiple Family	Min. 15 ft.	Required landscaping shall meet the Type C standard set forth in SRC Chapter 807.
All other uses	Zone-to-Zone Setback (Table 551-4)	

**TABLE 551-4
ZONE-TO-ZONE SETBACKS**

Table 551-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		

Table 551-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
Residential Zone	Buildings and Accessory Structures	Min. 30 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Commercial Zone	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Public Zone	Buildings and Accessory Structures	Min. 5 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

**TABLE 551-5
LOT COVERAGE; HEIGHT**

Table 551-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

1 **(3) Development Site.** A minimum of 15 percent of the development site shall
2 be landscaped. Landscaping shall meet the Type A standard set forth in SRC
3 Chapter 807. Other required landscaping under the UDC, such as landscaping
4 required for setbacks or vehicular use areas, may count towards meeting this
5 requirement.

6 **(e) Industrial Performance Standards.** Within the IC zone, no land or structure shall
7 be used or occupied unless maintained and operated in continuing compliance with all
8 applicable standards adopted by the Oregon Department of Environmental Quality
9 (DEQ), including the holding of all licenses and permits required by DEQ regulations,
10 local ordinance, and state and federal law.

11 **(f) Additional Standards for Manufactured Homes.** Manufactured homes shall, in
12 addition to the development standards generally applicable in the IC zone, comply with
13 the following:

14 **(1)** Manufactured homes shall be multi-sectional and enclose a space of not less
15 than 860 square feet.

16 **(2)** Manufactured homes shall be placed on an excavated and back-filled
17 foundation, and enclosed continuously at the perimeter with material comparable
18 to the predominant materials used in foundations of surrounding dwellings.

19 **(3)** Manufactured homes shall have a pitched roof, with a slope not less than a
20 nominal 3 feet in height for each 12 feet in width.

21 **(4)** Manufactured homes shall have exterior siding and roofing which in color,
22 material, and appearance is similar to the exterior siding and roofing commonly
23 used on residential dwellings within the community, or which is comparable to
24 the predominant materials used on surrounding dwellings.

25 **(5)** Manufactured homes shall be certified by the manufacturer to have an
26 exterior thermal envelope meeting performance standards equivalent to the
27 performance standards required of single-family dwellings constructed under the
28 State Building Code as defined in ORS 455.010.

29 **(6)** Manufactured homes shall have a garage or carport constructed of like
30 materials.

1 (g) **Development Standards for Continued Uses.** Buildings or structures housing a
2 continued use may be structurally altered or enlarged, or rebuilt following damage or
3 destruction, provided such alteration, enlargement, or rebuilding complies with the
4 following standards:

5 (1) The altered, enlarged, or rebuilt building or structure shall conform to
6 development standards of the Single Family Residential (RS) zone set forth in
7 SRC Chapter 511, and to all other applicable provisions of the UDC.

8 (2) Any building or structure altered or enlarged shall not exceed the square
9 footage and height of the original building or structure by more than 20 percent.

10 (3) Any building or structure rebuilt shall be located on the same location on the
11 lot as the original building or structure, or in compliance with the setbacks of the
12 Single Family Residential (RS) zone set forth in SRC 511.010(b). The square
13 footage and height of the rebuilt building or structure shall not exceed the square
14 footage and height of the original building or structure by more than 20 percent.

15 **551.015. Design Review.** Design review under SRC Chapter 225 is required for development
16 within the IC as follows:

17 (a) Multiple family development shall be subject to design review according to the
18 multiple family design review guidelines or the multiple family design review standards
19 set forth in SRC Chapter 702.

20 (b) Residential Care with three or more self-contained dwelling units shall be subject
21 to design review according to the multiple family design review guidelines or the
22 multiple family design review standards set forth in SRC Chapter 702.

23 **551.020. Other Provisions.** In addition to the standards set forth in this Chapter, development
24 within the IC zone must comply with all other applicable development standards of the UDC,
25 including but not limited to the following chapters:

- | | |
|---|-----------------|
| 26 (a) Trees and Shrubs | SRC Chapter 86 |
| 27 (b) General Development Standards | SRC Chapter 800 |
| 28 (c) Public Improvements | SRC Chapter 802 |
| 29 (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 30 (e) Driveway Approaches | SRC Chapter 804 |

- 1 (f) Vision Clearance SRC Chapter 805
- 2 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 3 (h) Landscaping and Screening SRC Chapter 807
- 4 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 5 (j) Wetlands SRC Chapter 809
- 6 (k) Landslide Hazards SRC Chapter 810
- 7 (l) Sign Code SRC Chapter 900

8 **Section 32.** The following SRC Chapter 552 is added to the Salem Revised Code:

9 **552.001. Purpose.** The purpose of the Industrial Business Campus (IBC) zone is to implement
 10 the Industrial designation of the Salem Area Comprehensive Plan through the identification of
 11 allowed uses and the establishment of development standards. The IBC zone allows a mixture of
 12 light industrial, employment, and office uses, together with some small-scale commercial uses.
 13 The development standards within the zone require well-landscaped, attractive, and cohesive
 14 developments.

15 **552.005. Uses.**

16 (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IBC
 17 zone are set forth in Table 552-1.

18 **TABLE 552-1**
 19 **USES**

Table 552-1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	N	
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	P	Short-Term Commercial Lodging, subject to SRC 552.005(b).
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	P	Eating and Drinking Establishments are permitted, unless noted below, subject to SRC 552.005(b).
	N	Drive-in or drive-through facilities.

Table 552-1: Uses

Use	Status	Limitations & Qualifications
Retail Sales	P	The following Retail Sales activities, subject to SRC 552.005(b): <ul style="list-style-type: none"> ▪ Photocopying and blueprinting. ▪ Office supplies.
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	P	Postal Services and Retail Financial Services are permitted, subject to SRC 552.005(b).
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	Audio/Visual Media Production, provided it is conducted within an enclosed building.
Laboratory Research and Testing	P	Laboratory Research and Testing, provided it is conducted within an enclosed building.
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	P	Gasoline service stations, subject to SRC 552.005(b).
	N	All other Motor Vehicle Services.
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	P	Heavy equipment rental and leasing, subject to SRC 552.005(b).
	N	All other Heavy Vehicle and Trailer Sales.
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	Health clubs, gyms, and membership sports and recreation clubs, subject to SRC 552.005(b).
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories, subject to SRC 552.005(b).
Educational Services		
Day Care	P	Child day care services, subject to SRC 552.005(b).
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	P	Post-Secondary and Adult Education, subject to SRC 552.005(b).
Civic Services		
Governmental Services	PA	

Table 552-1: Uses

Use	Status	Limitations & Qualifications
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	Emergency Services, subject to SRC 552.005(b).
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	General Repair Services, subject to SRC 522.005(b).
Building and Grounds Services and Construction Contracting	P	Buildings and Grounds Services and Construction Contracting, subject to SRC 552.005(b).
Cleaning Plants	N	
Industrial Services	P	Industrial Services, subject to SRC 552.005(b).
Whole Sales, Storage, and Distribution		
General Wholesaling	P	General Wholesaling, provided it is conducted within an enclosed building.
Heavy Wholesaling	P	Heavy Wholesaling, provided it is conducted within an enclosed building.
Warehousing and Distribution	P	Warehousing and Distribution, provided it is conducted within an enclosed building.
Self-Service Storage	P	Self-Service Storage, provided it is conducted within an enclosed building.
Manufacturing		
General Manufacturing	P	General Manufacturing, provided it is conducted within an enclosed building. Retail sales of products manufactured on the site are permitted.
Heavy Manufacturing	N	
Printing	P	Printing, provided it is conducted within an enclosed building. Retail sales of products produced on the site are permitted.
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	P	Data Center Facilities, provided they are conducted within an enclosed building.
Fuel Dealers	P	Fuel Dealers, subject to SRC 552.005(b).
Waste-Related Facilities	N	

Table 552-1: Uses		
Use	Status	Limitations & Qualifications
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Home Occupations	N	

(b) Limitations on Uses. Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:

- (1)** The use shall be limited to no more than 10,000 square feet of total floor area per development site; provided, however:
 - (A)** Short-Term Commercial Lodging may accommodate up to 100 guest rooms per development site, regardless of total floor area.
 - (B)** Health clubs, gyms, and membership sports and recreation clubs may occupy up to 50,000 square feet of total floor area per development site.

552.010. Development Standards. Development within the IBC zone must comply with the development standards set forth in this section. Where used in this section, “IBC Internal Street” means a street which is not an arterial or collector street, which has no or only one actual or proposed connection to an existing or proposed street at the boundaries of an IBC District, or which is a loop street entirely within the IBC District. “IBC District” means contiguous IBC zoned property.

(a) Land Division in IBC Zone. In addition to the approval criteria set forth in SRC Chapter 205, no land shall be divided within the IBC zone unless the following criteria are met:

- (1)** The configuration of the lots does not require the creation of other smaller lots as the only way to develop the remainder of the property within the IBC District;

(2) The lots are complementary and compatible to other uses within the IBC District; and

(3) The lots do not preclude expansion of existing industries.

(b) **Lot Standards.** Lots within the IBC zone shall conform to the standards set forth in Table 552-2.

**TABLE 552-2
LOT STANDARDS**

Table 552-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	None	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
All uses	Min. 16 ft.	

(c) **Setbacks.**

(1) Setbacks within the IBC zone shall be provided as set forth in Tables 552-3 and 552-4.

**TABLE 552-3
SETBACKS**

Table 552-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	Applicable where abutting an IBC Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an IBC Internal Street.
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Applicable where abutting an IBC Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an IBC Internal Street.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Min. 20 ft.	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback	

Table 552-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	(Table 552-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 552-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 552-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 552-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 552-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 552-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 552-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 552-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 552-4)	

**TABLE 552-4
ZONE-TO-ZONE SETBACKS**

Table 552-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback (1)	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 40 ft.	Type C
	Vehicle Use Areas	Min. 20 ft.	
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type C
	Vehicle Use Areas	Min. 20 ft.	
Mixed-Use Zone	Buildings and Accessory Structures	Min. 40 ft.	Type C
	Vehicle Use Areas	Min. 20 ft.	
Commercial Zone	Buildings and Accessory Structures	Min. 40 ft.	Type C
	Vehicle Use Areas	Min. 20 ft.	
Public Zone	Buildings and Accessory Structures	Min. 40 ft.	Type C
	Vehicle Use Areas	Min. 20 ft.	
Industrial and Employment Zone: IBC	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 10 ft.	
Industrial and Employment Zone:	Buildings and Accessory Structures	Min. 20 ft.	Type C

Table 552-4: Zone-to-Zone Setbacks

Abutting Zone	Type of Improvement	Setback (1)	Landscaping & Screening
EC, IC, IP, IG, and II	Vehicle Use Areas		
<u>Limitations and Qualifications</u>			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

(2) Driveway Setbacks.

(A) Driveways shall be set back from property lines abutting a street as set forth in Tables 552-3 and 552-4, except where the driveway provides direct access to a street.

(B) Driveways shall be set back from interior property lines separating an IBC zoned property from a non-IBC zoned property as set forth in Tables 552-3 and 552-4, except where the driveway provides direct access to an abutting property or to a street.

(C) Driveways shall set back from interior property lines separating an IBC zoned property from another IBC zoned property as set forth in Tables 552-3 and 552-4, except where the driveway provides direct access to an abutting property or street, or where a common driveway is provided along a property line between separately owned IBC zoned properties. Where a common driveway is provided along a property line between separately owned IBC zoned properties, a minimum 10-foot wide landscaped area shall be provided parallel to and along each side of the common driveway.

(d) **Lot Coverage; Height.** Buildings and accessory structures within the IBC zone shall conform to the lot coverage and height standards set forth in Table 552-5.

TABLE 552-5

LOT COVERAGE; HEIGHT

Table 552-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
HEIGHT		

Table 552-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max. 70 ft.	

(e) **Off-Street Parking and Loading.** Off-street parking and loading within the IBC zone shall, in addition to the off-street parking and loading requirements set forth in SRC Chapter 806, conform to the following additional requirements:

(1) **Off-Street Parking.** Not more than 10 percent of the required off-street parking spaces may be located in a required setback abutting a street. For purposes of this paragraph, required setback means the setback required for a building abutting a street.

(2) **Loading.**

(A) All loading spaces shall be screened from adjacent property by a minimum 6-foot-high sight-obscuring fence, wall, or hedge; or a berm a minimum of 4 feet in height.

(B) Loading docks and loading doors shall be offset from driveway approaches, and shall be screened from the street by landscaping.

(f) **Landscaping.**

(1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(3) **Development Site.** A minimum of 20 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

(g) **Outdoor Storage.** Within the IBC zone, outdoor storage shall conform to the following standards:

1 (1) Storage areas shall not be located within required setbacks.

2 (2) Storage areas shall be enclosed by a minimum 6-foot-high sight-obscuring
3 fence, wall, or hedge; or a berm.

4 /

5 /

6 (3) Materials and equipment stored shall not exceed a maximum height of 14 feet
7 above grade; provided, however, materials and equipment more than 6 feet in
8 height above grade shall be screened by sight-obscuring landscaping.

9 **(h) Industrial Performance Standards.** Within the IBC zone, no land or structure
10 shall be used or occupied unless maintained and operated in continuing compliance
11 with all applicable standards adopted by the Oregon Department of Environmental
12 Quality (DEQ), including the holding of all licenses and permits required by DEQ
13 regulation, local ordinance, and state and federal law.

14 **(i) Additional Development Standards for Uses Allowed Subject to SRC**

15 **552.005(b).** Uses within the IBC zone allowed subject to SRC 552.005(b) shall
16 conform to the following additional development standards:

17 (1) Buildings fronting a street and within 50 feet of an abutting property shall
18 have glass frontage not less than 35 percent of the area of the street front wall.

19 (2) Outdoor storage areas shall:

20 (A) Be no more than 3,000 square feet per building and shall not be
21 aggregated with the storage of another building;

22 (B) Be enclosed with a minimum 6-foot-high sight-obscuring fence or
23 wall;

24 (C) Have at least one side conterminous with the building which it serves;
25 and

26 (D) Have no opening within 50 feet and visible from any property
27 boundary.

28 **552.015. Other Provisions.** In addition to the standards set forth in this Chapter, development
29 within the IBC zone must comply with all other applicable development standards of the UDC,
30 including but not limited to the following chapters:

- 1 (a) Trees and Shrubs SRC Chapter 86
- 2 (b) General Development Standards SRC Chapter 800
- 3 (c) Public Improvements SRC Chapter 802
- 4 (d) Streets and Right-of-Way Improvement SRC Chapter 803
- 5 (e) Driveway Approaches SRC Chapter 804
- 6 (f) Vision Clearance SRC Chapter 805
- 7 (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- 8 (h) Landscaping and Screening SRC Chapter 807
- 9 (i) Preservation of Trees and Vegetation SRC Chapter 808
- 10 (j) Wetlands SRC Chapter 809
- 11 (k) Landslide Hazards SRC Chapter 810
- 12 (l) Sign Code SRC Chapter 900

13 **Section 33.** The following SRC Chapter 553 is added to the Salem Revised Code:

14 **553.001. Purpose.** The purpose of the Industrial Park (IP) zone is to implement the Industrial
 15 designation of the Salem Area Comprehensive Plan through the identification of allowed uses
 16 and the establishment of development standards. The IP zone allows industrial uses, along uses
 17 providing services and support to industry, in a park like setting.

18 **553.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IP
 19 zone are set forth in Table 553-1.

20 **TABLE 553-1**

21 **USES**

22 **Table 553-1: Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	

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Table 553-1: Uses

Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	P	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ News dealers and newsstands. ▪ Tobacco stores and stands. ▪ Caterers.
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	P	Banks, credit unions, and other customer-oriented facilities for financial institutions.
	N	All other Postal Services and Retail Financial Services.
Business and Professional Services		
Office	P	The following Office activities: <ul style="list-style-type: none"> ▪ Photofinishing laboratories. ▪ Headquarters of banks and other financial institutions. ▪ Insurance carriers and brokers. ▪ Real estate. ▪ Communication services. ▪ Engineering, architectural, and surveying services. ▪ Accounting services. ▪ Management and public relations services. ▪ Technical services provided by independent authors and artists. ▪ Research. ▪ Music publishing. ▪ Actuarial consulting. ▪ Environmental consultants. ▪ Call centers. ▪ Vocational trade schools.
	N	All other Office.
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	P	The following Motor Vehicle Services activities: <ul style="list-style-type: none"> ▪ Motorcycle repair. ▪ Gasoline service stations.
	N	All other Motor Vehicle Services.
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	

Table 553-1: Uses

Use	Status	Limitations & Qualifications
Heavy Vehicle and Trailer Service and Storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	Health clubs, gyms, and membership sports and recreation clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	Child day care services.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	P	Vocational trade schools.
	N	All other Post-Secondary and Adult Education.
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	P	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	P	
Cleaning Plants	P	
Industrial Services	P	
Whole Sales, Storage, and Distribution		
General Wholesaling	P	

Table 553-1: Uses

Use	Status	Limitations & Qualifications
Heavy Wholesaling	C	The following Heavy Wholesaling activities: <ul style="list-style-type: none"> ▪ Petroleum And Petroleum Products wholesalers. ▪ Chemicals and allied products wholesalers. ▪ Firearms wholesalers. ▪ Wood products and timber wholesalers.
	N	All other Heavy Wholesaling.
Warehousing and Distribution	P	
Self-Service Storage	P	
Manufacturing		
General Manufacturing	P	
Heavy Manufacturing	N	The following Heavy Manufacturing activities: <ul style="list-style-type: none"> ▪ Petroleum and coal products manufacturing. ▪ Primary metal manufacturing. ▪ Cement and concrete product manufacturing. ▪ Lime and gypsum product manufacturing.
	C	All other Heavy Manufacturing activities.
Printing	P	
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	P	
Fuel Dealers	N	
Waste-Related Facilities	P	Recycling depots.
	C	Solid waste transfer stations.
	N	All other Waste-Related Facilities
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	C	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	C	
Animal Services	C	
Other Uses		
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) Continued Uses. Existing single family detached dwellings, other than manufactured dwellings, within the IP zone constructed prior to February 1, 1983, but which would otherwise be made non-conforming by this Chapter, are hereby deemed continued uses.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 553.010(g).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a non-residential use shall thereafter prevent conversion back to a residential use.

553.010. Development Standards. Development within the IP zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the IP zone shall conform to the standards set forth in Table 553-2.

**TABLE 553-2
LOT STANDARDS**

Table 553-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	None	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	Applicable to lots fronting on the turnaround of cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
	Min. 30 ft.	
All other uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the IP zone shall be provided as set forth in Tables 553-3 and 553-4.

**TABLE 553-3
SETBACKS**

Table 553-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 20 ft.	
Accessory Structures		
Accessory to all uses	Min. 20 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Min. 20 ft.	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 553-4)	Not applicable adjacent to a railroad siding or spur.

**TABLE 553-4
ZONE-TO-ZONE SETBACKS**

Table 553-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas		
Residential Zone	Buildings and Accessory Structures	Min. 30 ft.	Type C
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas		
Commercial Zone	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas		
Public Zone	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 10 ft.	Type A
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
<u>Limitations and Qualifications</u>			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

(c) Lot Coverage; Height. Buildings and accessory structures within the IP zone shall conform to the lot coverage and height standards set forth in Table 553-5.

**TABLE 553-5
LOT COVERAGE; HEIGHT**

Table 553-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 45 ft.	
Accessory Structures		
Accessory to all uses	Max. 45 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

1 **(2) Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under
2 SRC Chapter 806 and SRC Chapter 807.

3 **(3) Development Site.** A minimum of 15 percent of the development site shall
4 be landscaped. Landscaping shall meet the Type A standard set forth in SRC
5 Chapter 807. Other required landscaping under the UDC, such as landscaping
6 required for setbacks or vehicle use areas, may count towards meeting this
7 requirement.

8 **(e) Outdoor Storage.** Within the IP zone, outdoor storage shall conform to the
9 following standards:

10 **(1)** Storage areas shall not be located within required setbacks.

11 **(2)** Storage areas shall be enclosed by a minimum 6-foot-high sight-obscuring
12 fence, wall, or hedge; or a berm.

13 **(3)** Materials and equipment stored shall not exceed a maximum height of 14 feet
14 above grade; provided, however, materials and equipment more than 6 feet in
15 height above grade shall be screened by sight-obscuring landscaping.

16 **(f) Industrial Performance Standards.** Within the IP zone, no land or structure shall
17 be used or occupied unless maintained and operated in continuing compliance with all
18 applicable standards adopted by the Oregon Department of Environmental Quality
19 (DEQ), including the holding of all licenses and permits required by DEQ regulation,
20 local ordinance, and state and federal law.

21 **(g) Development Standards for Continued Uses.** Buildings or structures housing a
22 continued use may be structurally altered or enlarged, or rebuilt following damage or
23 destruction, provided such alteration, enlargement, or rebuilding complies with the
24 following standards:

25 **(1)** The altered, enlarged, or rebuilt building or structure shall conform to
26 development standards of the Single Family Residential (RS) zone set forth in
27 SRC Chapter 511, and to all other applicable provisions of the UDC.

28 **(2)** Any building or structure altered or enlarged shall not exceed the square
29 footage and height of the original building or structure by more than 20 percent.

30 **(3)** Any building or structure rebuilt shall be located on the same location on the

1 lot as the original building or structure, or in compliance with the setbacks of the
2 Single Family Residential (RS) zone set forth in SRC 511.010(b). The square
3 footage and height of the rebuilt building or structure shall not exceed the square
4 footage and height of the original building or structure by more than 20 percent.

5 **553.015. Other Provisions.** In addition to the standards set forth in this Chapter, development
6 within the IP zone must comply with all other applicable development standards of the UDC,
7 including but not limited to the following chapters:

- | | | |
|----|--|-----------------|
| 8 | (a) Trees and Shrubs | SRC Chapter 86 |
| 9 | (b) General Development Standards | SRC Chapter 800 |
| 10 | (c) Public Improvements | SRC Chapter 802 |
| 11 | (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 12 | (e) Driveway Approaches | SRC Chapter 804 |
| 13 | (f) Vision Clearance | SRC Chapter 805 |
| 14 | (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 15 | (h) Landscaping and Screening | SRC Chapter 807 |
| 16 | (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 17 | (j) Wetlands | SRC Chapter 809 |
| 18 | (k) Landslide Hazards | SRC Chapter 810 |
| 19 | (l) Sign Code | SRC Chapter 900 |

20 **Section 34.** The following SRC Chapter 554 is added to the Salem Revised Code:

21 **554.001. Purpose.** The purpose of the General Industrial (IG) zone is to implement the
22 Industrial designation of the Salem Area Comprehensive Plan through the identification of
23 allowed uses and the establishment of development standards. The IG zone generally allows a
24 wide range of manufacturing, distribution, and storage uses, and prohibits uses that are
25 incompatible with industrial development.

26 **554.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the IG
27 zone are set forth in Table 554-1.

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TABLE 554-1

USES

Table 554-1: Uses

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Dwelling unit for a caretaker on the premises being cared for or guarded.
	S	Manufactured home as a dwelling for a caretaker, subject to SRC 700.030.
	N	All other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	P	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ Photocopying, duplicating, and blueprinting services. ▪ Retail nurseries and lawn and garden supply stores. ▪ Lumber and other building materials dealers.
	N	All other Retail Sales.
Personal Services	P	The following Personal Services activities are permitted: <ul style="list-style-type: none"> ▪ Laundromats. ▪ Drycleaners.
	N	All other Personal Services.
Postal Services and Retail Financial Services	P	Banks, credit unions, and other customer-oriented facilities for financial institutions.
	N	All other Postal Services and Retail Financial Services.
Business and Professional Services		
Office	P	The following Office activities are permitted: <ul style="list-style-type: none"> ▪ Headquarters of banks and other financial institutions. ▪ Direct mail advertising services. ▪ Commercial art and photography. ▪ Secretarial and court reporting services. ▪ Photo finishing laboratories. ▪ Management and public relations services. ▪ Outdoor advertising services. ▪ Professional, business, or political membership organizations. ▪ Arrangement of transportation. ▪ Vocational trade schools. ▪ Research. ▪ Telecommunication services.

Table 554-1: Uses

Use	Status	Limitations & Qualifications
	N	All other Office.
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	The following Motor Vehicle and Manufactured Dwelling and Trailer Sales activities: <ul style="list-style-type: none"> ▪ Automobile sales. ▪ Manufactured dwelling sales. ▪ Recreational vehicle sales, when the sales display area is greater than 5 acres in size.
	P	All other Motor Vehicle and Manufactured Dwelling and Trailer Sales.
Motor Vehicle Services	N	Gasoline service stations.
	P	All other Motor Vehicle Services.
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	P	
Heavy Vehicle and Trailer Sales	P	
Heavy Vehicle and Trailer Service and Storage	N	Truck stops.
	P	All other Heavy Vehicle and Trailer Service and Storage.
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	P	Health clubs, gyms, and membership sports and recreation clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment - Outdoor	N	
Major Event Entertainment	C	Race tracks.
	N	All other Major Event Entertainment.
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Educational Services		
Day Care	P	Child day care services.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	P	Vocational trade schools.
	N	All other Post-Secondary and Adult Education.
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	P	

Table 554-1: Uses

Use	Status	Limitations & Qualifications
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	P	
Cleaning Plants	P	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	P	
Heavy Wholesaling	S	Scrap and waste material wholesalers, subject to SRC 700.055060.
	C	Chemicals and allied products wholesalers.
	P	All other Heavy Wholesaling.
Warehousing and Distribution	P	
Self-Service Storage	P	
Manufacturing		
General Manufacturing	P	
Heavy Manufacturing	C	
Printing	P	
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	
Marine Facilities	P	The following Marine Facilities: <ul style="list-style-type: none"> ▪ Water transportation of passengers. ▪ Services incidental to water transportation services.
	N	All other Marine Facilities.
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	P	
Power Generation Facilities	P	
Data Center Facilities	N	
Fuel Dealers	P	
Waste-Related Facilities	P	Recycling depots.
	C	Solid waste transfer stations.
	N	All other Waste-Related Facilities.
Mining and Natural Resource Extraction		

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Table 554-1: Uses		
Use	Status	Limitations & Qualifications
Petroleum and Natural Gas Production	C	
Surface Mining	C	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	P	
Keeping of Livestock and Other Animals	C	
Animal Services	P	
Other Uses		
Temporary Uses	P	Mobile food units, subject to SRC 701.020.
Home Occupations	S	Home Occupations, subject to SRC 700.020.

(b) Continued Uses. Existing single family detached dwellings, other than manufactured dwellings, within the IG zone constructed prior to February 1, 1983, but which would otherwise be made non-conforming by this Chapter, are hereby deemed continued uses.

(1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 554.010(f).

(2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for a residential use; provided, however, conversion of the building or structure to a non-residential use shall thereafter prevent conversion back to a residential use.

554.010. Development Standards. Development within the IG zone must comply with the development standards set forth in this section.

(a) Lot Standards. Lots within the IG zone shall conform to the standards set forth in Table 554-2.

**TABLE 554-2
LOT STANDARDS**

Table 554-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All Uses	None	
LOT WIDTH		
All Uses	None	
LOT DEPTH		
All Uses	None	
STREET FRONTAGE		
Single Family	Min. 40 ft.	Applicable to lots fronting on the turnaround of cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
	Min. 30 ft.	
All Other Uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the IG zone shall be provided as set forth in Tables 554-3 and 554-4.

**TABLE 554-3
SETBACKS**

Table 554-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to all uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 554-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 554-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 554-4)	
INTERIOR SIDE		

Table 554-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Buildings		
All uses	Zone-to-Zone Setback (Table 554-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 554-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 554-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 554-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 554-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 554-4)	

**TABLE 554-4
ZONE-TO-ZONE SETBACKS**

Table 554-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type E
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Commercial Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Public Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A

Limitations and Qualifications

(1) Zone-to-Zone setbacks are not required abutting an alley.

(c) Lot Coverage; Height. Buildings and accessory structures within the IG zone shall conform to the lot coverage and height standards set forth in Table 554-5.

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**TABLE 554-5
LOT COVERAGE; HEIGHT**

Table 554-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All Uses	No Max.	
HEIGHT		
Buildings		
All Uses	Max. 70 ft.	
Accessory Structures		
Accessory to uses	Max. 70 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(e) Industrial Performance Standards. Within the IG zone no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law.

(f) Development Standards for Continued Uses. Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:

(1) The altered, enlarged, or rebuilt building or structure shall conform to development standards of the Single Family Residential (RS) zone set forth in SRC Chapter 511, and to all other applicable provisions of the UDC.

(2) Any building or structure altered or enlarged shall not exceed the square footage and height of the original building or structure by more than 20 percent.

(3) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the

1 Single Family Residential (RS) zone set forth in SRC 511.010(b). The square
2 footage and height of the rebuilt building or structure shall not exceed the square
3 footage and height of the original building or structure by more than 20 percent.

4 /
5 /
6 **554.015. Other Provisions.** In addition to the standards set forth in this Chapter, development
7 within the IG zone must comply with all other applicable development standards of the UDC,
8 including but not limited to the following chapters:

- | | | |
|----|--|-----------------|
| 9 | (a) Trees and Shrubs | SRC Chapter 86 |
| 10 | (b) General Development Standards | SRC Chapter 800 |
| 11 | (c) Public Improvements | SRC Chapter 802 |
| 12 | (d) Streets and Right-of-Way Improvement | SRC Chapter 803 |
| 13 | (e) Driveway Approaches | SRC Chapter 804 |
| 14 | (f) Vision Clearance | SRC Chapter 805 |
| 15 | (g) Off-Street Parking, Loading, and Driveways | SRC Chapter 806 |
| 16 | (h) Landscaping and Screening | SRC Chapter 807 |
| 17 | (i) Preservation of Trees and Vegetation | SRC Chapter 808 |
| 18 | (j) Wetlands | SRC Chapter 809 |
| 19 | (k) Landslide Hazards | SRC Chapter 810 |
| 20 | (l) Sign Code | SRC Chapter 900 |

21 **Section 35.** The following SRC Chapter 555 is added to the Salem Revised Code:

22 **555.001. Purpose.** The purpose of the Intensive Industrial (II) zone is to implement the
23 Industrial designation of the Salem Area Comprehensive Plan through the identification of
24 allowed uses and the establishment of development standards. The II zone generally allows a
25 mix of heavy manufacturing and wholesaling uses, together with a wide variety of general
26 manufacturing uses.

27 **555.005. Uses.** The permitted (P), special (S), conditional (C), and prohibited (N) uses in the II
28 zone are set forth in Table 555-1.

1 **TABLE 555-1**

2 **USES**

3 **Table 555-1: II Zone Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	C	Dwelling unit for a caretaker on the premises being cared for or guarded.
	N	All other Single Family.
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	N	
Long- Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	C	
Retail Sales	N	
Personal Services	N	
Postal Services and Retail Financial Services	P	Banks, credit unions, and other customer-oriented facilities for financial institutions.
	N	All other Postal Services and Retail Financial Services.
Business and Professional Services		
Office	P	The following Office activities: <ul style="list-style-type: none"> ▪ Headquarters of banks and other financial institutions. ▪ Telecommunication services.
	N	All other Office.
Audio/Visual Media Production	P	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	P	
Heavy Vehicle and Trailer Service and Storage	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	C	Night clubs.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment - Outdoor	N	
Major Event Entertainment	N	

Table 555-1: II Zone Uses

Use	Status	Limitations & Qualifications
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	N	
Education Services		
Day Care	P	Child day care services.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	P	Utility storage yards.
	N	All other Buildings and Grounds Services and Construction Contracting.
Cleaning Plants	N	
Industrial Services	P	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	P	
Heavy Wholesaling	P	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	P	
Heavy Manufacturing	P	
Printing	P	
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities, are allowed conditionally.
	N	All other Aviation Facilities.
Passenger Ground Transportation	P	Transit stop shelters.

Table 555-1: II Zone Uses

Use	Status	Limitations & Qualifications
Facilities	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	P	The following Marine Facilities: <ul style="list-style-type: none"> ▪ Water transportation of passengers ▪ Services incidental to water transportation services
	N	All other Marine Facilities.
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	P	
Power Generation Facilities	P	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	P	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	C	
Surface Mining	C	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	P	Wholesaling of livestock, including operation of livestock auction markets.
	N	All other Keeping of Livestock and Other Animals.
Animal Services	P	
Other Uses		
Home Occupations	N	

555.010. Development Standards. Development within the II zone must comply with the development standards set forth in this section.

(a) **Lot Standards.** Lots within the II zone shall conform to the standards set forth in Table 555-2.

**TABLE 555-2
LOT STANDARDS**

Table 555-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
All uses	None	
LOT WIDTH		
All uses	None	

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Table 555-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
All uses	Min. 16 ft.	

(b) **Setbacks.** Setbacks within the II zone shall be provided as set forth in Tables 555-3 and 555-4.

**TABLE 555-3
SETBACKS**

Table 555-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to all uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-Zone Setback (Table 555-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 555-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 555-4)	
INTERIOR SIDE		
Buildings		
All uses	Zone-to-Zone Setback (Table 555-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback (Table 555-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 555-4)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-Zone Setback (Table 555-4)	
Accessory Structures		
Accessory to all uses	Zone-to-Zone Setback	

Table 555-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	(Table 555-4)	
Vehicle Use Areas		
All uses	Zone-to-Zone Setback (Table 555-4)	

**TABLE 555-4
ZONE-TO-ZONE SETBACKS**

Table 555-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type E
	Vehicle Use Areas		
Mixed-Use Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Commercial Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Public Zone	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and Accessory Structures	Min. 10 ft.	Type C
	Vehicle Use Areas		
Industrial and Employment Zone: IG and II	Buildings and Accessory Structures	None	N/A
	Vehicle Use Areas	Min. 5 ft.	Type A
<u>Limitations and Qualifications</u>			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

(c) Lot Coverage; Height. Buildings and accessory structures within the II zone shall conform to the lot coverage and height standards set forth in Table 555-5.

**TABLE 555-5
LOT COVERAGE; HEIGHT**

Table 555-5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		

Table 555-5: Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
Accessory to all uses	Max. 70 ft.	

(d) Landscaping.

(1) Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) Vehicle Use Areas. Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(e) Industrial Performance Standards. Within the II zone, no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulations, local ordinance, and state and federal law.

555.015. Other Provisions. In addition to the standards set forth in this Chapter, development within the II zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

Section 36. The following SRC Chapter 600 is added to the Salem Revised Code:

600.001. Purpose. The purpose of this Chapter is:

- 1 (a) To protect and enhance the natural, scenic, recreational, historical, and economic
2 resources of the Willamette River corridor;
- 3 (b) To implement the goals and policies of the Comprehensive Plan, the Willamette
4 River Greenway Plan, and Goal 15 of the Statewide Planning Goals;
- 5 (c) To establish standards and requirements for the use of lands within the Willamette
6 River Greenway of Salem;
- 7 (d) To provide for the review of any intensification, change of use, or development of
8 properties located within the Willamette River Greenway of Salem;
- 9 (e) To allow for use and development consistent with the underlying land use
10 designation while preserving, protecting, and enhancing the scenic qualities of the river
11 and the riparian area;
- 12 (f) To allow and encourage a variety of water-dependent, water-related, and river-
13 oriented uses, recreational developments, and public access to and along the river while
14 preserving, protecting, and enhancing the scenic qualities of the river and the riparian
15 area;
- 16 (g) To insure that land use and activities which make use of the riparian area are
17 limited to moderate impact on that environment, and do not endanger it;
- 18 (h) To insure that the intensification, change of use, or development on a site is in
19 keeping with the function of the Willamette River Greenway Plan, and preserves and
20 enhances the scenic qualities or economic function of the river, the site, and adjacent
21 riparian lands;
- 22 (i) To insure that the proposed development is in harmony with existing and proposed
23 adjoining land uses;
- 24 (j) To protect and improve water quality in the Willamette River in order to support
25 designated beneficial water uses, and to protect the functional value of the riparian area
26 and provide a riparian buffer to separate the Willamette River from development.

27 **600.005. Definitions.** Unless the context otherwise specifically requires, as used in this Chapter
28 the following mean:

- 29 (a) Bank slope: The rate of incline of the bank of the Willamette River, established by
30 measuring 50 feet horizontally landward from the ordinary high water line and dividing

1 the difference in elevation by 50 and multiplying by 100. Example: If the 50-foot
2 horizontal distance from ordinary high water line equals a difference of elevation of 10
3 feet, then the bank slope equals $(10 \div 50) \times 100$, or 20 percent.

4 **(b) Canopy cover:** The area beneath the above-ground parts of a tree within the
5 dripline of the tree.

6 **(c) Change of use:** Making a different use of the land or water than that which existed
7 on December 6, 1975. Change of use includes changes which require construction or
8 alteration to land or water outside of existing buildings, structures, or open storage
9 areas and which substantially alters or affects land or water. Change of use does not
10 include:

11 **(1)** A change of use of a building or other structure which does not substantially
12 alter or affect the land or water upon which it is located;

13 **(2)** The completion of a structure for which a valid permit has been issued as of
14 December 6, 1975, and under which substantial construction was undertaken by
15 July 1, 1976;

16 **(3)** The sale of property;

17 **(4)** Landscaping;

18 **(5)** Construction of driveway approaches;

19 **(6)** Modifications of existing structures; or

20 **(7)** The construction or placement of accessory structures or facilities that are
21 usual and necessary to the use and enjoyment of existing improvements, as
22 permitted by this chapter.

23 **(d) Compatibility review:** The review of intensification, changes of use, and
24 development within the Compatibility Review Boundary.

25 **(e) Compatibility Review Boundary:** That area, as designated under SRC 600.010,
26 located within the Willamette River Greenway and for which compatibility review is
27 required by Goal 15.

28 **(f) Development:** To conduct mining, landfill, or excavation; to make a physical
29 change in the use or appearance of land; to divide land into lots or parcels; to construct
30 improvements requiring a building permit if such improvements are not part of existing

1 structures; to clear land if such clearance requires a permit under SRC Chapter 808; or
2 to create or terminate a right of access.

3 **(g) Enhancement:** Increasing the net ecological functional values of the riparian buffer
4 by any of the following:

5 **(1)** Removal of impervious surfaces;

6 **(2)** Restoring natural bank slopes; or

7 **(3)** Increasing the cover and diversity of native vegetation.

8 **(h) Floodway:** A floodway as defined in SRC Chapter 601.

9 **(i) Impervious surface:** Areas or surfaces located above ground, at ground surface, or
10 below ground which prevent infiltration of stormwater into the subsurface, or which
11 cause stormwater to run off at an increased rate of flow from that present under natural,
12 undeveloped conditions. Common impervious surfaces include, but are not limited to,
13 roofs, concrete, and asphalt.

14 **(j) Infiltration system:** A drainage system designed to allow stormwater to percolate
15 into the soil.

16 **(k) Intensification:** Any addition which increases or expands the area or level of
17 activity of an existing use or activity; or any remodeling of the exterior of a structure
18 which will substantially alter the appearance of the structure. For purposes of this
19 definition, "intensification" does not include:

20 **(1)** Completion of a structure for which a valid permit has been issued as of
21 December 6, 1975, and under which substantial construction has been undertaken
22 by July 1, 1976;

23 **(2)** Maintenance and repair, usual and necessary for the continuance of an
24 existing use;

25 **(3)** Reasonable emergency procedures necessary for the safety or protection of
26 property; or

27 **(4)** Seasonal increases in gravel operations.

28 **(l) Native vegetation:** Any plant species indigenous to the Willamette River area and
29 appropriate to the locality, due to conditions such as hydrology, soils, light availability,
30

1 and slope aspect. A representative list of native vegetation can be found in the City of
2 Salem Native Plant List.

3 **(m)** Ordinary high water line: The water elevation of the Willamette River as
4 determined by the Oregon Division of State Lands and mapped and graphed by river-
5 mile on the “Willamette River Public Lands Under the Jurisdiction of Oregon State
6 Land Board” dated March 1975. On site elevation locations shall be determined by
7 field topographic survey, aerial photography, City of Salem contour maps on file with
8 the Public Works Department, United States Geological Survey Quadrangle maps, or
9 other suitable methods recognized by professional surveyors and engineers and
10 approved by the Director.

11 **(n)** Ordinary low water line: The water elevation of the Willamette River as
12 determined by the Oregon Division of State Lands and mapped and graphed by river-
13 mile on the “Willamette River Public Lands Under the Jurisdiction of Oregon State
14 Land Board” dated March 1975. On site elevation locations shall be determined by
15 field topographic survey, aerial photography, City of Salem contour maps on file with
16 the Public Works Department, United States Geological Survey Quadrangle maps, or
17 other suitable methods recognized by professional surveyors and engineers and
18 approved by the Director.

19 **(o)** Retention: The restriction and storage, or alternative disposal, of runoff without
20 direct release to a point of disposal.

21 **(p)** Riparian area: The lands which are adjacent to the Willamette River and the
22 Willamette Slough. Riparian areas are transitional zones between aquatic and upland
23 terrestrial ecosystems, and as such, contain elements of each ecosystem.

24 **(q)** Riparian buffer: A designated area adjoining the Willamette River intended to
25 maximize the ecological, scenic, and aesthetic values of the river through maintaining
26 the natural river corridor, minimizing erosion, nutrient, and pollutant loading, providing
27 for filtration and infiltration of stormwater runoff, and stabilizing slopes to prevent
28 landslides and accelerated rates of channel migration contributing to sedimentation.
29 The riparian buffer is measured from the ordinary high water line.

1 (r) River-oriented use: A use or activity which would be benefited by a Willamette
2 River overlook and by a geographic relationship in proximity to the Willamette River.

3 (s) Stormwater Management Design Standards: Those standards and specifications on
4 file in the office of the Director that serve as the general design guideline for all
5 publicly owned and maintained storm drainage facilities within the City. The purpose
6 of these standards is to provide uniformity under which storm drainage facilities within
7 the City are designed, constructed, and maintained.

8 /

9 /

10 (t) Water-dependent use: A use or activity which can be carried out only on, in, or
11 adjacent to a water body, because the use or activity requires access to the water body
12 for transportation, recreation, energy production, or source of water.

13 (u) Water-related use: A use or activity which is not directly dependent upon access to
14 a water body, but which provides goods or services that are directly associated with
15 water-dependent use. Residences, parking lots, spoil and dump sites, roads and
16 highways, restaurants, businesses, factories, and trailer parks are not generally
17 considered water dependent or water related uses.

18 (v) Willamette Greenway Boundary: That edge of the area adjacent to the Willamette
19 River mapped as the Willamette Greenway by the Oregon Department of
20 Transportation.

21 (w) Willamette River: The waterway commonly known by that name, and including
22 that body of water commonly known as the Willamette Slough.

23 (x) Willamette River Greenway: All land within the Willamette Greenway Boundary
24 as mapped by the Oregon Department of Transportation.

25 (y) Willamette River Greenway Plan: The component of the Salem Area
26 Comprehensive Plan with that name, adopted under SRC Chapter 64.

27 **600.010. Willamette Greenway Overlay Zone Boundary; Compatibility Review Boundary.**

28 (a) **Willamette Greenway Overlay Zone Boundary.** The boundary of the Willamette
29 Greenway Overlay Zone shall be the Willamette Greenway Boundary, as mapped by
30 the Oregon Department of Transportation. At the time of annexation, the Willamette

1 Greenway Overlay Zone shall be automatically applied to any land, or portion thereof,
2 within the annexed territory that lies within the Willamette Greenway Boundary.

3 **(b) Compatibility Review Boundary.** The Compatibility Review Boundary is that
4 area within the Willamette Greenway Overlay Zone that is located along each bank of
5 the Willamette River, and lying 150 feet from the ordinary low water line of the
6 Willamette River.

7 **600.015. Willamette Greenway Development Permit.**

8 **(a) Applicability.**

9 **(1)** Except as provided under paragraph (2) this subsection, no intensification,
10 change of use, or development within the Willamette Greenway Overlay zone
11 shall occur unless a Greenway Development Permit has been issued pursuant to
12 this Chapter.

13 **(2) Exceptions.** A Greenway Development Permit is not required for:

14 **(A)** Maintenance of scenic easements acquired under ORS 390.368;

15 **(B)** Addition or modification of existing utility lines, wires, fixtures,
16 equipment, circuits, appliances, and conductors by public or municipal
17 utilities;

18 **(C)** Flood emergency procedures, and maintenance and repair of existing
19 flood control facilities;

20 **(D)** Placement of signs, markers, aids, etc., by a public agency to serve
21 the public;

22 **(E)** Residential accessory uses, such as lawns, gardens, and play areas in
23 existence prior to June 9, 2004;

24 **(F)** Landscaping undertaken in accordance with this Chapter;

25 **(G)** Storage of material or equipment associated with uses permitted
26 outright within RA (Residential Agricultural) and RS (Single Family
27 Residential) zones, provided that the storage complies with all applicable
28 provisions of the UDC;

29 **(H)** Seasonal increases in gravel operations, subject to any conditions
30 imposed by law, ordinance, or conditional use approval;

- 1 (I) Improvement of a public park, in accordance with an officially
2 approved master plan and the setback requirements of this Chapter;
3 (J) Alterations of buildings or accessory structures which do not increase
4 the size or alter the configuration of the building or accessory structure
5 footprint;
6 (K) Activities allowed within the underlying zone which are usual and
7 necessary for the use and enjoyment of an existing residence, including the
8 modification of existing accessory structures;
9 (L) Ordinary maintenance and repair of buildings, structures, parking lots,
10 or other site improvements that were in existence prior to June 9, 2004;
11 (M) Removal of nuisance or invasive non-native vegetation identified on
12 the City of Salem Plant List, and consistent with erosion prevention and
13 sediment control standards in SRC Chapter 75; or
14 (N) Development of a Willamette Greenway trail or access paths,
15 provided that all development and management standards meet the
16 requirements of adopted parks management plans.

17 **(b) Classes.**

18 **(1) Class 1 Greenway Development Permit.** A Class 1 Greenway
19 Development Permit is a permit for any intensification, development, or change
20 of use occurring within the Willamette Greenway, but outside of the
21 Compatibility Review Boundary.

22 **(2) Class 2 Greenway Development Permit.** A Class 2 Greenway
23 Development Permit is a permit for any intensification, development, or change
24 of use occurring inside of the Compatibility Review Boundary.

25 **(c) Procedure Type.**

26 **(1) Class 1 Greenway Development Permit.** A Class 1 Greenway
27 Development Permit is processed as a Type II procedure under SRC Chapter 300.

28 **(2) Class 2 Greenway Development Permit.** A Class 2 Greenway
29 Development Permit is processed as a Type III procedure under SRC Chapter
30 300.

1 **(d) Submittal Requirements.** In addition to the submittal requirements under SRC
2 Chapter 300, an application for a Class 1 or Class 2 Greenway Development Permit
3 shall include the following:

4 **(1)** An existing conditions plan, of a size and form and in the number of copies
5 meeting the standards established by the Director, containing the following
6 information:

7 **(A)** The total site area, dimensions, and orientation relative to north;

8 **(B)** Site topography shown at 5-foot contour intervals, or 2-foot contour
9 intervals for areas within a floodplain;

10 **(C)** The location of existing buildings, accessory structures, and other
11 improvements on the site, including parking areas, loading areas,
12 driveways and driveway approaches, fences, and walls, and whether they
13 are to be removed;

14 **(D)** The location of the 100 year flood plain, if applicable; and

15 **(E)** The location of drainage patterns and drainage courses, if applicable.

16 **(2)** A site plan, of a size and form and in the number of copies meeting the
17 standards established by the Director, containing the following information:

18 **(A)** The total site area, dimensions, and orientation relative to north;

19 **(B)** The use, location, distance to property lines, and height of all
20 proposed buildings and accessory structures;

21 **(C)** The location, distance to property lines, and layout of all proposed
22 parking areas, including the size, number, and dimensions of proposed
23 spaces;

24 **(D)** The location of all proposed driveways and driveway approaches;

25 **(E)** The location and square footage of all proposed landscaping;

26 **(F)** The location, height, and material of all proposed fences, walls,
27 berms, and other proposed screening;

28 **(G)** The location of all trees and vegetation required to be protected
29 pursuant to SRC Chapter 808;

30 **(H)** The location of the riparian buffer required under SRC 600.025(c)(2);

1 **(1) Class 1 Greenway Development Permit.** An application for a Class 1
2 Greenway Development Permit shall be granted if all of the following criteria are
3 met:

4 **(A)** The proposed intensification, development, or change of use is
5 consistent with:

- 6 **(i)** The Willamette River Greenway Plan;
- 7 **(ii)** The Willamette Greenway Riparian Buffer Enhancement
8 Guide;
- 9 **(iii)** The applicable standards of this Chapter; and
- 10 **(iv)** Where applicable, the stormwater runoff water quality
11 standards adopted and administered by the Public Works
12 Department.

13 **(B)** The proposed intensification, development, or change of use complies
14 with all applicable development standards in the UDC.

15 **(2) Class 2 Greenway Development Permit.** An application for a Class 2
16 Greenway Development Permit shall be granted if all of the following criteria are
17 met:

18 **(A)** The proposed intensification, development, or change of use is
19 consistent with:

- 20 **(i)** The Willamette River Greenway Plan;
- 21 **(ii)** The Willamette Greenway Riparian Buffer Enhancement
22 Guide;
- 23 **(iii)** The applicable standards of this Chapter; and
- 24 **(iv)** Where applicable, the stormwater runoff water quality
25 standards adopted and administered by the Public Works
26 Department.

27 **(B)** The proposed intensification, development, or change of use complies
28 with all applicable development standards in the UDC.

29 **(C)** The proposed intensification, development, or change of use will, to
30 the greatest extent possible, provide the maximum possible landscaped

1 area, open space, or vegetation.

2 **(f) Conditions of Approval.**

3 **(1)** Conditions may be imposed on any Greenway Development Permit necessary
4 to insure that proposed intensification, development, or change of use complies
5 with the Willamette River Greenway Plan and the purpose of this Chapter, and
6 preserves and enhances the natural, scenic, historic, and recreational qualities of
7 the Willamette River Greenway.

8 **(2)** In addition to any conditions imposed under paragraph (1) of this subsection,
9 every Greenway Development Permit shall include the following conditions:

10 **(A)** Prior to any excavation, grading, or construction, a survey map,
11 certified by a licensed Professional Land Surveyor, shall be submitted to
12 the Director showing the Willamette Greenway Boundary and its
13 relationship to the site and survey monuments thereon.

14 **(B)** Prior to any excavation, grading, or construction, plans for removal
15 and replacement of any native vegetation shall be submitted to and
16 approved by the Director.

17 **600.020. Uses.** Except as otherwise provided in this section, any use or activity that is a
18 permitted, special, conditional, or prohibited use or activity in the underlying zone is a permitted,
19 special, conditional, or prohibited use or activity in the Willamette Greenway Overlay Zone.

20 **(a) Uses in Riparian Buffer.** The following uses and activities, when allowed in the
21 underlying zone, shall be the only uses and activities allowed within the riparian buffer
22 of the Willamette Greenway Overlay Zone:

23 **(1)** Uses and activities excepted from a Greenway Development Permit under
24 SRC 600.015(a)(2);

25 **(2)** Riparian restoration and enhancement activities; and

26 **(3)** Water-dependent and water-related uses and activities.

27 **600.025. Development Standards.** Development within the Willamette Greenway Overlay
28 Zone must comply with the development standards applicable in the underlying zone and the
29 development standards set forth in this section. The development standards in this section are in
30 addition to, and not in lieu of, all other applicable development standards in the underlying zone.

1 Where the development standards in this section conflict with the development standards
2 applicable in the underlying zone or any other overlay zone, the development standards in this
3 section shall be the applicable development standard.

4 **(a) General Standards.**

5 (1) Existing predominant topographical features of the bank and escarpment shall
6 be preserved and maintained, with the exception of disturbance necessary for:

7 (A) The construction or establishment of a water-related, water-
8 dependent, or river-oriented use or activity; and

9 (B) Measures necessary to reduce existing or potential bank and
10 escarpment erosion, landslides, or flood hazard conditions.

11 (2) The slope, soil characteristics, and other physiographic conditions existing
12 within the land area between the ordinary low water line and the Willamette
13 Greenway Boundary shall be considered to assure that the proposed
14 intensification, development, or change of use will not adversely affect the
15 stability of the land area.

16 (3) The hydraulic effect of the Willamette River on the bank shall be considered
17 in the design of any proposed intensification, development, or change of use.

18 (4) The hydraulic and flood carrying capacity of the river shall be considered in
19 the design of any proposed intensification, development, or change of use.

20 (5) Impact on the riparian buffer resulting from the proposed intensification,
21 development, or change in use shall be minimized.

22 **(b) Landscaping.**

23 (1) Landscaping shall conserve, or if disturbed by the development activity
24 restore to the greatest extent possible, vegetative cover within the Willamette
25 Greenway Boundary. Landscaping is not required where it would significantly
26 interfere with a water-dependent or water-related use or activity.

27 (2) Native vegetation removed from the riparian buffer shall be replaced with
28 native vegetation which is compatible with and enhances the functions of the
29 riparian buffer.

30 (3) Trees and shrubs shall be provided as follows:

1 (A) A minimum of 1 tree shall be provided for every 20 feet of river
2 frontage.

3 (B) A minimum of 1 shrub shall be provided for every 2 feet of river
4 frontage.

5 (C) All trees and shrubs shall be planted within and generally riverward
6 of the Willamette Greenway Boundary.

7 (D) The planting standards included under subparagraphs (A) and (B) of
8 this paragraph are for calculation purposes only, and do not require linear
9 planting. Groupings of trees, shrubs, or both are encouraged, particularly
10 along the riverbank.

11 (4) Areas which are not paved or revetted shall be planted with living ground
12 cover.

13 (c) **Water Quality.**

14 (1) **Water Quality Development Standards, Generally.** In order to protect and
15 improve water quality within the Willamette Greenway Boundary, a riparian
16 buffer, as set forth in paragraph (2) of this subsection, along with one or more of
17 the mitigation measures, as set forth in paragraph (3) of this section, shall be
18 established.

19 (2) **Riparian Buffer.** A riparian buffer shall be established as set forth in this
20 paragraph.

21 (A) **Boundary.** The applicant shall establish the riparian buffer boundary
22 by choosing one of the following two methods:

23 (i) **Method 1.** Method 1 provides a relatively simple methodology
24 for establishing a uniform riparian buffer boundary based on three
25 bank slope measurements. The three bank slope measurements
26 shall be taken along the Willamette River, one at each property line
27 and one located at the center of the property, as determined by
28 measuring the property line parallel to the Willamette River, and
29 dividing it by two. Example: A 150-foot property line adjoining
30 the Willamette River would result in bank slope measurements

starting at the first property line, the 75-foot mark, and then the other property line. The riparian buffer boundary pursuant to Method 1 shall be established as set forth in Table 600-1.

TABLE 600-1

RIPARIAN BUFFER METHOD 1

Table 600-1: Riparian Buffer Method 1		
Bank Slope Measurement	Riparian Buffer⁽¹⁾⁽²⁾	Limitations & Qualifications
All three bank slope measurements less than 25%	50 ft.	If the floodway is wider than the required 50-foot riparian buffer, the riparian buffer shall extend to the floodway boundary.
Any of the three bank slope measurements equal to or greater than 25%	75 ft.	If the floodway is wider than the required 75-foot riparian buffer, the riparian buffer shall extend to the floodway boundary.
(1) See Figure 600-1 for riparian buffer where all three bank slope measurements are less than 25 percent. (2) See Figure 600-2 for riparian buffer where any of the three bank slope measurements is equal to or greater than 25 percent.		

(ii) Method 2. Method 2 enables properties with varying bank slopes to establish a varying riparian buffer boundary reflecting site conditions and maximizing the area available for development. Bank slope measurements shall be taken along the Willamette River spaced at intervals no greater than 20 feet along ordinary high water line. The riparian buffer boundary pursuant to Method 2 shall be established as set forth in Table 600-2.

TABLE 600-2

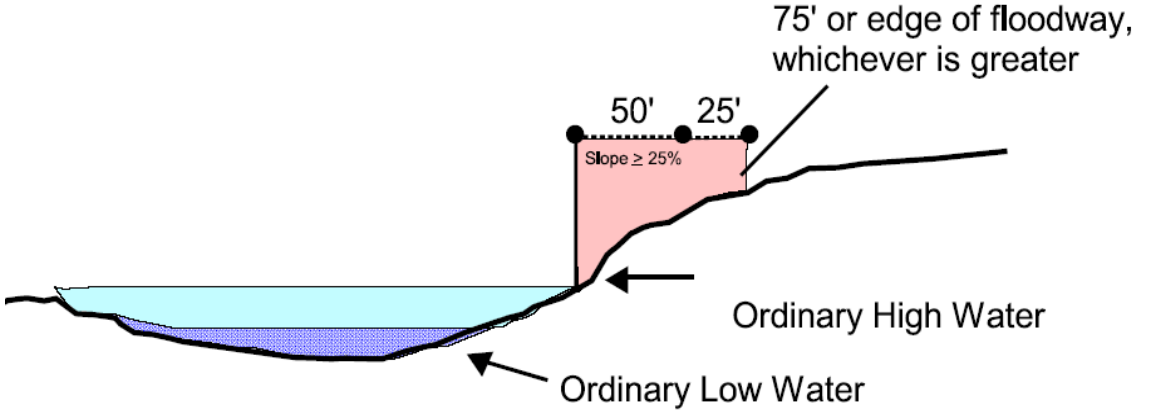
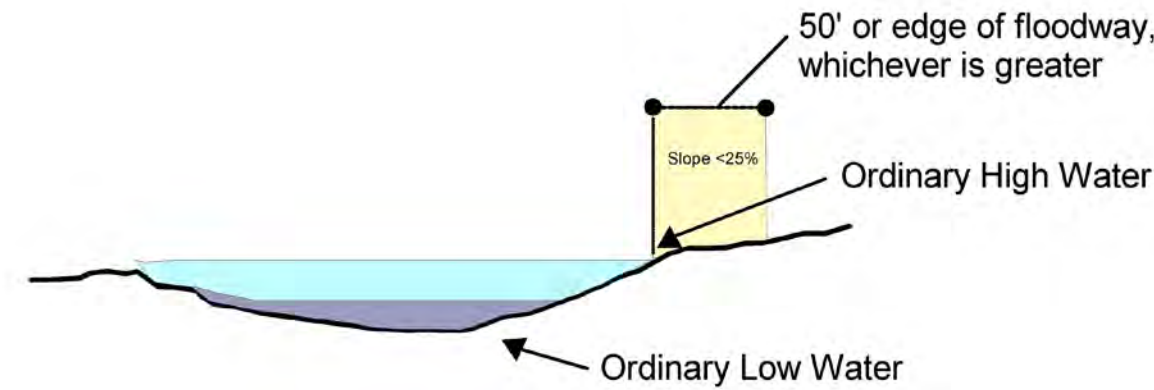
RIPARIAN BUFFER METHOD 2

Table 600-2: Riparian Buffer Method 2		
Bank Slope Measurement	Riparian Buffer⁽¹⁾⁽²⁾	Limitations & Qualifications
Bank slope measurement less than 25%	50 ft.	If the floodway is wider than the required 50-foot riparian buffer, the riparian buffer shall extend to the floodway boundary.
Bank slope measurement equal to or greater than 25%	75 ft.	If the floodway is wider than the required 75-foot riparian buffer, the riparian buffer shall extend to the floodway boundary.
(1) See Figure 600-1 for riparian buffer where a bank slope measurement is less than 25 percent. (2) See Figure 600-2 for riparian buffer where a bank slope measurement is equal to or greater than 25 percent.		

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(B) When the riparian buffer measures more than 100 feet or 125 feet, depending on the bank slope, from the ordinary high water line, the property shall receive credit for meeting the wider riparian buffer mitigation measure under SRC 600.025(c)(3)(A).

**FIGURE 600-1
RIPARIAN BUFFER: BANK SLOPES LESS THAN 25 PERCENT**



**FIGURE 600-2
RIPRIAN BUFFER: BANK SLOPES EQUAL TO OR GREATER THAN 25 PERCENT**

(3) **Mitigation Measures.** A mitigation plan, to mitigate the effects of any intensification, development, or change of use, shall be provided based on one of the following mitigation measures:

1 (A) **Wider Riparian Buffer.** A riparian buffer wider than riparian buffer
2 required under subsection (c)(2) of this section may be provided as a
3 mitigation measure.

4 (i) **Boundary.** The boundary of the wider riparian buffer is based
5 upon the width of the riparian buffer required under subsection
6 (c)(2) of this section, and shall be provided as set forth in Table
7 600-3.

8 **TABLE 600-3**
9 **WIDER RIPARIAN BUFFER**

10 **Table 600-3: Wider Riparian Buffer**

Riparian Buffer <i>(Required under SRC 600.025(c)(2))</i>	Wider Riparian Buffer	Limitations & Qualifications
50 ft.	100 ft.	If the floodway is wider than the 100-foot wider riparian buffer, the wider riparian buffer shall extend to the floodway boundary.
75 ft.	125 ft.	If the floodway is wider than the 125-foot wider riparian buffer, the wider riparian buffer shall extend to the floodway boundary.

16
17 (B) **Riparian Buffer Enhancement.** Enhancement in the riparian buffer
18 may be provided as a mitigation measure. Enhancement shall comply
19 with the following standards:

20 (i) Enhancement shall be provided at a ratio of 0.25:1, where 0.25
21 represents enhancement area and 1 represents development area.

22 (ii) Enhancement shall comply with the Willamette Greenway
23 Riparian Buffer Enhancement Guide.

24 (iii) All plants shall be selected from the City of Salem Native
25 Plant List and shall be of a species designated appropriate for each
26 riparian section.

27 (iv) Where enhancement includes removal of impervious surfaces
28 or previous fill, exposed soils shall be replanted with a mixture of
29 ground cover, shrubs, and trees.

30 (v) All plantings shall occur within 1 year of the permit date

1 unless another date is approved in the Greenway Development
2 Permit.

3 **(C) Off-Street Parking Stormwater Quantity and Quality.** Parking lot
4 construction which gives consideration to the quantity and quality of
5 stormwater generated by any new or expanded impervious surface area
6 may be provided as a mitigation measure when such parking lot
7 construction complies with the following standards:

8 (i) On-site stormwater detention shall be provided in accordance
9 with the City's Stormwater Management Design Standards. On-
10 site retention facilities, with no direct discharge into the Willamette
11 River, shall be used to the maximum extent practicable.

12 (ii) Any new parking lot that creates more than 500 square feet of
13 impervious surface, or any parking lot that redevelops more than
14 500 square feet of impervious surface, may use parking area
15 landscaping required under SRC Chapter 806 to manage
16 stormwater from the new or redeveloped area. If such landscaped
17 area does not allow for adequate sizing of the stormwater facilities,
18 the applicant may choose one of following options:

19 (aa) Increase the landscape area within the parking lot to
20 accommodate the required stormwater facility size; or

21 (bb) Use additional stormwater management facilities,
22 which may include non-landscaped approaches, to obtain
23 the required level of treatment.

24 (iii) Stormwater treatment facilities shall be designed in
25 accordance with the City's Stormwater Management Design
26 Standards, or in the absence of specific design criteria therein, in
27 accordance with generally accepted standards in the industry. All
28 treatment facilities shall be designed to remove pollutants,
29 including, but not limited to, principally settleable solids, total
30 suspended solids, oil, and grease, to the maximum extent

1 practicable. Any of the following approaches may be used to
2 remove pollutants:

3 (aa) Landscape planters;

4 (bb) Trees;

5 (cc) Landscape vegetated or grassy swales;

6 (dd) Vegetative filters;

7 (ee) Landscape filters;

8 (ff) Sand filters;

9 (gg) Permeable or porous pavement;

10 (hh) Soakage trenches;

11 (ii) Infiltration trenches;

12 (jj) Proprietary engineered devices approved by the

13 Director, when supporting technical information from the

14 manufacturer is provided including hydraulic design

15 criteria, particulate removal efficiency, and operations and

16 maintenance requirements and schedule; or

17 (kk) Other site-specific measures sufficient to remove

18 pollutants to the maximum extent practicable, as approved

19 by the Director.

20 (iv) All approved stormwater quantity and quality facilities shall
21 be carefully and properly designed and subsequently operated and
22 maintained so as to avoid groundwater contamination, erosion and
23 off-site sediment transport, landslide hazards, and other similar
24 concerns identified in the City's Stormwater Management Design
25 Standards.

26 **(D) Tree Planting for Stormwater Management.** Tree planting for
27 stormwater management to intercept rainfall, detain flows, dissipate the
28 energy of runoff, provide shade over large areas of impervious surface,
29 reduce heat pavement gain, and minimize heat absorbed by stormwater
30 may be provided as a mitigation measure. Tree planting for stormwater

1 management shall comply with the following standards:

2 (i) Trees shall be planted and maintained within or adjacent to
3 impervious surface areas to ensure that, within 15 years after
4 issuance of the Greenway Development Permit, at least 50 percent
5 of the impervious surface area will be covered by tree canopy.
6 Canopy cover shall be calculated by using 75 percent of the
7 species' expected mature spread, based on HORTUS III or another
8 horticulture reference approved by the Director.

9 (ii) Trees shall be selected from a list of species, established by the
10 Director, that provide adequate shade over impervious surfaces.

11 (iii) Existing trees may be used as part of this mitigation measure
12 when such trees have their canopy within 20 feet of the impervious
13 surface.

14 (iv) Newly planted trees shall have a minimum caliper of 1.5
15 inches, and shall be planted within 30 feet of impervious surfaces.

16 (v) As used in this subparagraph, "impervious surface" does not
17 include:

18 (aa) Truck loading areas in front of overhead doors;

19 (bb) Truck maneuvering and parking areas unconnected to
20 and exclusive of vehicle parking;

21 (cc) Impervious surfaces not used for vehicle parking,
22 driving, or maneuvering, provided such areas are
23 inaccessible to vehicles by use of barriers such as bollards,
24 curbs, or fencing;

25 (dd) Display, sales, service, and vehicle storage areas for
26 automobile dealerships; and

27 (ee) Existing impervious surface areas.

28 (E) **Alternative Paving Techniques.** Unless precluded by site-specific
29 conditions as determined by the Director, off-street parking areas of less
30 than 500 square feet may use alternative paving techniques to reduce the

1 total amount of effective impervious surface area present on the site as a
2 mitigation measure. Alternative paving techniques shall comply with the
3 following standards:

4 (i) Alternative paving techniques shall consist of a semi-pervious
5 surface, such as permeable or porous pavement, which reduces
6 stormwater surface runoff to the maximum extent practicable.

7 (ii) The design and construction of parking areas utilizing
8 alternative paving techniques shall be in accordance with the
9 City's Stormwater Management Design Standards, or in the
10 absence of specific design criteria therein, in accordance with
11 generally accepted standards in the industry.

12 (iii) Semi-pervious materials shall be structurally adequate for the
13 proposed use or activity.

14 (d) **Structures.** All buildings, structures, and exterior mechanical equipment shall be
15 screened, colored, or surfaced so as to blend with the riparian area. Colors shall be
16 natural earth or leaf tones. Surfaces shall be non-reflective. Screening shall be sight-
17 obscuring.

18 (e) **Lighting.**

19 (1) Lighting shall not flash, if visible from the Willamette River, and shall not be
20 focused or oriented onto the surface of the Willamette River.

21 (2) The maximum aggregate intensity of all lighting falling on the surface of the
22 Willamette River shall not exceed one-tenth foot-candle per square foot.

23 (3) No red or green lights shall be visible from the Willamette River.

24 (4) Notwithstanding any other provision of this section, lighting necessary for
25 safety of pedestrians may be provided for public or private walkways.

26 (f) **Screening of Parking and Unenclosed Storage Areas.** Parking, loading, and
27 unenclosed storage areas shall be screened from the Willamette River and from
28 adjacent properties by:

29 (1) A sight-obscuring berm; or
30

1 (2) A sight-obscuring hedge, a minimum of 6 feet in height at maturity. Hedges
2 shall, when planted, be no less than 3 feet in height and shall be of a species
3 capable of attaining a minimum height of 6 feet within 3 years after planting.

4 **(g) View Corridors.**

5 (1) Whenever right-of-way located wholly or partially within the Willamette
6 Greenway Overlay Zone is vacated, the city shall retain a scenic easement or
7 other equivalent interest in the area vacated to provide visual access to the
8 Willamette River across the entire width of the vacated right-of-way, or for a
9 width of 30 feet, whichever is less, and along the entire length of the vacated
10 right-of-way. Subject to approval by the City Council, the abutting property
11 owner, or owners, may substitute an area with equivalent size and dimensions
12 under like restriction, if the substitute area provides comparable or better visual
13 access to the Willamette River.

14 (2) The area covered by the scenic easement or other equivalent interest shall be
15 limited to use for walkways, bicycle paths, and berms or landscaped areas;
16 provided, however, that within an area of 7.5 feet on either side of the centerline
17 of the scenic easement or other equivalent interest, landscaping and berms shall
18 not exceed 3 feet in height.

19 **(h) Public Access.** Where practical, public access to and along the Willamette River
20 should be provided by easement, dedicated right-of-way, or other appropriate legal
21 means.

22 **Section 37.** The following SRC Chapter 601 is hereby added to the Salem Revised Code:

23 **601.005. Definitions.** Unless specifically defined in this section, words or phrases used in this
24 Chapter shall be interpreted so as to give them the meaning they have in common usage and to
25 give this Chapter its most reasonable application.

26 (a) Area of shallow flooding: An area designated as an "AO" or "AH" zone on the Flood
27 Insurance Rate Map (FIRM). In an area of shallow flooding, the base flood depths range
28 from one to three feet; a clearly defined channel does not exist; the path of flooding is
29 unpredictable and indeterminate, and velocity flow may be evident. AO is characterized
30 as sheet flow and AH indicates ponding.

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(b) A Zone: Areas with a 1% annual chance of flooding and a 26% chance of flooding over the life of a 30-year mortgage. Because detailed analyses are not performed for such areas; no depths or base flood elevations are shown within these zones.

(c) AE Zone: The base floodplain where base flood elevations are provided.

(d) AH Zone: Areas with a 1% annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Base flood elevations derived from detailed analyses are shown at selected intervals within these zones.

(e) AO Zone: River or stream flood hazard areas, and areas with a 1% or greater chance of shallow flooding each year, usually in the form of sheet flow, with an average depth ranging from 1 to 3 feet. These areas have a 26% chance of flooding over the life of a 30-year mortgage. Average flood depths derived from detailed analyses are shown within these zones.

(f) Base flood: The flood having a one percent chance of being equaled or exceeded in any given year. Base flood also referred to as the "100-year flood."

(g) Bridge: A structure, including supports, erected over a depression or an obstruction such as a waterway, highway, or railway, and having a deck or passageway for transporting pedestrians, vehicles, or other moving loads, and having an opening measured along the center of the deck or passageway of more than twenty feet between undercroppings of abutments, or spring lines of arches, or extreme ends of openings for multiple boxes, and which includes multiple pipes where the clear distance between openings is less than half of the smallest contiguous opening.

(h) Change of use: Making different use of the land or water than that which existed on June 15, 1979. Change of use includes a change that requires construction or alterations of the land, water or other areas outside of existing buildings or structures which significantly alters or affects the land or water. For the purposes of this definition, an existing open storage area shall be considered a building. Change of use does not include:

(1) A change of use of a building or other structure which does not significantly alter or affect the land or water upon which it is situated.

1 (2) The completion of a structure for which a valid permit has been issued and
2 under which permit substantial construction was undertaken by June 15, 1979.

3 (3) The sale of property.

4 (4) Minor landscaping which does not have an appreciable effect on flow
5 characteristics of a waterway.

6 (5) Construction of driveways which do not involve significant earthwork or
7 supporting structures that affect flow characteristics of a waterway.

8 (6) Minor modifications of existing structures for which no building permit is
9 required.

10 (7) The construction or placement of such minor subsidiary structures or facilities
11 that are usual and necessary for the use and enjoyment of existing improvements,
12 except such structures or facilities specifically prohibited or regulated by this
13 Chapter.

14 (i) Develop or development: To bring about growth or availability; to construct,
15 alter, or place a structure; to locate or place a manufacture dwelling or home; to
16 conduct a mining, filling, grading, paving, drilling, dredging, or excavation operation;
17 to make a physical change in the use or appearance of land; to partition or divide land
18 into parcels; or to create or terminate rights of access.

19 (j) Existing manufactured home park or manufactured home subdivision: A
20 manufactured home park for which the construction of facilities to service the lot on
21 or which the manufactured homes are to be affixed (including, at a minimum, the
22 installation of utilities, either final site grading or the pouring of concrete pads, and
23 the construction of streets) was completed prior to July 27, 1987.

24 (k) Expansion to an existing manufactured home park or manufactured home subdivision:
25 The preparation of additional sites by the construction of facilities to service the lots on which
26 the manufactured homes are to be affixed (including the installation of utilities, either final
27 site grading or pouring of concrete pads, or the construction of streets).

28 (l) Fish habitat enhancement: The addition or modification of aquatic habitat
29 components whose absence, scarcity, or condition has been determined by the Director of
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Public Works to limit fish presence or abundance in the immediate project area, specific stream corridor, or watershed.

(m) Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or from the unusual and rapid accumulation of runoff of surface waters from any source.

(n) Flood Insurance Rate Map or FIRM: The official map, in paper or digital form, on which the Federal Insurance Administration, Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones applicable to the City of Salem, and includes the accompanying floodway and floodway fringe boundary maps accompanying the FIRM as a part of the flood insurance study.

(o) Flood insurance study: The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary - Floodway Map, and the water surface elevation of the base flood. The flood insurance study, and all subsequent amendments thereto or supplements thereof, is hereby adopted as a part of this Chapter, and a copy thereof shall be kept on file in the office of the Director of Public Works.

(p) Floodplain: Any land or water area which is subject to one percent flood probability along any waterway. Floodplain includes the officially designated floodway, floodway fringe, areas of shallow flooding or special flood hazard area, as delineated on the FIRM, and interim flood hazard areas.

(q) Floodway: The channel of a river or other waterway and the adjacent land areas that must be reserved in order to discharge the waters of a base flood without cumulatively increasing the water surface elevation by more than one foot. Areas designated as floodways are located within floodplains. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and have the potential to cause erosion. The floodway limits are as delineated on the FIRM, or located within interim flood hazard areas and designated as floodway by the Director of Public Works pursuant to SRC 601.050.

1 (r) Floodway fringe: The area of the 100-year floodplain lying outside of the floodway
2 within interim flood hazard areas, and designated as floodway fringe by the Director of
3 Public Works pursuant to SRC 601.050.

4 (s) Floodproofing: Any combination of structural or nonstructural provisions, changes
5 or adjustments to structures, land or a waterway for the reduction or elimination of flood
6 damage to real property or any improvements thereon, water and sanitary facilities,
7 structures, and their contents during a base flood.

8 (t) Intensification: Any additions which increase or expand the area, level or activity, or
9 amount of an existing use; or any remodeling of the exterior of a structure that will
10 substantially alter the appearance of the structure. As used in this definition,
11 intensification does not include:

12 (1) Completion of a structure for which a valid permit has been issued and under
13 which permit substantial construction was undertaken prior to June 15, 1979.

14 (2) Maintenance and repair usual and necessary for the continuance of an existing
15 use.

16 (3) Reasonable emergency procedures necessary for the safety and protection of
17 property.

18 (4) Seasonal increases in gravel mining operations.

19 (u) Interim flood hazard area: An area of special flood hazard designated by the Director
20 of Public Works, but not designated as such on the FIRM. The Interim Flood Hazard
21 Area is established on a waterway which does not have base flood water surface
22 elevations and floodway and floodway fringe boundaries established through a Flood
23 Insurance Study. An interim flood hazard area is an approximation of the floodplain.
24 Minimally the Interim Flood Hazard Area shall include the area which would be
25 designated as the floodway and floodway fringe if a Flood Insurance Study were done.

26 (v) Lowest floor: The lowest habitable floor of the lowest enclosed area, including the
27 basement. For the purposes of floodplain management, "habitable" shall mean the floor of the
28 building which is used by persons for living or working. For example, a restroom (living
29 area) or a janitor's storage space (working area) on a floor of the structure would constitute
30 that floor as being habitable. An unfinished or flood resistant enclosure usable solely for

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parking of vehicles, building access, or storage in an area other than a basement is not considered the lowest floor.

(w) Manufactured home: A building or structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term manufactured home does not include park trailers, travel trailers, and other similar vehicles.

(x) Manufactured home park: A lot or parcel (or contiguous lots or parcels) of land divided into two or more manufactured home lots for sale or rent.

(y) Obstruction: Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, or matter in, along, across, or projecting into any channel, waterway, or floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the debris downstream and endanger life or damage property.

(z) Special Flood Hazard Area: The land in the floodplain subject to a one percent or greater chance of flooding in any given year, as designated by the most recent version of the FIRM. Designation on maps always includes the letters A or V.

(aa) Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was commenced within 180 days of the permit date. The actual start of construction means either the date of the first permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond excavation; or the date of the placement of a manufactured home on a foundation.

(bb) Stream enhancement: The modification of stream channel width, length, depth, alignment, location, profile, bank shape, or in-stream structures, for the purpose of improving ecological or habitat functions that have been determined by the Director of

1 Public Works to have been degraded or lost in the immediate project area, specific stream
2 corridor, or watershed.

3 **(cc)** Structure: Any building; any gas or liquid storage tank that is principally above
4 ground.

5 **(dd)** Substantial damage: Damage sustained by a structure whereby the cost of restoring
6 the structure to its condition immediately prior to the damage would equal or exceed fifty
7 percent of the market value of the structure before the damage occurred.

8 **(ee)** Substantial improvement: For the purposes of floodplain management only, and
9 notwithstanding the provisions for nonconforming situations under SRC Chapter 270, any
10 repair, reconstruction, rehabilitation, addition, replacement, or other improvement of a
11 structure, the cost of which equals or exceeds 50 percent of the market value of the
12 structure before the “start of construction” of the improvement. This term includes
13 structures which have incurred “substantial damage,” regardless of the actual repair work
14 performed. The term substantial improvement does not include either:

15 (1) Any project or improvement of a structure to comply with existing state or
16 local health, sanitary, or safety code specifications which are solely necessary to
17 assure safe living conditions, or

18 (2) Any alteration of the structure listed in the National Register of Historic
19 Places or the State Inventory of Historic Places.

20 **(ff)** Waterway: Any perennial river, stream, or creek within the City of Salem.

21 **(gg)** Waterway centerline: A line one-half the distance between the edges of the low
22 flow channel of the waterway.

23 **601.010. Interpretation.** In the interpretation and application of this Chapter, all provisions
24 shall be:

25 (a) Considered as minimum requirements;

26 (b) Liberally construed in favor of the governing body; and,

27 (c) Deemed neither to limit nor repeal any other powers granted under state or
28 federal law.

29 **601.015. Reservation of Powers.** Nothing in this Chapter shall be deemed to limit, abrogate,
30 impair, or repeal any existing easements, covenants, or deed restrictions, or any powers relating

1 to the prevention or control of flooding and its effects granted under state statutes or city
2 ordinances. However, where this Chapter and another ordinance, easement, covenant, or deed
3 restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

4 **601.020. Warning and Disclaimer of Liability.** The degree of flood protection required by
5 this Chapter is considered reasonable for regulatory purposes and is based on scientific and
6 engineering considerations. Larger floods can and will occur on rare occasions. Flood heights
7 may be increased by natural or man-made causes. This Chapter does not imply that land outside
8 the areas of special flood hazards or uses permitted within such areas will be free from flooding
9 or flood damages. Nothing in this Chapter shall create any liability on the part of the City of
10 Salem, any officer, employee or agent thereof, or the Federal Insurance Administration, for any
11 flood damages that result from reliance on this Chapter or any administrative action or decision
12 lawfully made hereunder.

13 **601.025. Authority of Public Works Director.** The Director of Public Works shall administer
14 and enforce this Chapter and shall have to authority to grant, deny, suspend, and revoke
15 floodplain development permits.

16 **601.030. FIRM Adoption; Amendments and Revisions; Interpretation of Boundaries.**

17 (a) **Adoption.** The FIRM and all amendments thereto are adopted as a part of this
18 Chapter and shown on the Salem Zoning Map.

19 (b) **Amendments and Revisions.** Amendments and revisions to the FIRM adopted by
20 the Federal Insurance Administration shall be automatically incorporated into this
21 Chapter without further action and shall be shown on the Salem Zoning Map.

22 (c) **Interpretation of Boundaries.**

23 (1) The base flood elevation data furnished by the Flood Insurance Study is
24 fixed and shall not be appealed, interpreted or otherwise reexamined except
25 under procedures established by the Federal Insurance Administration. The
26 FIRM, however, is drawn to 1":800' scale, and is based upon contour maps
27 showing ground elevation at ten foot intervals, For these reasons the boundaries
28 shown on the FIRM are subject to interpretation based upon more detailed
29 topographic data. Where an applicant questions the precise location of the
30 boundary, the Director of Public works shall make an interpretation thereof

1 based upon elevations from Public Works aerial photographs and contour maps
2 in conjunction with flood elevations shown on the FIRM, or such data furnished
3 by the applicant as the director finds to be persuasive.

4 (2) Any person aggrieved by the decision of the Director of Public Works may
5 appeal such decision to the hearings officer by filing written notice of appeal
6 with the Planning Administrator within 10 days of the date of the decision. The
7 notice of appeal shall include a list of all property owners within the notification
8 area prepared by a title insurance company. Notification, hearing, and further
9 proceedings shall proceed as provided in SRC Chapter 300 for appeals from
10 administrative adjustments.

11 (d) A copy of the FIRM, and any amendments or revisions thereto, shall be kept on
12 file in the Office of the Director of Public Works.

13 **601.035. Establishment of Floodplain Overlay Zone.** Floodplains for major waterways are
14 shown on the Salem Zoning Map as the Floodplain Overlay Zone, and for regulatory purposes
15 are divided into the following areas:

- 16 (a) FW (Floodway);
- 17 (b) FF (Floodway Fringe) and Special Flood Hazard Area;
- 18 (c) FH (Interim Flood Hazard Area).

19 **601.040. Uses in FW (Floodway).**

20 (a) Except as prohibited in subsection (b) of this section, within the FW (Floodway)
21 all uses of land permitted in the underlying zone shall be permitted upon obtaining a
22 floodplain development permit, and compliance with this Chapter.

23 (b) The following uses are prohibited within the FW (Floodway) area, and within
24 fifteen feet of the waterway centerline, or within ten feet of the top of a recognizable
25 bank, whichever is greater:

- 26 (1) Storage of toxic, flammable, or explosive materials.
- 27 (2) Sanitary landfill, disposal sites and junkyards.
- 28 (3) Construction or placement of fences.
- 29 (4) Cemeteries.
- 30 (5) Any encroachments, including fill, new construction, substantial improvements,

1 and other development unless analysis by approved methods and certification by a
2 registered professional engineer are provided to the Director of Public Works
3 demonstrating that encroachments shall not result in any increase in flood levels
4 during the occurrence of the base flood discharge.

5 (6) Construction or placement of any permanent or temporary structures including,
6 but not limited to, homes, apartments, manufactured homes, commercial buildings,
7 and industrial buildings, and gas or liquid storage tanks. Notwithstanding this
8 paragraph, the following structures are permitted within the FW (Floodway) area if
9 the structure incorporates floodproofing measures as approved in conjunction with a
10 floodplain development permit, meets all applicable standards for structures as
11 required in the floodway fringe, and does not raise the base flood elevation to any
12 degree:

13 (A) Modification, alteration, or major repair to an existing structure.

14 (B) Docks and piers. The size and shape of a dock or pier shall be limited to
15 that required for the intended use.

16 (C) Public recreational facilities on public land, including, but not limited to
17 restrooms, raised seating, public performance stages, and temporary fences
18 which are removed after October 1, and not erected before April 1 of each year.

19 (D) Structures used for gravel sorting and crushing.

20 (E) Public utility or communication towers.

21 (F) Replacement of existing manufactured homes within existing
22 manufactured home parks or manufactured home subdivisions that comply with
23 SRC 601.045(b).

24 **601.045. Uses in FF (Floodway Fringe) or Special Flood Hazard Area.** Within any FF
25 (Floodway Fringe Area) or Special Flood hazard Area any of the following uses are permitted
26 upon obtaining a floodplain development permit, and compliance with this Chapter.

27 (a) All uses of land permitted in the underlying zone; provided however, that any
28 building, structure, manufactured home, or recreational vehicle associated therewith
29 complies with subsections (b), (c), and (d) of this section.

30 (b) Structures, including manufactured homes, as allowed in an underlying

1 residential zone, if:

2 (1) The lowest floor elevation, including a basement, is no less than one foot
3 above the elevation of the base flood, unless base flood elevation data are not
4 available, in which case the structure shall be elevated as provided in SRC
5 601.095.

6 (2) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and
7 other service facilities shall be designed or otherwise elevated or located so as to
8 prevent water from entering or accumulating within the components during
9 conditions of flooding.

10 (3) The structure is anchored to prevent flotation, collapse, or lateral movement
11 as provided in SRC 601.100.

12 (4) The structure is located no closer than 15 feet to the waterway centerline, or
13 ten feet to the top of a recognizable bank, whichever is greater, except that this
14 provision shall not apply to the Willamette River floodplain.

15 (5) The structure is designed according to accepted engineering standards,
16 certified by a registered engineer or architect, and approved by the building
17 official as minimizing the likelihood of flood damage and rendering the structure
18 and its utility equipment reasonably resistant to flood damage.

19 (6) Except as provided in subparagraphs (A) and (B) of this paragraph, fully
20 enclosed areas of residential structures below the lowest floor that are subject to
21 flooding are prohibited.

22 (A) Below-grade crawlspace construction is permitted in compliance with
23 FEMA Technical Bulletin 11-01, including amendments or revisions
24 thereto;

25 (B) Other enclosures shall be designed to automatically equalize
26 hydrostatic flood forces on exterior walls by allowing for the entry and
27 exit of floodwaters. Designs for meeting this requirement must be
28 certified by a professional engineer or must meet or exceed the following
29 minimum criteria:

30 (i) A minimum of two openings having a total net area of not less

1 than one square inch for every square foot of enclosed area subject to
2 flooding shall be provided.

3 **(ii)** The bottom of all openings shall be no higher than one foot above
4 grade.

5 **(iii)** Openings may be equipped with screens, louvers, or other
6 coverings or devices provided that they permit the automatic entry
7 and exit of floodwaters.

8 **(c)** All other buildings and structures not provided for in subsection (b) of this
9 section, as allowed in the underlying zone, if:

10 **(1)** The lowest floor, including a basement, is elevated one foot above the base
11 flood level; or, where base flood data are not available, is elevated as provided in
12 SRC 601.095 and is anchored as provided in SRC 601.100; or is flood proofed to
13 be watertight up to one foot above the base flood elevation or elevation provided
14 in SRC 601.095 as applicable, and anchored as provided in SRC 601.100; or the
15 structure is floodproofed by means of a dike or levee which does not increase the
16 base flood elevation at any point by more than one foot.

17 **(2)** Electrical, heating, ventilation, plumbing, and air-conditioning equipment and
18 other service facilities shall be designed or otherwise elevated or located so as to
19 prevent water from entering or accumulating within the components during
20 conditions of flooding.

21 **(3)** The structure is located no closer than fifteen feet to the waterway centerline,
22 or ten feet to the top of a recognizable bank, whichever is greater, except that this
23 provision shall not apply to the Willamette River floodplain.

24 **(4)** The structure is designed according to accepted engineering standards,
25 certified by a registered engineer or architect, and approved by the building
26 official as minimizing the likelihood of flood damage and rendering the structure
27 and its utility equipment reasonably resistant to flood damage.

28 **(d)** Recreational vehicles, if:

29 **(1)** Located on the site for fewer than 180 consecutive days; and

30 **(2)** Either:

1 (A) Is fully licensed and ready for highway use, on its wheels or jacking
2 system, attached to the site only by quick disconnect-type utilities and security
3 devices, and without permanently attached additions; or

4 (B) Is in compliance with subsection (b) of this section.

5 (e) Notwithstanding subsection (a) of this section, the following uses are prohibited
6 within the FF (Floodway Fringe) and Special Flood Hazard Area, if such use is
7 located within fifteen feet of the waterway centerline, or within ten feet of the top of a
8 recognizable bank, whichever is greater:

9 (1) Storage of toxic, flammable, or explosive materials.

10 (2) Sanitary landfill, disposal sites and junkyards.

11 (3) Construction or placement of fences.

12 (4) Cemeteries.

13 (5) Any encroachments, including fill, new construction, substantial improvements,
14 and other development unless analysis by approved methods and certification by a
15 registered professional engineer are provided to the Director of Public Works
16 demonstrating that encroachments shall not result in any increase in flood levels
17 during the occurrence of the base flood discharge.

18 (6) Construction or placement of any permanent or temporary structures including,
19 but not limited to, homes, apartments, manufactured homes, commercial buildings,
20 and industrial buildings, and gas or liquid storage tanks. Notwithstanding this
21 paragraph, the following structures are permitted within the FW (Floodway) area if
22 the structure incorporates floodproofing measures as approved in conjunction with a
23 floodplain development permit, meets all applicable standards for structures as
24 required in the floodway fringe, and does not raise the base flood elevation to any
25 degree:

26 (A) Modification, alteration, or major repair to an existing structure.

27 (B) Docks and piers. The size and shape of a dock or pier shall be limited to
28 that required for the intended use.

29 (C) Public recreational facilities on public land, including, but not limited to
30 restrooms, raised seating, public performance stages, and temporary fences

1 which are removed after October 1, and not erected before April 1 of each year.

2 (D) Structures used for gravel sorting and crushing.

3 (E) Public utility or communication towers.

4 (F) Replacement of existing manufactured homes within existing manufactured
5 home parks or manufactured home subdivisions that comply with subsection (b)
6 of this section.

7 **601.050. Uses in FH (Interim Flood Hazard Areas).**

8 (a) Any person proposing an intensification, development, or change of use for
9 which a floodplain development permit within the FH (Interim Flood Hazard) area
10 would be required were the land within a FW (Floodway) or FF(Floodway Fringe)
11 area, shall make application for a floodplain development permit. The Director of
12 Public Works shall determine whether such property should be classified as in a FW
13 (Floodway) or FF (Floodway Fringe). In making such determination the Director
14 shall take into account the elevation and topography of the land, historical base flood
15 elevation data if available, the results of other competent engineering studies of the
16 effects of flooding on the area in question, and other hydraulic and geologic factors
17 relevant to an engineering determination of base flood characteristics of the specific
18 property.

19 (b) Once the Director has determined FW (Floodway) and FF (Floodway Fringe)
20 locations, uses shall be permitted in the FW (Floodway) area as provided in SRC
21 601.040, and uses shall be permitted in the FF (Floodway Fringe) and as provided in
22 SRC 601.045.

23 **601.055. Floodplain Development Permit Required.**

24 (a) Except as provided in subsection (b) of this section, a floodplain development
25 permit shall be obtained before construction, development, or change of use begins
26 within any FW (Floodway), FF (Floodway Fringe), Special Flood Hazard Area, and
27 FH (Interim Flood Hazard Area). The permit shall be for all development, as defined
28 in SRC 601.005. The issuance of a Floodplain Development Permit is a Type I
29 proceeding under SRC Chapter 300.

30 (b) A floodplain development permit is not required for the following:

- 1 (1) The propagation or cutting of timber.
- 2 (2) Uses to protect, conserve, enhance, and maintain public recreational, scenic,
- 3 and natural uses on public lands such as unenclosed picnic facilities, viewpoints,
- 4 trails, and campsite facilities.
- 5 (3) Maintenance authorized to scenic easements acquired under ORS 390.332-
- 6 390.368.
- 7 (4) Addition or modification by public utilities of existing utility lines, wires,
- 8 fixtures, equipment, circuits, appliances, and conductors.
- 9 (5) Flood emergency procedures.
- 10 (6) Signs, markers, aids, etc., placed by a public agency to serve the public.
- 11 (7) Residential accessory uses such as lawns, gardens, parking areas, driveways,
- 12 and play areas.
- 13 (8) Landscaping.
- 14 (9) Storage of material, equipment, or vehicles associated with uses permitted
- 15 within residential zones, providing the storage is not subject to damage by floods
- 16 and is firmly anchored to prevent flotation or can be readily removed from the
- 17 area within the limited time available after flood warning.
- 18 (10) Driveways, parking lots, and other paved areas.
- 19 (11) Minor repairs or alterations to an existing structure for which no building
- 20 permit is required.
- 21 (12) Gravel extraction and storage of gravel as allowed under permits required by
- 22 state or federal law, and as permitted by the Salem Revised Code.
- 23 (13) Customary dredging and channel maintenance, excluding deposition of
- 24 spoils, as allowed by permits required by state or federal law.
- 25 (14) Agriculture.

26 **601.060. Floodplain Permits for Fish Habitat Enhancement Projects.**

27 (a) Notwithstanding any other provisions of this Chapter, the Director of Public
28 Works may approve and issue floodplain development permits for fish habitat
29 enhancement projects or stream enhancement projects, on a case-by-case basis and
30 subject to any conditions for flood protection, mitigation, monitoring, long-term

1 maintenance, or other certifications or analyses as the Director of Public Works may
2 deem necessary. In making the evaluation, the Director of Public Works shall consult
3 with the Director of Community Development and other appropriate City staff.

4 (b) For permit approval, the applicant shall demonstrate, and the Director of Public
5 Works must find:

- 6 (1) The appropriateness of the project to the watershed or stream corridor under
7 fully developed conditions;
- 8 (2) That all applicable permits from other agencies have been or can be obtained;
- 9 (3) That any changes in channel geometry, increases in base flood elevation, stream
10 velocities, or extent of flooding will not pose an unacceptable risk to property or
11 public safety; and
- 12 (4) The proposed project has no adverse hydraulic impacts upon the stream and the
13 City's storm drainage system, with particular emphasis on potentially increased
14 flooding, implications for streambank stability, changes in channel location,
15 changes in the stream's sediment load, and increased or extraordinary maintenance
16 requirements.

17 (c) Written notice of the Director of Public Works' permit decision shall be mailed to
18 the applicant, the applicable neighborhood associations, watershed council, and land
19 owners along the immediately affected stream corridor within 1,500 feet of the
20 project site. The permit shall issue 15 days after the date of mailing of decision,
21 unless appealed as provided in this section.

22 (d) Within fifteen days of the mailing of the Director's decision, any person may file
23 a written notice of appeal to the Council, with the fee established by resolution of the
24 Council, specifying the manner in which the Director erred. Upon such appeal, the
25 Council shall conduct a de novo hearing and make a final determination. No permit
26 shall be effective pending Council's determination.

27 **601.065. Floodplain Development Permit Application.** Every application for a floodplain
28 development permit shall:

- 29 (a) Identify and describe the work to be covered by the permit; be made on forms
30 furnished by the Public Works Department and shall include but not be limited to;

1 plans in duplicate drawn to scale showing the nature, location, dimensions, and
2 elevations of the area in question; existing or proposed structures, fill, storage of
3 materials, drainage facilities, and the location of the foregoing. Specifically, the
4 application shall:

- 5 (1) Describe the land on which the proposed work is to be done, by lot, block, tract,
6 house and street address, or by some similar description that will readily identify
7 and definitely locate the proposed work;
- 8 (2) Indicate the use or occupancy for which the proposed work is intended;
- 9 (3) Include plans and specifications for any work for which performance or
10 specification standards are specified in this Chapter, including a site plan map
11 which shows all existing riparian vegetation, what vegetation is proposed to be
12 removed, and what types of native vegetation will be used to replace that which is
13 being removed;
- 14 (4) Show all areas proposed for excavations or fills and the quantities involved on a
15 two-foot contour topographical map or aerial photo;
- 16 (5) Show the proposed elevation (in relation to mean sea level) of the lowest floor
17 (including a basement) of all new or substantially improved structures, and whether
18 or not the structure contains a basement;
- 19 (6) Include an engineer's certification or other proof of compliance as elsewhere
20 specified in this Chapter. EXCEPTION: Where the work to be performed under a
21 floodplain development permit requires a building permit pursuant to the Uniform
22 Building Code as adopted in SRC Chapter 56, plans and specifications need not be
23 separately submitted, but both permit applications may be accompanied by a
24 duplicate set of plans.
- 25 (7) Submit base flood elevation data as reasonably may be required by the Director
26 of Public Works;
- 27 (8) Submit certification by the applicant's engineer that the proposed work will not
28 raise the base flood elevation. For work in a Floodway, the base flood elevation
29 may not be increased to any degree; for work in a FF (Floodway Fringe) or Area of
30 Shallow Flooding, the base flood elevation may be raised to a maximum of one

1 foot; provided, however, that in no case shall such rise cause damage to or
2 increased flood elevations affecting any existing structures on adjacent or upstream
3 parcels.

4 (9) Submit certification by the owner that all necessary permits, licenses, and
5 registrations have been obtained from all local, state, or federal authorities requiring
6 permits for the proposed work; and

7 (10) Submit such other information as reasonably may be required by the Director
8 of Public Works.

9 **601.070. Permit Fees.**

10 (a) An application for a floodplain development permit shall be accompanied by the
11 permit fees as prescribed by resolution of the City Council.

12 (b) Fees set by resolution are fixed and nonrefundable, and are required to support
13 plans review, permit issuance, and inspection services.

14 (c) Work being done under contract with the City of Salem shall be exempt from the
15 provisions of SRC 601.065 to 601.075, except that records must be kept in
16 compliance with SRC 601.075(d).

17 (d) Where work for which a permit is required by this Chapter is commenced or
18 proceeds prior to obtaining the permit, the fees specified in subsection (a) shall be
19 doubled, but the payment of such double fees shall not relieve any person from fully
20 complying with the requirements of this Chapter in the execution of the work nor
21 from any other penalties prescribed herein.

22 (e) Floodplain development permits shall be nontransferable. Any change in
23 applicant such as a change in ownership of the land will require reapplication for
24 permits. If six months has lapsed since plan approval required by SRC 601.075,
25 reapplication for plan check shall be made.

26 **601.075. Permit Review; Records to Be Kept.**

27 (a) The Director of Public Works shall determine whether all site, waterway and
28 floodway development standards specified in this Chapter have been met, and shall
29 refer the application to the Building Official for a determination of whether the
30 standards for protection of buildings and structures specified in this Chapter and the

1 Uniform Building Code have been met.

2 (b) In conducting such review, where base flood elevation data have not been
3 provided by the Federal Insurance Administration, then the Director of Public Works
4 shall obtain, review, and reasonably utilize any base flood elevation and floodway
5 data available from a state, federal, city, or other authoritative source. The Director
6 of Public Works may require the applicant to provide a hydraulic analysis defining
7 the 100-year floodplain and floodway. Failure to elevate at least two feet above grade
8 in these zones may result in higher insurance rates.

9 (c) The Director of Public Works shall review each application to determine whether
10 all necessary permits, licenses and registrations have been obtained from all local,
11 state, or federal authorities requiring permits for the proposed work. City permits may
12 be issued with the proviso that the applicant cannot begin work without having
13 obtained all other local, state, or federal permits required.

14 (d) The Director of Public Works shall obtain and record with the file for the
15 property subject of the permit the following information where available:

- 16 (1) Base flood elevation data;
- 17 (2) The actual elevation (in relation to mean sea level) of:
 - 18 (A) The lowest floor (including basement) of all new or substantially improved
 - 19 structures, and whether or not the structure contains a basement; or
 - 20 (B) Floodproofing for any non-residential structures.
- 21 (3) Any other engineering certifications required by this Chapter; and
- 22 (4) Evidence of the notifications required by SRC 601.115(d).

23 (e) The Director of Public Works shall maintain for public inspection all records
24 pertaining to the provisions of this Chapter.

25 **601.080. Scope of Work Authorized by Permit.**

26 (a) The issuance of a permit under the provisions of this Chapter shall be held to
27 authorize work only in accordance with the provisions of this Chapter, the approved
28 plans, and work necessarily implied therefrom.

29 (b) The issuance of such a permit shall not be construed to be a permit for or
30 approval of any violation of the provisions of this Chapter or any other applicable law

1 or ordinance. The issuance of a permit based on submitted plans shall not thereafter
2 prevent the Director of Public Works from requiring the correction of errors or
3 apparent violations contained therein, or from preventing operations being carried on
4 thereunder when in violation of any applicable law or ordinance.

5 **601.085. Suspension or Revocation of Floodplain Development Permit; Appeal.**

6 (a) The Director of Public Works may, in writing, suspend or revoke a floodplain
7 development permit whenever it appears that:

8 (1) The floodplain development permit was issued in error, and the applicant was
9 not, in fact, on the basis of the application, entitled to the permit;

10 (2) The floodplain development permit was issued on the basis of incorrect,
11 incomplete, or misleading information supplied by the applicant;

12 (3) The work authorized by the floodplain development permit is in violation of
13 any applicable law or ordinance, including any provision requiring the applicant to
14 obtain a license, registration, or additional permit; or

15 (4) The work being done under the floodplain development permit is not in
16 accordance with the approved plans, or is beyond the scope of work authorized by
17 the permit.

18 (b) Any person whose permit has been suspended or revoked pursuant to this section
19 may appeal such action to the Hearings Officer, in the manner provided by SRC
20 Chapter 20J.

21 **601.090. Failure to Maintain Site or Conditions.**

22 (a) The holder of a floodplain development permit shall continuously maintain the
23 completed work within the terms and conditions set forth in this Chapter and the
24 permit. All owners and occupants, during the period of their ownership or
25 occupancy, shall be jointly and severally liable for proper maintenance as herein
26 prescribed.

27 (b) In the event of failure to maintain premises as provided in subsection (a) of this
28 section, the Director of Public Works shall cause to be served upon the person or
29 persons responsible a notice to correct the inadequate maintenance. Upon the failure
30 of the persons responsible to comply with such notice within the time specified

1 therein, to be no less than 15 days, the Director of Public Works may file with the
2 City Council a petition to have the maintenance performed as provided in subsection
3 (c) of this section, and the cost thereof assessed as a lien against the property. Upon
4 filing of the petition, the City Recorder shall set the petition for prompt public
5 hearing, and cause notice thereof to be served by certified mail upon the owner of the
6 premises. At the hearing any person entitled to notice shall be accorded an
7 opportunity to show cause why the work should not be performed as provided in
8 subsection (c) of this section and the cost thereof assessed as a lien against the
9 property.

10 (c) If the City Council is satisfied that the required maintenance must be performed
11 for the protection of the public health, safety, and welfare it shall, by resolution, direct
12 the Director of Public Works to arrange for the maintenance to be performed by city
13 forces or by private contract let through competitive bid, whichever is estimated by
14 the Director of Public Works to be the least costly and most expedient. Upon
15 completion of the work the Director of Public Works shall certify to the City Council
16 the costs thereof and the City Council shall ascertain and determine the cost of the
17 work, and assess the same against the property upon which the maintenance was
18 performed. Such assessment shall be declared by an ordinance and it shall be entered
19 in the docket of city liens and shall thereupon be and become a lien against the
20 property and the creation of the lien and the collection and enforcement of the cost
21 shall all be done and performed in substantially the same manner as in the case of the
22 cost of street improvements, but irregularities or informalities in the procedure shall
23 be disregarded. Any assessment levied pursuant to this Chapter shall be due and
24 payable in ten days after the same has been entered in the lien docket. Notice of the
25 assessment shall be given to the owner or owners of the property in the same manner
26 as notice of street assessments is given.

27 **601.095. Standards for Shallow Flooding Areas (AO Zones).** Shallow flooding areas appear
28 on FIRM's as AO Zones with depth designations. The base flood depths in these AO Zones
29 range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of
30

1 flooding is unpredictable and where velocity flow may be evident. Such flooding is usually
2 characterized as sheet flow. In AO Zones, the following provisions apply:

3 (a) New construction and substantial improvements of residential structures,
4 including manufactured homes, shall have the lowest floor (including basement)
5 elevated no less than: one foot plus the depth number specified on the FIRM above
6 the highest adjacent grade of the building site (at least two feet if no depth number is
7 specified), or one foot above the crown of the nearest roadway; whichever is greater,
8 as determined by the Director or Public Works.

9 (b) New construction and substantial improvements of nonresidential structures
10 within AO Zones shall either:

11 (1) Have the lowest floor (including basement) elevated no less than one foot plus
12 the depth number specified on the FIRM above the highest adjacent grade of the
13 building site (at least two feet if no depth number is specified), or one foot above
14 the crown of the nearest roadway; whichever is greater as determined by the
15 Director of Public Works; or,

16 (2) Together with attendant utility and sanitary facilities, be completely
17 floodproofed to or above that level so that any space below that level is watertight
18 with walls substantially impermeable to the passage of water and with structural
19 components having the capability of resisting hydrostatic and hydrodynamic loads
20 and effects of buoyancy. If this method is used compliance shall be certified by a
21 registered professional engineer as provided in SRC 601.100(c)(3).

22 (c) Require adequate drainage paths around structures on slopes to guide floodwaters
23 around and away from proposed structures.

24 (d) Recreational vehicle use in AO Zones shall comply with SRC 601.045(d), or
25 shall be subject to subsection (a) of this section.

26 **601.100. Performance Standards and Specifications for Flood Hazard Protection.** Where
27 anchoring or floodproofing are required by this Chapter, the following standards shall apply:

28 (a) New structures, and substantial improvements to existing structures, shall be
29 anchored to prevent flotation, collapse, or lateral movement of the structure.

30 (b) All manufactured homes must be anchored to prevent flotation, collapse or lateral

1 movement, and shall be installed using methods and practices that minimize flood
2 damage. Anchoring methods include, but are not limited to, use of over-the-top or
3 frame ties to ground
4 anchors, and any other technique authorized by FEMA's "Manufactured Home
5 Installation in Flood Hazard Areas" guidebook.

6 (c) New construction and substantial improvement of any commercial, industrial or
7 other nonresidential structure shall either have the lowest floor, including basement,
8 elevated to one foot above the base flood elevation; or, together with attendant utility
9 and sanitary facilities, shall:

- 10 (1) Be floodproofed so that below one foot above base flood level the structure is
11 watertight with walls substantially impermeable to the passage of water;
- 12 (2) Have structural components capable of resisting hydrostatic and hydrodynamic
13 loads and effects of buoyancy;
- 14 (3) Be certified by a registered professional engineer that the design and methods
15 of construction are in accordance with accepted standards of practice for meeting
16 provisions of this subsection based on their development and/or review of the
17 structural design, specifications and plans. Such certifications shall be provided to
18 the Director of Public Works.
- 19 (4) Nonresidential structures that are elevated, not floodproofed, must meet the
20 same standards for space below the lowest floor as described in SRC 601.045(b).
- 21 (5) Applicant floodproofing nonresidential buildings shall be notified that flood
22 insurance premiums will be based on rates that are one foot below the floodproofed
23 level (e.g. a building constructed to the base flood level will be rated as one foot
24 below that level).

25 **601.105. Bridges within the Regulatory Floodplain.** Bridges within the regulatory floodplain
26 shall comply with the following requirements:

- 27 (a) Construction of new vehicular bridges shall have the lowest structural member of
28 the bridge at least one foot above the base flood elevation.
- 29 (b) Repair or replacement of existing vehicular bridges shall not increase the water
30 surface elevation of the base flood discharge.

1 (c) Construction or repair of pedestrian bridges shall not increase the water surface
2 elevation of the base flood discharge.

3 **601.110. General Flood Protection.** In addition to any other requirement or standards
4 specified elsewhere in the Salem Revised Code, all intensification, development, and change of
5 use within a floodplain or along a waterway shall comply with the following general standards:

6 (a) **Standards.** The following standards shall apply to all development proposals:

7 (1) No waterway or floodway shall be altered or obstructed so as to reduce the
8 carrying capacity thereof.

9 (2) All development proposals shall be consistent with the need to minimize
10 flood damage.

11 (3) All development proposals shall have public utilities and facilities such as
12 sewer, gas, electrical, and water systems located and constructed to minimize
13 flood damage.

14 (4) All development proposals shall have adequate drainage provided to reduce
15 exposure to flood damage. Easements for drainage may be required where
16 warranted by other sections of the Salem Revised Code or the standards and
17 specifications on file in the office of the Director of Public Works; and,

18 (5) Where base flood elevation data has not been provided or is not available
19 from City records or another authoritative source, the Director of Public Works
20 may require it from the applicant's engineer. For subdivision proposals and other
21 proposed developments which contain at least 50 lots or five acres (whichever is
22 less) base flood elevation data must be generated, an HEC-2 water surface profile
23 or equivalent analysis stamped by a registered professional engineer may be
24 required.

25 (b) **Utilities.**

26 (1) All new and replacement water supply systems shall be designed to minimize
27 or eliminate infiltration of flood waters into the system.

28 (2) New and replacement sanitary sewage systems shall be designed to minimize
29 or eliminate infiltration of flood waters into the systems and discharge from the
30 systems into flood waters.

1 (3) On-site waste disposal system shall be located to avoid impairment to them or
2 contamination from them during flooding.

3 (c) **Manufactured Home Sites.** For new manufactured home parks and
4 manufactured home subdivisions; for expansions to existing manufactured home
5 parks and manufactured home subdivisions; for existing manufactured home parks
6 and manufactured home subdivisions where a manufactured home has incurred
7 substantial damage as a result of a flood; and for manufactured homes not placed in a
8 manufactured home park or manufactured home subdivision as permitted by law or
9 ordinance, all manufactured homes subject to placement, replacement, or substantial
10 improvement within AO Zones, AH Zones, and AE Zones, or any numbered A zones
11 shall:

12 (1) Be elevated on a permanent foundation such that the lowest floor of the
13 manufactured home will be at least one foot above base flood elevation; or where
14 base flood elevation are not available, elevated as provided in SRC 601.095.

15 (2) Electrical, heating, ventilation, plumbing, and air-conditioning equipment and
16 other service facilities shall be designed and/or otherwise elevated or located so as
17 to prevent water from entering or accumulating within the components during
18 conditions of flooding.

19 (3) Be securely anchored to an adequately anchored foundation system in
20 accordance with SRC 601.100(a).

21 (d) **Landscaping.** Where intensification, development of change of use requires a
22 floodplain development permit, the property upon which the activity will take place
23 shall have the floodway, other than the Willamette River, on that property landscaped
24 and maintained according to the following standards:

25 (1) All non-native vegetation that would significantly affect the flood carrying
26 and containment capacity of the floodway shall be removed.

27 (2) Any vegetation planted or permitted to grow within the floodway shall be
28 compatible with the flood protection standards set forth in this Chapter.

29 (3) Vegetation shall be planted or permitted to grow as necessary to stabilize the
30 floodway slope and minimize erosion.

1 (e) **Obstructions:** Every property owner having land within a floodway other than
2 the Willamette River shall maintain the floodway free of all natural and non-natural
3 obstructions not permitted by this Chapter.

4 (f) **Construction Materials and Methods:**

5 (1) All new construction and substantial improvements shall be constructed with
6 materials and utility equipment resistant to flood damage.

7 (2) All new construction and substantial improvements shall be constructed using
8 methods and practices to minimize flood damage.

9 (3) Electrical, heating, ventilation, plumbing, and air conditioning equipment,
10 including ducts, and other service facilities shall be designed and/or otherwise
11 elevated or located so as to prevent water from entering or accumulating within
12 the components during conditions of flooding.

13 **601.115. Alteration of Floodway or Waterway.** Where it is necessary to the development of
14 property adjacent to a floodway or waterway other than the Willamette River, and such
15 development is authorized by a floodplain development permit, a property owner may alter or
16 modify the floodway or waterway according to this section and Public Works Design Standards.

17 (a) **Carrying capacity.** No waterway or floodway shall be altered or obstructed so
18 as to reduce the carrying capacity thereof.

19 (b) **Maintenance.** Maintenance shall be provided by the owner within the altered or
20 relocated portion of a watercourse so that the flood carrying capacity is not
21 diminished, pursuant to SRC 601.090.

22 (c) **Lined channel.** Within commercial and industrial zones a lined channel design
23 may be permitted if the following conditions apply:

24 (1) The Director of Public Works determines that lining is the only practical
25 method to achieve adequate maintenance.

26 (2) The design is approved by the Director of Public Works as incorporating
27 adequate provisions to protect the public from the consequences of a base flood.

28 (d) **Notification.** Not less than 15 days prior to approval of the design for,
29 alterations to, or relocation of, a waterway or floodway, the Director of Public Works
30 shall:

1 (1) Notify all incorporated cities and all counties either upstream or downstream
2 which may be affected by the approval;

3 (2) Notify the Oregon Division of State Lands, Oregon Department of
4 Transportation, and Oregon Department of Land Conservation and Development;

5 (3) Submit evidence of such notification to the Federal Insurance Administration;
6 and

7 (4) Verify that applicable approvals are on file from the state and federal agencies
8 which have jurisdiction over the waterway or floodway.

9 **601.120. Native Vegetation.** Vegetative ground cover and trees from the low water mark to the
10 top of the bank shall be preserved, conserved, and maintained according to the provisions in SRC
11 601.110(d) and the following provisions:

12 (a) Riparian vegetation removed during development shall be replaced with native
13 vegetation which shall be compatible with and enhance the riparian environment.

14 (b) Plans for removal and replacement of riparian vegetation shall be submitted and
15 approved by the Director of Public Works prior to any clearing, excavation, grading,
16 or construction.

17 **601.125. Floodplain Overlay Zone Variance.**

18 (a) **Applicability.**

19 (1) In lieu of the variance procedure under SRC 245, this section provides the
20 process for variances within the in the Floodplain Overlay Zone. Use standards in
21 the Floodplain Overlay Zone are non-variable.

22 (2) Variances as interpreted in the National Flood Insurance Program are based
23 on the general zoning principle that the variance pertains to a physical piece of
24 property; are not personal in nature and do not pertain to the structure, its
25 inhabitants, economic or financial circumstances. Variances primarily address
26 small lots in densely populated residential neighborhoods. As such, variances
27 from the flood elevations granted under this section should be quite rare.

28 (b) **Classes.**

29 (1) **Class 1 Floodplain Overlay Zone Variance.** A Class 1 Floodplain Overlay
30 Zone Variance is a variance from the development standards of this Chapter for

1 the reconstruction, rehabilitation, or restoration of structures listed on the National
2 Register of Historic Places, or designated as local historic resources pursuant to
3 SRC 230.010 that are located in the FF (Floodway Fringe) and Special Floodway
4 Hazard Area.

5 **(2) Class 2 Floodplain Overlay Zone Variance.** A Class 2 Floodplain Overlay
6 Zone Variance is a variance from the development standards of this Chapter for
7 development in the FF (Floodway Fringe) and Special Flood Hazard Area, other
8 than a Class 1 Floodplain Overlay Zone Variance.

9 **(c) Procedure Type.** Class 1 and Class 2 Floodplain Overlay Zone Variances are
10 processed as a Type III procedure under SRC Chapter 300.

11 **(d) Submittal Requirements.** In addition to the submittal requirements for a Type III
12 application under SRC Chapter 300, an application for a Class 1 or Class 2 Floodplain
13 Overlay Zone Variance shall include the application submittal requirements for a
14 floodplain development permit under SRC 601.065, and a written statement
15 addressing the criteria.

16 **(e) Criteria.**

17 **(1) Class 1 Floodplain Overlay Zone Variance.** An application for a Class 1
18 Floodplain Overlay Zone Variance shall be approved if all of the following
19 criteria are met:

20 **(A)** The variance is the absolute minimum necessary, considering the
21 flood hazard, to afford relief from a hardship affecting use and
22 development of structures listed on the National Register of Historic
23 Places, or designated as local historic resources pursuant to SRC 230.010
24 which would be worked by strict application of the requirements of this
25 Chapter;

26 **(B)** If the request includes any area within the FW (Floodway) area, that
27 granting the variance will not have the effect of producing any increase in
28 base flood elevation;

29 **(C)** The applicant shows good and sufficient cause for the variance;

30 **(D)** Minimal danger exists that materials may be swept onto other lands to

1 the injury of others;

2 (E) Minimal danger exists to life and property due to flooding or erosion
3 damage;

4 (F) Safe access is available to the property in times of flood for ordinary
5 and emergency vehicles;

6 (G) Minimal costs would result from the provision of governmental
7 services during and after flood conditions, including maintenance and
8 repair of public utilities and facilities such as sewer, gas, electrical and
9 water systems, and streets and bridges.

10 **(2) Class 2 Floodplain Overlay Zone Variance.** An application for a Class 2
11 Floodplain Overlay Zone Variance shall be approved if the following criteria are
12 met:

13 (A) The variance is the absolute minimum necessary, considering the
14 flood hazard, to afford relief from a hardship affecting use and
15 development of land which would be worked by strict application of the
16 requirements of this Chapter;

17 (B) If the request includes any area within the FW (Floodway) area,
18 granting the variance will not have the effect of producing any increase in
19 base flood elevation;

20 (C) Variances to an elevation standard shall only be granted if the
21 variance is for new construction and substantial improvements to be
22 erected on a lot of one-half acre or less in size contiguous to and
23 surrounded by lots with existing structures constructed below the base
24 flood level;

25 (D) The applicant shows good and sufficient cause for the variance;

26 (E) Failure to grant the variance would result in exceptional hardship to
27 the applicant;

28 (F) Granting of a variance will not result in increased flood heights,
29 additional threats to public safety, extraordinary public expense, create
30 nuisances, cause fraud on or victimization of the public or conflict with

1 existing local laws or ordinances;

2 (G) Minimal danger exists that materials may be swept onto other lands
3 to the injury of others;

4 (H) Minimal danger exists to life and property due to flooding or erosion
5 damage;

6 (I) The proposed facility and its contents have minimal susceptibility to
7 flood damage, and the individual owner would be minimally affected by
8 such damage;

9 (J) The services provided by the proposed facility are critical to the
10 community;

11 (K) The use or facility requires a waterfront location;

12 (L) Alternative locations free from the possibility of flooding or erosion
13 damage are not available for the proposed use;

14 (M) Safe access is available to the property in times of flood for ordinary
15 and emergency vehicles;

16 (M) Negligible increase would result in the expected heights, velocity,
17 duration, rate of rise, or sediment transport of the flood waters at the site;
18 and

19 (N) Minimal costs would result from the provision of governmental
20 services during and after flood conditions, including maintenance and
21 repair of public utilities and facilities such as sewer, gas, electrical and
22 water systems, and streets and bridges.

23 **(f) Burden of Proof.** The larger the size of the lot on which the variance is requested,
24 the greater is the burden on the applicant to justify the need for a variance.

25 **(g) Conditions.** Conditions may be attached to a variance that the Review Authority
26 deems necessary to further the purposes embodied in this Chapter.

27 **(h) Notice to Applicant of Cost of Flood Insurance.** Any applicant to whom a
28 variance to an elevation standard is granted pursuant to this section shall be given written
29 notice that the structure will be permitted to be built with a lowest floor elevation below
30 the base flood elevation and that the cost of flood insurance will be commensurate with

1 the increased risk resulting from the reduced lowest floor elevation.

2 (i) **Notice.** Notwithstanding the notice requirements of SRC Chapter 300, written notice
3 of an application and notice of the decision on a variance request shall be mailed to the
4 applicant, the applicable neighborhood association, watershed council, and land owners
5 along the immediately affected stream corridor within 1500 feet of the project site.

6 (j) **Records.** The Director of Public Works shall maintain the records of all variances
7 and shall report, upon request, any variances granted to the Federal Insurance
8 Administration.

9 **Section 38.** The following SRC Chapter 602 is added to the Salem Revised Code:

10 **602.001. Purpose.** The purpose of the Airport Overlay Zone is to establish standards to
11 promote air navigational safety and prevent hazards and obstructions to air navigation and flight.

12 **602.005. Definitions.** Unless the context otherwise specifically requires, as used in this
13 Chapter, the following mean:

14 (a) **Airport elevation:** An elevation that is 210 feet above mean sea level.

15 (b) **Approach Surface:** A surface longitudinally centered on the extended runway
16 centerline, and extending outward and upward from the end of the primary surface at
17 the same slope as the approach area height limitation slope set forth in SRC 602.020(a).
18 The perimeter of the approach surface coincides with the perimeter of the approach
19 area.

20 (c) **Conical Surface:** A surface extending outward and upward from the periphery of
21 the horizontal surface at a slope of 20 to 1, for a horizontal distance of 4,000 feet.

22 (d) **FAA:** The Federal Aviation Administration.

23 (e) **Hazard to air navigation:** An obstruction determined by the Federal Aviation
24 Administration to have a substantial adverse effect on the safe and efficient utilization
25 of the navigable airspace.

26 (f) **Horizontal Surface:** A horizontal plane 150 feet above the airport elevation, the
27 perimeter of which in plan coincides with the perimeter of the horizontal area.

28 (g) **Larger than Utility Runway:** A runway that is constructed for, and intended to be
29 used by, any aircraft of greater than 12,500 pounds maximum gross weight.

30 (h) **McNary Field:** The airport owned and operated by the City of Salem.

1 (i) Non-Precision Instrument Runway: A runway having an instrument approach
2 procedure utilizing air navigation facilities with only horizontal guidance, or area-type
3 navigation equipment, for which a straight-in non-precision instrument approach
4 procedure has been approved by FAA.

5 (j) Obstruction: Any building, structure, object, including mobile objects, or
6 vegetative growth, that exceeds the height limitations in SRC 602.020(a).

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9 (k) Precision Instrument Runway: A runway having an instrument approach procedure
10 utilizing an Instrument Landing System or a Precision Approach Radar, for which a
11 precision approach system has been approved by FAA.

12 (l) Primary Surface: A surface longitudinally centered on a runway, and having the
13 width set forth in SRC 602.010. When a runway has a hard surface, the primary
14 surface extends a distance of 200 feet beyond each end of the runway. When a runway
15 does not have a hard surface, or is a military runway, the primary surface ends at each
16 end of the runway. The elevation of any point on the primary surface is the same
17 elevation as the nearest point on the runway centerline.

18 (m) Runway: The area of an airport prepared for the takeoff and landing of aircraft
19 along its entire length.

20 (n) Transitional Surfaces: The surfaces that extend outward at 90 degree angles from
21 the runway centerline and the runway centerline extended at a slope of 7 feet
22 horizontally for each 1 foot vertically from the sides of the primary surface and the
23 approach surface to the point of intersection with the horizontal surface and conical
24 surface. Transitional surfaces for those portions of the precision approach surfaces
25 which project through and beyond the limits of the conical surface extend a distance of
26 5,000 feet, measured horizontally from the edge of the approach surface at a 90 degree
27 angle to the extended runway centerline.

28 (o) Utility Runway: A runway that is constructed for, and intended to be used by,
29 propeller driven aircraft of 12,500 pounds maximum gross weight and less.

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1 (p) Visual Runway: A runway intended solely for the operation of aircraft using visual
2 approach procedures.

3 **602.010. Airport Overlay Zone Boundary.** The boundaries of the Airport Overlay Zone are
4 shown in Figure 602-1. The Airport Overlay Zone is divided into the following seven areas that
5 apply to land beneath, upon, and above the approach surfaces, transitional surfaces, horizontal
6 surfaces, and conical surfaces of McNary Field:

7 (a) **Utility Runway Visual Approach (URVA) Area.** The inner boundary of the
8 URVA area lies along the end of the primary surface and is 250 feet wide. The URVA
9 area expands outward uniformly to a width of 1,250 feet at a horizontal distance of
10 5,000 feet from the primary surface. The centerline of the URVA area is the
11 continuation of the centerline of proposed runway 16-34.

12 (b) **Runway Larger than Utility Visual Approach (RLUVA) Area.** The inner
13 boundary of the RLUVA area lies along the end of the primary surface and is 500 feet
14 wide. The RLUVA area expands outward uniformly to a width of 1,500 feet at a
15 horizontal distance of 5,000 feet from the primary surface. The centerline of the
16 RLUVA area is the continuation of the centerline of runway 16-34.

17 (c) **Runway Larger than Utility with a Visibility Minimum as Low as Three-**
18 **Quarter Mile Non-precision Instrument Approach (RLUVM) Area.** The inner
19 boundary of the RLUVM area lies along the end of the primary surface and is 1,000
20 feet wide. The RLUVM area expands outward uniformly to a width of 4,000 feet at a
21 horizontal distance of 10,000 feet from the primary surface. The centerline of the
22 RLUVM area is the continuation of the centerline of runway 13.

23 (d) **Precision Instrument Runway Approach (PIRA) Area.** The inner boundary of
24 the PIRA area lies along the end of the primary surface and is 1,000 feet wide. The
25 PIRA area expands outward uniformly to a width of 16,000 feet at a horizontal distance
26 of 50,000 feet from the primary surface. The centerline of the PIRA area is the
27 continuation of the centerline of runway 31.

28 (e) **Transitional Areas.** The transitional areas are those areas that lie beneath the
29 transitional surfaces of each runway.

30 (f) **Horizontal Area.** The boundary of the horizontal area is established by swinging

1 arcs with 5,000 feet radii, for all utility or visual runways, and 10,000 feet radii, for all
2 other runways, from the center of each end of the primary surface of each runway and
3 connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal area
4 does not include the approach and transitional areas.

5 **(g) Conical Area.** The conical area commences at the periphery of the horizontal area
6 and extends outward a horizontal distance of 4,000 feet.

7 **602.015. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
8 underlying zone is a permitted, special, conditional, or prohibited use in the Airport Overlay
9 Zone.

10 **602.020. Development Standards.** Development within the Airport Overlay Zone must
11 comply with the development standards applicable in underlying zone and the development
12 standards set forth in this section. The development standards in this section are in addition to,
13 and not in lieu of, all other applicable development standards in the underlying zone. Where the
14 development standards in this section conflict with the development standards applicable in the
15 underlying zone or any other overlay zone, the more restrictive development standards shall be
16 the applicable development standard.

17 **(a) Height.** Except as otherwise provided in this Chapter, no building, structure, or
18 object shall be erected or increased in height, and no vegetation shall be allowed to
19 grow, to a height in excess of the height limitations set forth in this subsection. If all or
20 part of a lot is located in more than one Airport Overlay Zone area, the applicable
21 height limitation shall be the most restrictive height limitation.

22 **(1) Utility Runway Visual Approach (URVA) Area.** In the URVA area, no
23 building, structure, object, or vegetative growth shall have a height greater than
24 that established by a plane sloping 20 feet outward for each 1 foot upward
25 beginning at the end of, and at the same elevation as, the primary surface and
26 extending to a horizontal distance of 5,000 feet along the extended centerline of
27 runway 16-34.

28 **(2) Runway Larger than Utility Visual Approach (RLUVA) Area.** In the
29 RLUVA area, no building, structure, object, or vegetative growth shall have a
30 height greater than that established by a plane sloping 20 feet outward for each 1

1 foot upward beginning at the end of, and at the same elevation as, the primary
2 surface and extending to a horizontal distance of 5,000 feet along the extended
3 centerline of runway 16-34.

4 **(3) Runway Larger than Utility with a Visibility Minimum as Low as Three-**
5 **Quarter Mile Non-Precision Instrument Approach (RLUVM) Area.** In the
6 RLUVM area, no building, structure, object, or vegetative growth shall have a
7 height greater than that established by a plane sloping 34 feet outward for each 1
8 foot upward beginning at the end of, and at the same elevation as, the primary
9 surface and extending to a horizontal distance of 10,000 feet along the extended
10 centerline of runway 13.

11 **(4) Precision Instrument Runway Approach (PIRA) Area.** In the PIRA area,
12 no building, structure, object, or vegetative growth shall have a height greater
13 than that established by a plane sloping 50 feet outward for each 1 foot upward
14 beginning at the end of, and at the same elevation as, the primary surface and
15 extending to a horizontal distance of 10,000 feet along the extended centerline of
16 runway 31; thence sloping 40 feet outward for each 1 foot upward to an additional
17 horizontal distance of 40,000 feet along the extended centerline of runway 31.

18 **(5) Transitional Areas.** In transitional areas, no building, structure, object, or
19 vegetative growth shall have a height greater than that established by a plane
20 sloping 7 feet outward for each 1 foot upward beginning at the sides of, and at the
21 same elevation as, the primary surface and the approach surface, and extending to
22 a height of 150 feet above the airport elevation. In addition, in transitional areas
23 there are established height limits sloping 7 feet outward for each 1 foot upward
24 beginning at the sides of, and the same elevation as, the approach surface, and
25 extending to where they intersect the conical surface. Where the PIRA area
26 projects beyond the conical area, there are established height limits sloping 7 feet
27 outward for each 1 foot upward beginning at the sides of, and the same elevation
28 as, the approach surface, and extending a horizontal distance of 5,000 feet
29 measured at 90 degree angles to the extended runway centerline.

30 **(6) Horizontal Area.** In the horizontal area, no building, structure, object, or

1 vegetative growth shall have a height greater than that established by a horizontal
2 plane 150 feet above the airport elevation.

3 **(7) Conical Area.** In the conical area, no building, structure, object, or
4 vegetative growth shall have a height greater than that established by a plane
5 sloping 20 feet outward for each 1 foot upward beginning at the periphery of the
6 horizontal area, 150 feet above the airport elevation, and extending to a height of
7 350 feet above the airport elevation.

8 **(b) Development Compatibility.** Uses within the Airport Overlay Zone shall not be
9 developed, conducted, or maintained in such a manner as to create electrical
10 interference with navigational signals or radio communications between the airport and
11 aircraft, make it difficult for pilots to distinguish between airport lights and other lights,
12 result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of
13 the airport, attract wildlife, or endanger or interfere in any other manner with landing,
14 takeoff, or maneuvering of aircraft using or intending to use McNary Field.

15 **(c) Marking and Lighting.** Marking and lighting necessary to indicate the presence
16 of buildings, structures, or vegetation to operators of aircraft in the vicinity of the
17 airport shall be provided as required by the FAA.

18 **602.025. Airport Overlay Zone Height Variance.**

19 **(a) Applicability.** No building, structure, or object shall be erected or increased in
20 height, and no vegetation shall be allowed to grow, to a height in excess of the height
21 limitations set forth in this Chapter unless a variance has been granted pursuant to this
22 section.

23 **(b) Procedure Type.** An Airport Overlay Zone Height Variance is processed as a
24 Type I procedure under SRC Chapter 300.

25 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type I
26 application under SRC Chapter 300, an application for an Airport Overlay Zone Height
27 Variance shall include:

- 28 (1) A statement of the specific height limitation for which the variance is
- 29 requested, and the amount of the variance; and

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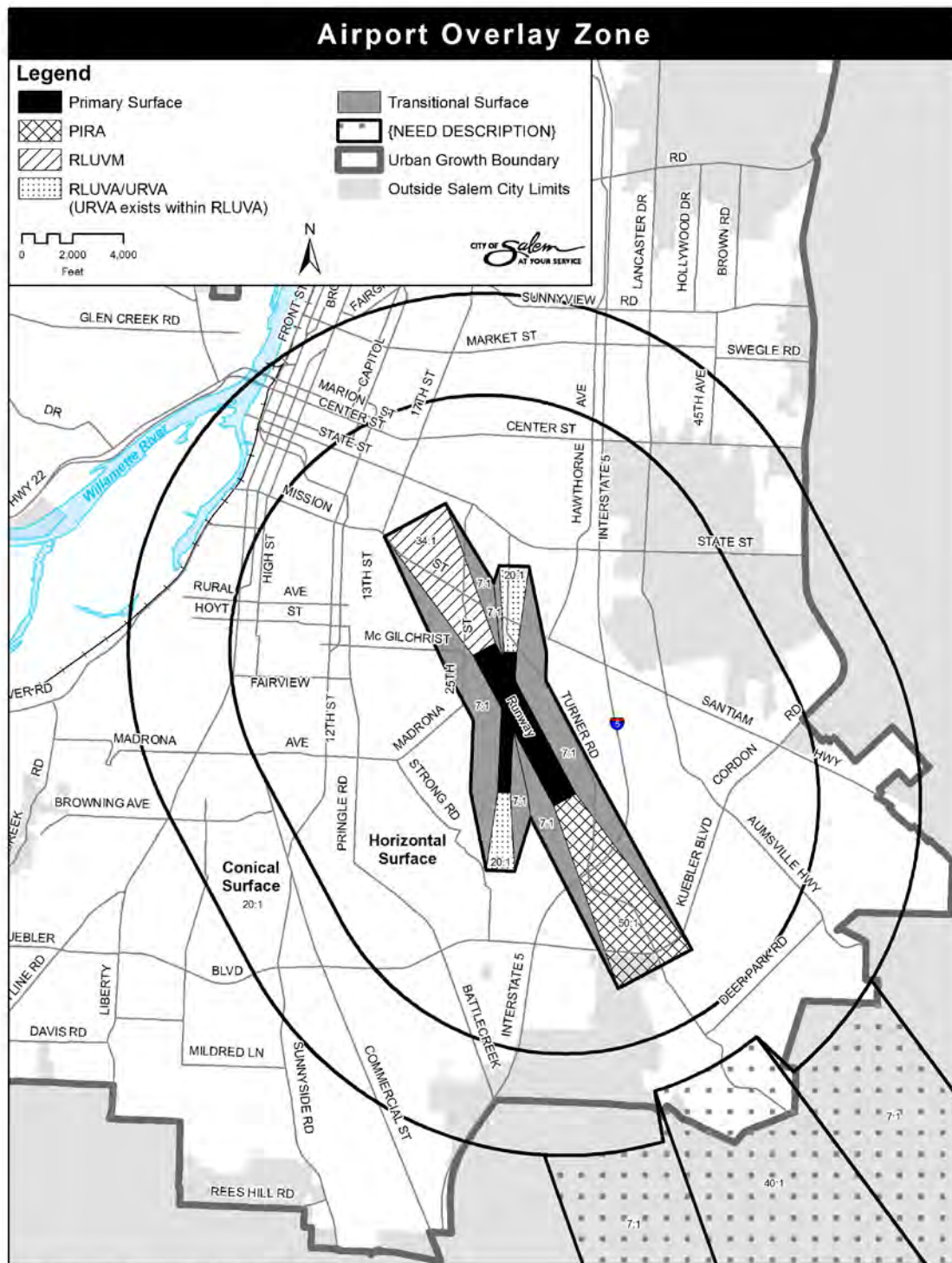
(2) A determination from the FAA that the proposed variance will not create a hazard to air navigation.

(d) Criteria. An Airport Overlay Zone Height Variance shall be granted if the FAA has issued a determination that the proposed variance will not create a hazard to air navigation.

(e) Conditions of Approval. The Review Authority shall impose as conditions of approval on an Airport Overlay Zone Height Variance any condition imposed in the FAA determination.

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**FIGURE 602-1
AIRPORT OVERLAY ZONE**



1 **Section 39.** The following SRC Chapter 603 is added to the Salem Revised Code:

2 **603.001. Purpose.** The purpose of the Portland/Fairgrounds Overlay Zone is to promote a
3 variety of uses along the Portland Road/Fairgrounds Road corridor, including commercial,
4 office, and industrial uses, in a manner consistent with the area’s role as the northern gateway
5 into Salem.

6 **603.005. Definitions.** Unless the context otherwise specifically requires, as used in this
7 Chapter, the following mean:

8 (a) Mixed-use development: A combination of uses in two or more of the following
9 Use Categories within a single building, or within separate buildings on the same lot or
10 contiguous lots:

- 11 (1) Household Living;
- 12 (2) Lodging;
- 13 (3) Retail Sales and Service;
- 14 (4) Business and Professional Services;
- 15 (5) Health Services; or
- 16 (6) Civic Services.

17 **603.010. Portland/Fairgrounds Road Overlay Zone Boundary.** The boundaries of the
18 Portland/Fairgrounds Road Overlay Zone are shown in Figure 603-3.

19 **603.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
20 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
21 prohibited use in the Portland/Fairgrounds Road Overlay Zone.

22 (a) **Continued Uses.** Uses existing within the Portland/Fairgrounds Road Overlay
23 Zone that were allowed as permitted, special, or conditional uses on October 1, 2001,
24 but which would otherwise be made non-conforming uses by this Chapter, are hereby
25 deemed continued uses. The owner shall have the burden to demonstrate continued use
26 status under this subsection.

- 27 (1) A continued use may be intensified, and buildings or structures housing a
28 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
29 such intensification, enlargement, rebuilding, or exterior alteration complies with
30 all applicable standards in the underlying zone.

1 (2) A continued use may be extended onto any contiguous vacant land under the
2 same ownership if such land was held under the same ownership on October 1,
3 2001, and has been maintained under the same ownership continuously thereafter.
4 The extension of a continued use onto contiguous vacant land under the same
5 ownership must comply with all applicable standards in the underlying zone.

6 (3) A continued use may be changed to any use that is allowed in the
7 Portland/Fairgrounds Road Overlay Zone. Such change of use shall terminate the
8 continued use status conferred by this subsection and the property must thereafter
9 only be used for uses allowed in the Portland/Fairgrounds Road Overlay Zone.

10 (4) A determination by the Building Official that the building or structure
11 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
12 56.230, shall terminate the continued use status conferred by this subsection and
13 the property may thereafter only be used for uses allowed in the
14 Portland/Fairgrounds Road Overlay Zone.

15 **(b) Additional Conditional Uses.**

16 (1) The uses set forth in Table 603-1, when allowed in the underlying zone, shall
17 be additional conditional (C) uses in the Portland/Fairgrounds Road Overlay zone.

18 **TABLE 603-1**

19 **ADDITIONAL CONDITIONAL USES**

20 **Table 603-1: Additional Conditional Uses**

Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	C	
Motor Vehicle Services	C	
Commercial Parking	C	
Park-and-Ride Facilities	C	
Heavy Vehicle and Trailer Sales	C	
Heavy Vehicle and Trailer Service and Storage	C	

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28 (2) In addition to the uses set forth in Table 603-1, any permitted, special, or
29 conditional use within the Portland/Fairgrounds Road Overlay Zone shall be a
30 conditional use within the overlay zone if developed with any of the following:

- (A) Drive-through; or
- (B) Outside storage and parking for professional and commercial equipment.

603.020. Development Standards. Development with the Portland/Fairgrounds Road Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Continued Development. Building and structures existing within the Portland/Fairgrounds Road Overlay Zone that conformed to the development standards existing on October 1, 2001, but which would otherwise be made non-conforming development by this Chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) Continued development may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of continued development onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.

(3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued development status conferred by this subsection and the building or structure shall thereafter be deemed non-conforming development.

(b) **Lot Standards.** Lots for townhouses within the Portland/Fairgrounds Road Overlay Zone shall conform to the standards set forth in Table 603-2.

**TABLE 603-2
LOT STANDARDS**

Table 603-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
LOT DEPTH		
Single Family	Min. 65 ft.	Applicable to townhouses.

(c) **Dwelling Unit Density.** Dwelling unit density within the Portland/Fairgrounds Overlay Zone shall conform to the standards set forth in Table 603-3. Dwelling unit density cannot be varied or adjusted.

**TABLE 603-3
DWELLING UNIT DENSITY**

Table 603-3: Dwelling Unit Density

Use or Activity	Standard	Limitations & Qualifications
Single Family, Two Family, and Multiple Family	Min. 20 dwelling units per acre	
	None	Applicable to mixed-use buildings where floors above the first floor are used entirely for dwelling units.

(d) **Setbacks.** Setbacks within the Portland/Fairgrounds Road Overlay Zone shall be provided as set forth in Table 603-4.

**TABLE 603-4
SETBACKS**

Table 603-4: Setbacks

Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family, Two Family, and Multiple Family	Min. 12 ft., plus one foot for each one-	

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Table 603-4: Setbacks

Requirements	Standards	Limitations & Qualifications
	foot of height over 12 ft.	
	Max. 20 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR SIDE		
Buildings		
Single Family and Two Family	Min. 5 ft.	
	None	Applicable to townhouses.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

1 (e) **Landscaping.** Berms, mounds, raised beds, and grade drops shall not be allowed
2 as a landscaping treatment, unless a bioswale treatment system or approved landscaping
3 exists to adequately collect water runoff and the berms, mounds, raised beds, and grade
4 drops do not exceed a 3:1 slope.

5 (f) **Off-Street Parking and Loading Areas.**

6 (1) Planter bays or islands shall have a minimum planting area of 50 square feet.

7 (2) A minimum of 1 tree per 8 parking spaces is required, of which a maximum
8 of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the
9 parking lot perimeter. Trees within the public street right-of-way shall not count
10 toward the tree planting requirements.

11 (3) Off-street parking may be provided no more than 800 feet from the edge of
12 the lot, or contiguous lots, upon which the main building is located.

13 (4) Employee off-street parking may be provided no more than 2,000 feet from
14 the edge of the lot, or contiguous lots, upon which the main building is located.

15 (5) Parking lot light structures shall not exceed 25 feet in height.

16 (g) **Screening.**

17 (1) Trash receptacles shall be screened from adjacent Household Living uses and
18 streets by a sight-obscuring fence, wall, or hedge.

19 (2) Concertina or barbed wire fencing shall not be located within 60 feet of the
20 street right-of-way, unless such fencing is obstructed by a building or structure.

21 (3) Concertina or barbed wire fencing shall be screened from public view and
22 adjacent property by sight-obscuring landscaping.

23 (h) **Outdoor Storage.**

24 (1) Outdoor storage areas shall not be located within required setbacks.

25 (2) Outdoor storage areas shall be enclosed by a minimum 6-foot-high sight-
26 obscuring fence, wall, hedge, or berm; provided however, items more than 6 feet
27 in height above grade shall be screened by sight-obscuring landscaping.

28 (3) Items stored within outdoor storage areas shall not exceed a maximum height
29 of 14 feet above grade.

30 (i) **Pedestrian Access.**

1 (1) A pedestrian connection shall be provided from the public sidewalk to the
2 primary building entrance.

3 (2) A pedestrian connection through the parking area to the primary building
4 entrance shall be provided when the parking area is greater than 60 feet in depth.

5 (3) Within shopping centers, office complexes, and mixed-use developments,
6 pedestrian connections shall be provided to connect the buildings. Pedestrian
7 connections shall be the most practical, direct route.

8 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
9 visual contrast or tactile finish texture.

10 (5) Wheel stops or extended curbs shall be provided along required pedestrian
11 connections to prevent the encroachment of vehicles onto pedestrian connections.

12 **(j) Project Enhancements.** Development within the Portland/Fairgrounds Road
13 Overlay Zone shall include four or more of the following project enhancements:

14 (1) Closure of one driveway approach on Portland/Fairgrounds Road;

15 (2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a
16 plan to satisfy off-street parking requirements through alternative modes of
17 transportation under SRC 806.015(e)(2);

18 (3) Freestanding sign not more than 5 feet in height and placed upon a
19 foundation;

20 (4) Weather protection, in the form of awnings or canopies, along more than 50
21 percent of the length of the ground floor building facade adjacent to sidewalks or
22 pedestrian connections;

23 (5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;

24 (6) Pedestrian connections that are:

25 (A) Constructed with pavers, scored or colored cement, and/or stamped
26 asphalt;

27 (B) Elevated above the parking area and driveway; or

28 (C) Defined with landscaping or building features such as canopies,
29 awnings, or arcades;

30 (7) Development on surface parking lots existing on October 1, 2001;

1 (8) Provision of one or more of the following pedestrian-oriented design features
2 on private property adjacent to Portland/Fairgrounds Road:

3 (A) Pedestrian scale lighting not more than 16 feet in height; or

4 (B) Plazas or other outdoor spaces open to the public;

5 (9) A minimum of 7 percent interior landscaping within parking areas not more
6 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
7 within parking areas greater than 50,000 square feet in size;

8 (10) Installation of landscaping and irrigation using a plan designed by an
9 Oregon landscape architect;

10 (11) Development of a mixed-use building; or

11 (12) Construction of a building where at least 50 percent of the building frontage
12 is constructed contiguous to the minimum building setback line.

13 **603.025. Design Review.** Design review under SRC Chapter 225 is required for development
14 within the Portland/Fairgrounds Road Overlay Zone as follows:

15 (a) Except as otherwise provided in this section, design review according to the design
16 review guidelines or the design review standards set forth in SRC 603.030 is required
17 for all development within the Portland/Fairgrounds Road Overlay Zone.

18 (b) Multiple family development, other than multiple family development within a
19 mixed-use building, shall only be subject to design review according to the multiple
20 family design review guidelines or the multiple family design review standards set forth
21 in SRC Chapter 702.

22 (c) Multiple family development within a mixed-use building shall only be subject to
23 design review according to the design review guidelines or the design review standards
24 set forth in SRC 603.030.

25 **603.030. Design Review Guidelines and Design Review Standards.**

26 (a) **Building Location, Orientation, and Design.**

27 (1) **Building Location.**

28 (A) **Design Review Guidelines.**

29 (i) **Building Setbacks Abutting Street.** Building setbacks from
30 the street shall be minimized (see Figure 603-1).

1 (ii) Accessory structures shall be located to minimize their
2 appearance in relationship to the primary building.

3 **(B) Design Review Standards.**

4 (i) **Building Setbacks Abutting Street.** Buildings shall have the
5 following setbacks abutting a street:

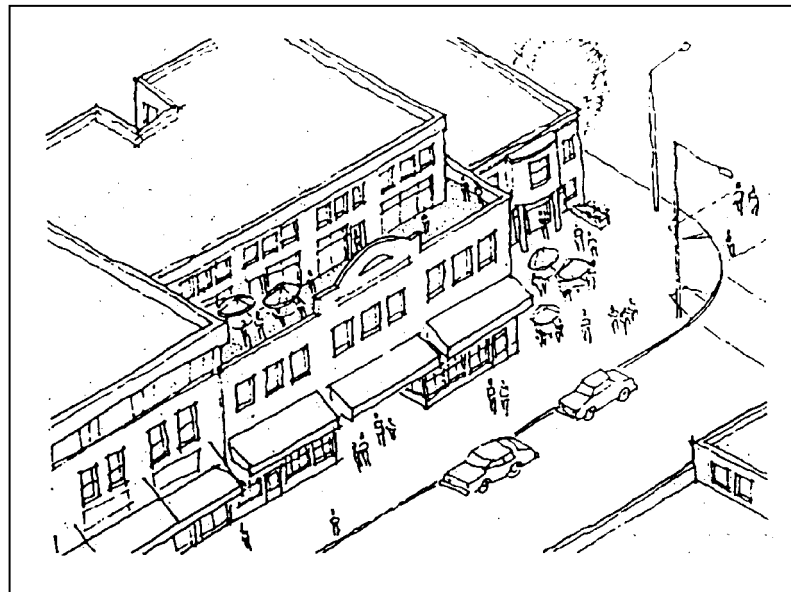
6 (aa) Minimum: 0 feet.

7 (bb) Maximum: 60 feet.

8 (ii) Accessory structures shall be located no closer to the street
9 than the primary building.

10 **FIGURE 603-1**

11 **BUILDING SETBACKS MINIMIZED FROM STREET**



23
24 **(2) Building Orientation and Design.**

25 **(A) Design Review Guidelines.**

26 (i) Buildings facing Portland/Fairgrounds Road shall create safe,
27 pleasant, and active pedestrian environments.

28 (ii) Ground floor building facades facing Portland/Fairgrounds
29 Road shall include transparent windows to ensure that the ground
30 floor promotes a sense of interaction between activities in the
building and activities in the public realm.

1 (iii) Buildings shall be human scale and avoid long monotonous
2 exterior walls. To minimize the appearance of bulk and divide
3 overall building mass, building offsets and building articulation
4 shall be provided throughout building facades.

5 (iv) Weather protection, in the form of awnings or canopies
6 appropriate to the design of the building, shall be provided along
7 ground floor building facades adjacent to sidewalks or pedestrian
8 connections in order to create a comfortable and inviting
9 pedestrian environment.

10 **(B) Design Review Standards.**

11 (i) A primary building entrance shall be provided for each
12 building facade facing a street. If a building has frontage on more
13 than one street, a single primary building entrance may be
14 provided at the corner of the building where the streets intersect
15 (see Figure 603-2).

16 **(aa) Alternative Standard for Existing Buildings.**

17 Notwithstanding subsection (a)(2)(B)(i) of this section,
18 where a building existing on October 1, 2001, has a
19 primary building entrance facing a street, such entrance
20 may be relocated but not eliminated. The relocated
21 entrance must face a street.

22 (ii) Ground floor building facades facing Portland/Fairgrounds
23 Road shall include transparent windows on a minimum of 65
24 percent of the ground floor facade. The windows shall not be
25 mirrored or treated in such a way as to block visibility into the
26 building. The windows shall have a minimum Visible
27 Transmittance (VT) of 37 percent.

28 **(aa) Alternative Standard for Existing Buildings.**

29 Notwithstanding subsection (a)(2)(B)(ii) of this section,
30 where a building existing on October 1, 2001, does not

1 include transparent windows on a minimum of 65 percent
2 of the ground floor facade facing Portland/Fairgrounds
3 Road, the percentage of transparent windows existing on
4 the ground floor facade shall not be reduced. Additional
5 windows meeting the transparency requirements of
6 subsection (a)(2)(B)(ii) may be added without meeting the
7 minimum ground floor facade window percentage of 65
8 percent.

9 **(iii)** Building offsets shall be provided for building frontages
10 greater than 75 feet in width. Building frontages two or more
11 stories in height may be constructed without required building
12 offsets on the first floor, but all additional floors shall incorporate
13 building offsets. Building offsets shall be a minimum 4 feet in
14 depth and shall be provided at intervals of not more than 40 feet
15 along the building frontage. Building offsets may extend into
16 required setbacks.

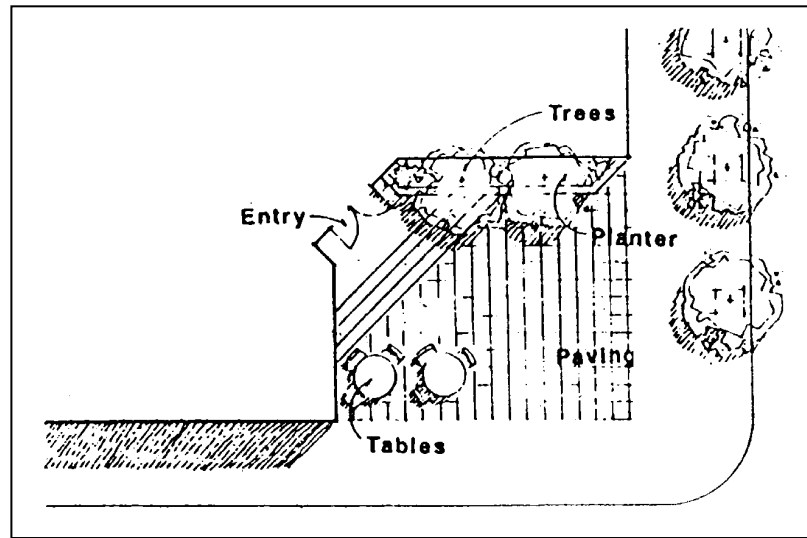
17 **(iv)** Weather protection, in the form of awnings or canopies, shall
18 be provided along a minimum of 50 percent of the length of the
19 ground floor building facade adjacent to sidewalks or pedestrian
20 connections. Awnings or canopies shall have a minimum
21 clearance height above the sidewalk of 8 feet, and may encroach
22 into the street right-of-way as provided in SRC 76.160.

23 **(aa) Alternative Standard for Existing Buildings.**

24 Notwithstanding subsection (a)(2)(B)(iv) of this section,
25 where a building existing on October 1, 2001, does not
26 include weather protection, in the form of awnings or
27 canopies, along a minimum of 50 percent of the length of
28 the ground floor facade adjacent to sidewalks or pedestrian
29 connections, the percentage of weather protection along the
30 ground floor facade shall not be reduced. Additional

1 weather protection meeting the sidewalk clearance
2 requirements in subsection (a)(2)(B)(iv) of this section may
3 be added without meeting the minimum weather protection
4 standard of 50 percent.

5 **FIGURE 603-2**
6 **BUILDING CORNER ENTRY**



17 **(b) Landscaping.**

18 **(1) Landscaping for Open Sales and Off-Street Parking.**

19 **(A) Design Review Guidelines.**

20 (i) Landscaping shall be utilized to enhance the urban character of
21 the area and provide adequate screening of surface parking lots and
22 open sales areas.

23 **(B) Design Review Standards.**

24 (i) Open sales areas for items such as vehicles, boats, recreational
25 vehicles, satellites, hot tubs, and other similar items shall be
26 screened from the public right-of-way with a minimum 3-foot tall
27 sight-obscuring fence, masonry wall, or hedge, and a minimum 3-
28 foot wide landscape strip. The fence, masonry wall, or hedge shall
29 not encroach into the vision clearance area.

30 (ii) A minimum 10-foot-wide landscape strip shall be provided

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between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of 1 plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC 603.020(e).

(c) Off-Street Parking and Loading.

(1) Off-Street Parking.

(A) Design Review Guidelines.

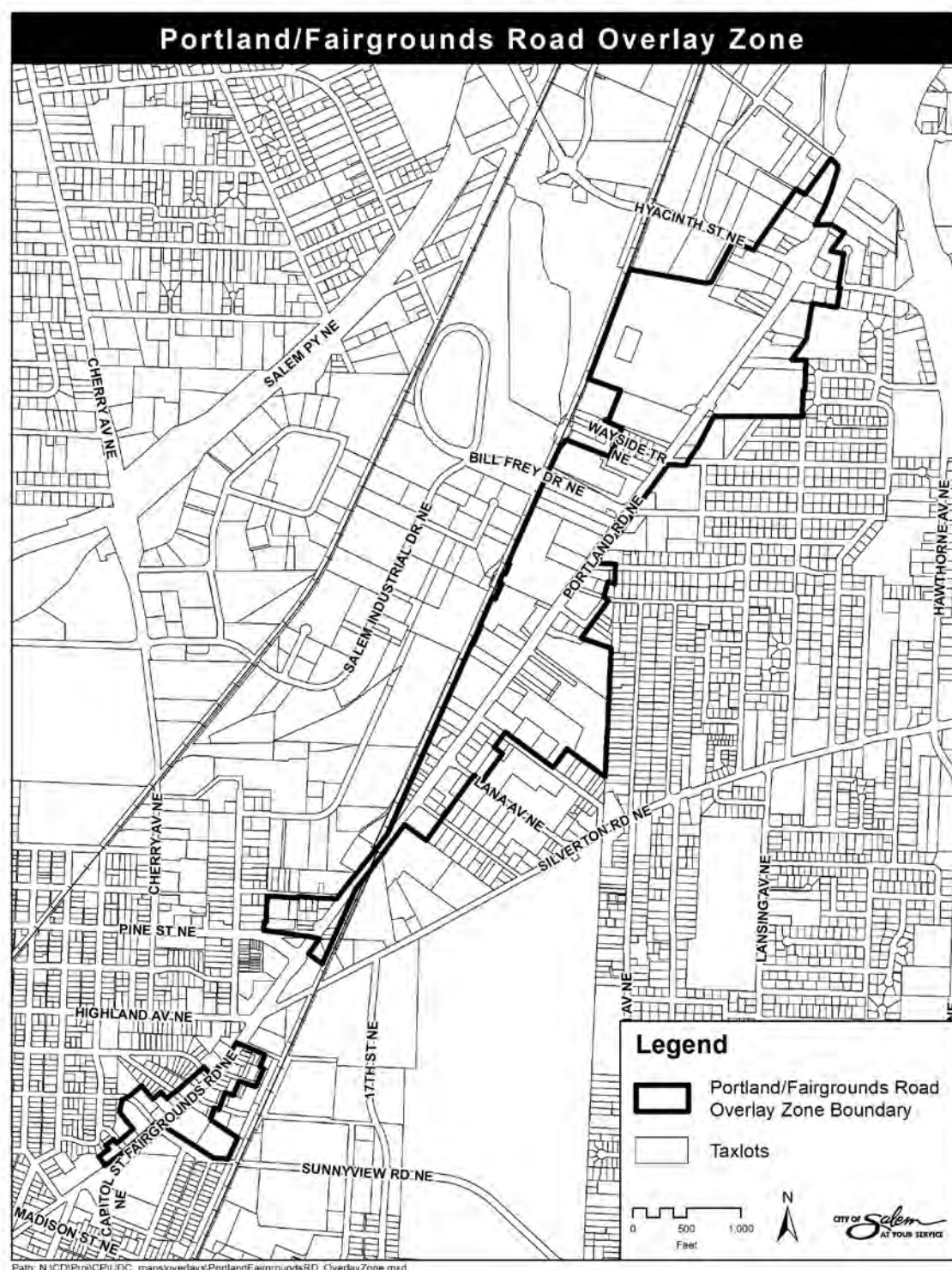
(i) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their Portland/Fairgrounds Road frontage in order to create a safe, pleasant, and active pedestrian environment.

(B) Design Review Standards.

(i) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their entire Portland/Fairgrounds Road frontage.

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FIGURE 603-3
PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE



1 **Section 40.** The following SRC Chapter 604 is added to the Salem Revised Code:

2 **604.001. Purpose.** The purpose of the Pine Street Mixed-Use Overlay Zone is to identify
3 allowed uses and to establish development standards that promote creation of a mixed-use center
4 along the Portland/Fairgrounds Road Corridor serving the surrounding community with
5 storefront businesses offering a wide range of goods and services in a pedestrian friendly
6 environment.

7 **604.005. Definitions.** Unless the context otherwise specifically requires, as used in this
8 Chapter, the following mean:

9 (a) **Mixed-use development:** A combination of uses in two or more of the following
10 Use Categories within a single building, or within separate buildings on the same lot or
11 contiguous lots:

- 12 (1) Household Living;
- 13 (2) Lodging;
- 14 (3) Retail Sales and Service;
- 15 (4) Business and Professional Services;
- 16 (5) Health Services; or
- 17 (6) Civic Services.

18 (b) **Side street:** Any public street that intersects Portland/Fairgrounds Road.

19 **604.010. Pine Street Mixed-Use Overlay Zone Boundary.** The boundaries of the Pine Street
20 Mixed-Use Overlay Zone are shown in Figure 604-3.

21 **604.015. Uses.**

22 (a) Except as otherwise provided in this section, the uses set forth in Table 604-1 shall
23 be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the
24 Pine Street Mixed-Use Overlay Zone.

25 **TABLE 604-1**

26 **USES**

27 **Table 604-1: Uses**

Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Household Living			

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Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Single Family	P	C	The following Single Family activities: <ul style="list-style-type: none"> Townhouse. Residential Home, as defined under ORS 197.660.
	N	P	Dwelling unit for a caretaker or watchperson on the premises being cared for or guarded.
	N	N	All other Single Family.
Two Family	N	C	
Multiple Family	P	C	Multiple Family, constructed as part of a mixed-use development.
	C	C	All other Multiple Family
Group Living			
Room and Board	P	C	Room and Board serving 5 or fewer persons.
	C	N	Room and Board serving 6 to 75 persons.
	N	N	All other Room and Board.
Residential Care	C	C	
Nursing Care	P	P	
Lodging			
Short-Term Commercial Lodging	P	P	
Long-Term Commercial Lodging	N	C	
Non-Profit Shelters	C	C	Non-Profit Shelters serving 5 or fewer persons.
	N	N	All other Non-Profit Shelters.
Retail Sales and Services			
Eating and Drinking Establishments	P	P	
Retail Sales	N	N	Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	N	P	The following Retail Sales activities: <ul style="list-style-type: none"> Auto supply stores. Meat and seafood markets where live animals are sold or processed.
	P	P	All other Retail Sales.
Personal Services	P	P	
Postal Services and Retail Financial Services	P	P	
Business and Professional Services			
Office	P	P	
Audio/Visual Media Production	P	P	
Laboratory Research and Testing	P	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			
Motor Vehicle and Manufactured Dwelling and Trailer Sales	C	C	
Motor Vehicle Services	C	C	
Commercial Parking	P	P	

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Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Park-and-Ride Facilities	P	P	
Taxicabs and Car Services	N	P	
Heavy Vehicle and Trailer Sales	N	N	
Heavy Vehicle and Trailer Service and Storage	N	N	
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial Entertainment - Indoor	C	C	Nightclubs, located within 200 feet of a residential zone.
	P	P	All Other Commercial Entertainment – Indoor.
Commercial Entertainment - Outdoor	N	N	
Major Event Entertainment	N	N	
Recreational and Cultural Community Services	P	P	
Parks and Open Space	P	P	
Non-Profit Membership Assembly	P	P	
Religious Assembly	P	P	
Health Services			
Medical Centers/Hospitals	N	N	
Outpatient Medical Services and Laboratories	P	P	
Educational Services			
Day Care	P	P	
Basic Education	P	P	
Post-Secondary and Adult Education	P	P	
Civic Services			
Governmental Services	P	P	
Social Services	P	P	
Governmental Maintenance Services and Construction	N	N	
Public Safety			
Emergency Services	P	P	
Detention Facilities	N	N	
Military Installations	P	P	
Funeral and Related Services			
Cemeteries	N	N	
Funeral and Cremation Services	P	P	
Construction Contracting, Repair, Maintenance, and Industrial Services			
General Repair Services	P	P	
Building and Grounds Services and Construction Contracting	N	N	

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Table 604-1: Uses			
Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Cleaning Plants	N	N	Industrial laundries.
	P	P	All other Cleaning Plants.
Industrial Services	N	N	
Wholesale Sales			
General Wholesaling	P	P	General Wholesaling, provided 40 percent or more of the building square footage is dedicated to the sale of merchandise for household or personal consumption by the general public.
Heavy Wholesaling	N	N	
Warehousing and Distribution	N	N	
Self-Service Storage	N	N	
Manufacturing			
General Manufacturing	C	P	General Manufacturing, provided 40 percent or more of the building square footage is dedicated to the sale of merchandise for household or personal consumption by the general public.
Heavy Manufacturing	N	N	
Printing	P	P	
Transportation Facilities			
Aviation Facilities	N	N	
Passenger Ground Transportation Facilities	P	P	
Marine Facilities	N	N	
Utilities			
Basic Utilities	P	P	
Wireless Communication Facilities	Allowed	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	C	
Power Generation Facilities	N	N	
Data Center Facilities	N	N	
Fuel Dealers	N	N	
Waste-Related Facilities	N	N	
Mining and Natural Resource Extraction			
Petroleum and Natural Gas Production	N	N	
Surface Mining	N	N	
Farming, Forestry, and Animal Services			
Agriculture	N	N	
Forestry	N	N	
Agriculture and Forestry Services	N	N	

Table 604-1: Uses

Use	Status		Limitations & Qualifications
	CG Underlying Zone	IC Underlying Zone	
Keeping of Livestock and Other Animals	N	N	
Animal Services	P	P	Small animal veterinary services.
	C	C	Wildlife rehabilitation facility.
	N	N	All other Animal Services.
Other Uses			
Temporary Uses	P	P	Mobile food units are permitted, subject to SRC 701.020.
Home Occupations	S	S	Home Occupations are allowed, subject to SRC 700.020.

(b) Additional Conditional Uses. In addition to the uses set forth in Table 604-1, any permitted, special, or conditional use within the Pine Street Mixed-Use Overlay Zone shall be a conditional use within the overlay zone if developed with any of the following:

- (1) Drive-through;
- (2) Outside storage and parking of professional and commercial equipment; or
- (3) Loading of commercial vehicles over 20,000 pounds of gross vehicle weight.

(c) Continued Uses. Uses existing within the Pine Street Mixed-Use Overlay Zone that were allowed as permitted, special, or conditional uses on October 1, 2001, but which would otherwise be made non-conforming uses by this Chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.

(1) A continued use may be intensified, and buildings or structures housing a continued use may be may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) A continued use may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued use onto contiguous vacant land under the same

ownership must comply with all applicable standards in the underlying zone.

(3) A continued use may be changed to any use that is allowed in the Pine Street Mixed-Use Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.

(4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Pine Street Mixed-Use Overlay Zone.

604.020. Development Standards. Development within the Pine Street Mixed-Use Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) **Continued Development.** Buildings and structures existing within the Pine Street Mixed-Use Overlay Zone that conformed to the development standards existing on October 1, 2001, but which would otherwise be made non-conforming development by this Chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) Continued development may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of a continued development onto contiguous vacant land under the same ownership must comply with all applicable standards in the

underlying zone.

(3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued development status conferred by this subsection and the building or structure shall thereafter be deemed non-conforming development.

(b) **Lot Standards.** Lots for townhouses within the Pine Street Mixed-Use Overlay Zone shall conform to standards set forth in Table 604-2.

**TABLE 604-2
LOT STANDARDS**

Table 604-2: Lot Standards

Requirements	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
LOT DEPTH		
Single Family	Min. 65 ft.	Applicable to townhouses.

(c) **Dwelling Unit Density.** Dwelling unit density within the Pine Street Mixed-Use Overlay Zone shall conform to the standards set forth in Table 604-3. Dwelling unit density cannot be varied or adjusted.

**TABLE 604-3
DWELLING UNIT DENSITY**

Table 604-3: Dwelling Unit Density

Use or Activity	Standard	Limitations & Qualifications
Single Family, Two Family, and Multiple Family	Min. 20 dwelling units per acre	
	None	Applicable to mixed-use buildings where floors above the first floor are used entirely for dwelling units.

(d) **Building Area.** The aggregate floor area of a single development shall not exceed 50,000 square feet, unless developed as part of a mixed-use development. The aggregate floor area of a mixed-use development may exceed 50,000 square feet. All new buildings in a mixed-use development shall have a second floor with an area equal

to at least 50 percent of the first floor area.

(e) **Setbacks.** Setbacks within the Pine Street Mixed-Use Overlay Zone shall be provided as set forth in Table 604-4.

**TABLE 604-4
SETBACKS**

Table 604-4: Setbacks		
Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family, Two Family, and Multiple Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
	Max. 20 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR SIDE		
Buildings		
Single Family and Two Family	Min. 5 ft.	
	None	Applicable to townhouses.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

Table 604-4: Setbacks		
Requirements	Standards	Limitations & Qualifications
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(f) Landscaping. Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.

(g) Off-Street Parking and Loading Areas.

- (1) Planter bays or islands shall have a minimum planting area of 50 square feet.
- (2) A minimum of 1 tree per 8 parking spaces is required, of which a maximum of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements.
- (3) Off-street parking may be provided no more than 800 hundred feet from the edge of the lot, or contiguous lots, upon which the main building is located.
- (4) Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located.
- (5) Parking lot light structures shall not exceed 25 feet in height.
- (6) The minimum off-street parking requirement for Household Living uses shall be 1 space per dwelling unit.

(h) Screening.

- (1) Trash receptacles shall be screened from adjacent Household Living uses and streets by a sight-obscuring fence, wall, or hedge.
- (2) Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.

1 (3) Concertina or barbed wire fencing shall be screened from public view and
2 adjacent property by sight-obscuring landscaping.

3 **(i) Outdoor Storage.**

4 (1) Outdoor storage areas shall not be located within required setbacks.

5 (2) Outdoor storage areas shall be enclosed by a minimum 6-foot-high sight-
6 obscuring fence, wall, hedge, or berm; provided however, items more than 6 feet
7 in height above grade shall be screened by sight-obscuring landscaping.

8 (3) Items stored within outdoor storage areas shall not exceed a maximum height
9 of 14 feet above grade.

10 **(j) Pedestrian Access.**

11 (1) A pedestrian connection shall be provided from the public sidewalk to the
12 primary building entrance.

13 (2) A pedestrian connection through the parking area to the primary building
14 entrance shall be provided when the parking area is greater than 60 feet in depth.

15 (3) Within shopping centers, office complexes, and mixed-use developments,
16 pedestrian connections shall be provided to connect the buildings. Pedestrian
17 connections shall be the most practical, direct route.

18 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
19 visual contrast or tactile finish texture.

20 (5) Wheel stops or extended curbs shall be provided along required pedestrian
21 connections to prevent the encroachment of vehicles onto pedestrian connections.

22 **(k) Project Enhancements.** Development within the Pine Street Mixed-Use Overlay
23 Zone shall include four or more of the following project enhancements:

24 (1) Closure of one driveway approach on Portland/Fairgrounds Road;

25 (2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a
26 plan to satisfy off-street parking requirements through alternative modes of
27 transportation under SRC 806.015(e)(2);

28 (3) Freestanding sign not more than 5 feet in height and placed upon a
29 foundation;

30 (4) Weather protection, in the form of awnings or canopies, along more than 75

1 percent of the length of the ground floor building facade adjacent to sidewalks or
2 pedestrian connections;

3 (5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;

4 (6) Pedestrian connections that are:

5 (A) Constructed with pavers, scored or colored cement, and/or stamped
6 asphalt;

7 (B) Elevated above the parking area and driveway; or

8 (C) Defined with landscaping or building features such as canopies,
9 awnings, or arcades;

10 (7) Development on surface parking lots existing on October 1, 2001;

11 (8) Provision of one or more of the following pedestrian-oriented design features
12 on private property adjacent to Portland/Fairgrounds Road:

13 (A) Pedestrian scale lighting not more than 16 feet in height; or

14 (B) Plazas or other outdoor spaces open to the public;

15 (9) A minimum of 7 percent interior landscaping within parking areas not more
16 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
17 within parking areas greater than 50,000 square feet in size;

18 (10) Installation of landscaping and irrigation using a plan designed by an
19 Oregon landscape architect; or

20 (11) Development of a mixed-use building.

21 **604.025. Design Review.** Design review under SRC Chapter 225 is required for development
22 within the Pine Street Mixed-Use Overlay Zone as follows:

23 (a) Except as otherwise provided in this section, design review according to the design
24 review guidelines or the design review standards set forth in SRC 604.030 is required
25 for all development within the Pine Street Mixed-Use Overlay Zone.

26 (b) Multiple family development, other than multiple family development within a
27 mixed-use building, shall only be subject to design review according to the multiple
28 family design review guidelines or the multiple family design review standards set forth
29 in SRC Chapter 702.
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1 (c) Multiple family development within a mixed-use building shall only be subject to
2 design review according to the design review guidelines or the design review standards
3 set forth in SRC 604.030.

4 (d) Residential Care with three or more self-contained dwelling units shall only be
5 subject to design review according to the multiple family design review guidelines or
6 the multiple family design review standards set forth in SRC Chapter 702.

7 **604.030. Design Review Guidelines and Design Review Standards.**

8 (a) **Building Location, Orientation, and Design.**

9 (1) **Building Location.**

10 (A) **Design Review Guidelines.**

11 (i) **Building Setbacks Abutting Street.** Building setbacks from
12 the street shall be minimized (see Figure 604-1). Buildings
13 constructed contiguous to the street right-of-way are preferred.

14 (ii) Accessory structures shall be located to minimize their
15 appearance in relationship to the primary building.

16 (B) **Design Review Standards.**

17 (i) **Building Setbacks Abutting Street.** Buildings shall have the
18 following setbacks abutting a street:

19 (aa) Minimum: 0 feet.

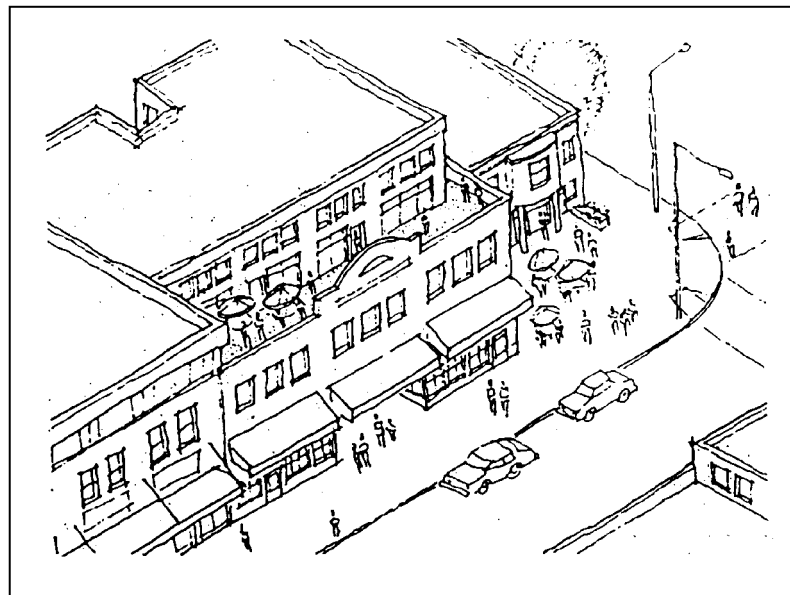
20 (bb) Maximum: 10 feet.

21 (ii) Accessory structures shall be located no closer to the street
22 than the primary building.

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FIGURE 604-1
BUILDING SETBACKS MINIMIZED FROM STREET



(2) Building Orientation and Design.

(A) Design Review Guidelines.

(i) Buildings facing Portland/Fairgrounds Road shall create safe, pleasant, and active pedestrian environments.

(ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

(iii) Buildings shall be human scale and avoid long monotonous exterior walls. To minimize the appearance of bulk and divide overall building mass, building offsets and building articulation shall be provided throughout building facades.

(iv) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to sidewalks or pedestrian connections in order to create a comfortable and inviting pedestrian environment.

1 greater than 75 feet in width. Building frontages two or more
2 stories in height may be constructed without required building
3 offsets on the first floor, but all additional floors shall incorporate
4 building offsets. Building offsets shall be a minimum 4 feet in
5 depth and shall be provided at intervals of not more than 40 feet
6 along the building frontage. Building offsets may extend into
7 required setbacks.

8 (iv) Weather protection, in the form of awnings or canopies, shall
9 be provided along a minimum of 50 percent of the length of the
10 ground floor building facade adjacent to sidewalks or pedestrian
11 connections. Awnings or canopies shall have a minimum
12 clearance height above the sidewalk of 8 feet, and may encroach
13 into the street right-of-way as provided in SRC 76.160.

14 **(aa) Alternative Standard for Existing Buildings.**

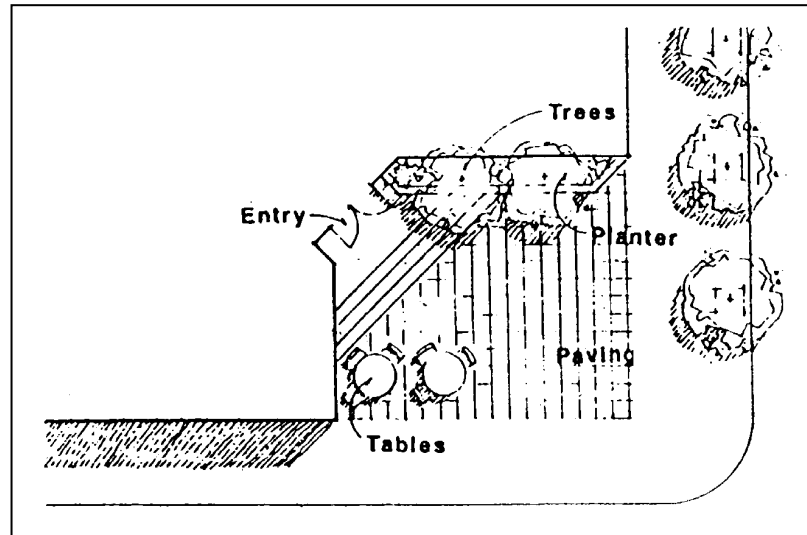
15 Notwithstanding subsection (a)(2)(B)(iv) of this section,
16 where a building existing on October 1, 2001, does not
17 include weather protection, in the form of awnings or
18 canopies, along a minimum of 50 percent of the length of
19 the ground floor facade adjacent to sidewalks or pedestrian
20 connections, the percentage of weather protection along the
21 ground floor facade shall not be reduced. Additional
22 weather protection meeting the sidewalk clearance
23 requirements in subsection (a)(2)(B)(iv) of this section may
24 be added without meeting the minimum weather protection
25 standard of 50 percent.

26 (v) New buildings shall be a minimum of 25 feet in height.

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**FIGURE 604-2
BUILDING CORNER ENTRY**



(b) Landscaping.

(1) Landscaping for Open Sales and Off-Street Parking.

(A) Design Review Guidelines.

(i) Landscaping shall be utilized to enhance the urban character of the area and provide adequate screening of surface parking lots and open sales areas.

(B) Design Review Standards.

(i) Open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other similar items shall be screened from the public right-of-way with a minimum 3-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum 3-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area

(ii) A minimum 10-foot-wide landscape strip shall be provided between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of 1 plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC

604.020(f).

(c) Off-Street Parking and Loading.

(1) Off-Street Parking.

(A) Design Review Guidelines.

(i) The area devoted to off-street parking shall be minimized.

(ii) Parking structures located adjacent to Portland/Fairgrounds Road shall include space ground floor commercial uses along their Portland/Fairgrounds Road frontage in order to create a safe, pleasant, and active pedestrian environment.

(B) Design Review Standards.

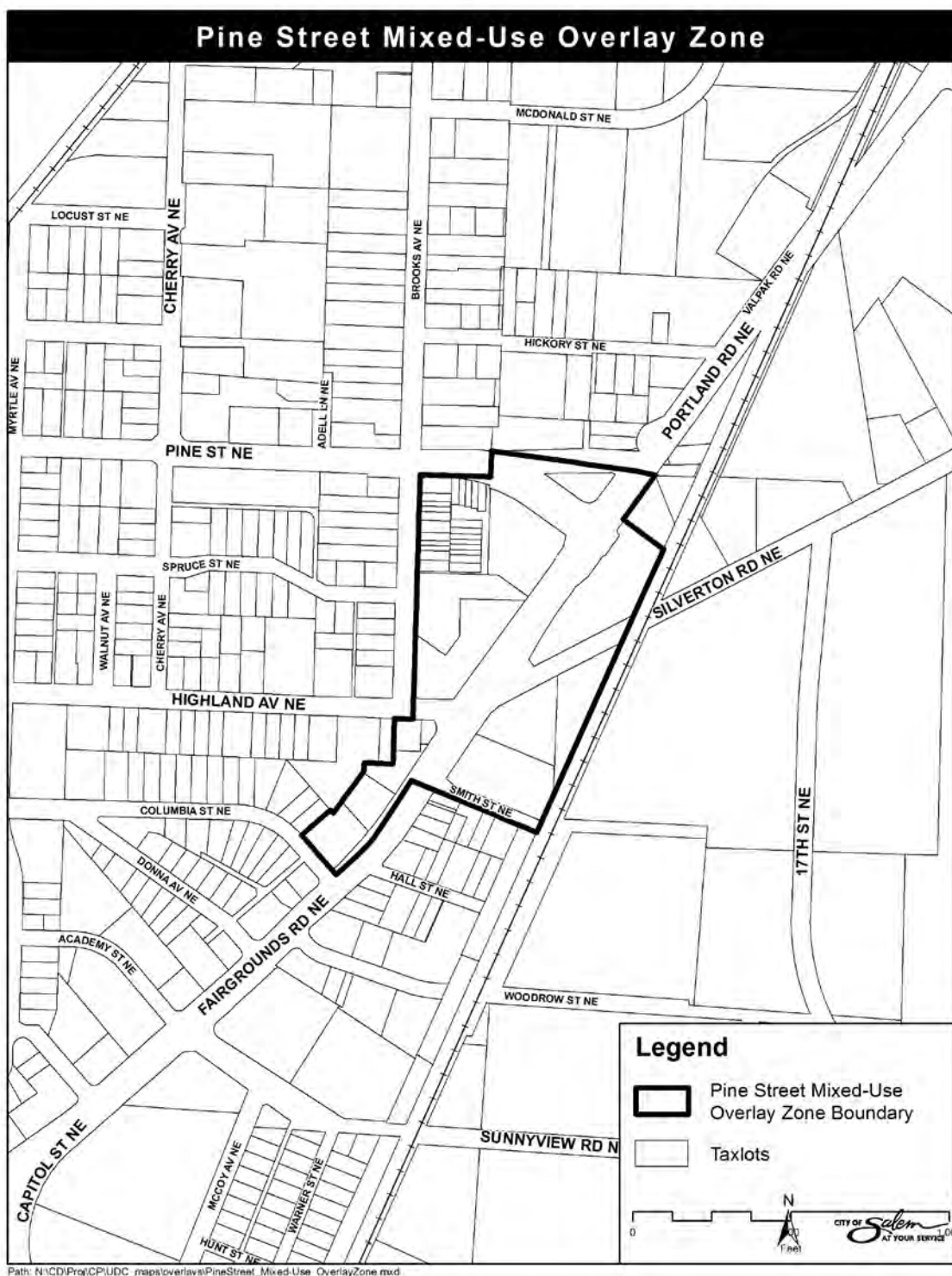
(i) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that where a lot has frontage on Portland/Fairgrounds Road and a side street, an off-street surface parking area may occupy more than 50 percent of the side street frontage.

(ii) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their entire Portland/Fairgrounds Road frontage.

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FIGURE 604-3

PINE STREET MIXED-USE OVERLAY ZONE



1 **Section 41.** The following SRC Chapter 605 is added to the Salem Revised Code:

2 **605.001. Purpose.** The purpose of the Northgate Mixed-Use Overlay Zone is to identify
3 allowed uses and to establish development standards that promote creation of a mixed-use center
4 along the Portland/Fairgrounds Road Corridor serving the surrounding community with
5 storefront businesses offering a wide range of goods and services in a pedestrian friendly
6 environment.

7 **605.005. Definitions.** Unless the context otherwise specifically requires, as used in this
8 Chapter, the following mean:

9 (a) **Mixed-use development:** A combination of uses in two or more of the following
10 Use Categories within a single building, or within separate buildings on the same lot or
11 contiguous lots:

- 12 (1) Household Living;
- 13 (2) Lodging;
- 14 (3) Retail Sales and Service;
- 15 (4) Business and Professional Services;
- 16 (5) Health Services; or
- 17 (6) Civic Services.

18 (b) **Side street:** Any public street that intersects Portland/Fairgrounds Road.

19 **605.010. Northgate Mixed-Use Overlay Zone Boundary.** The boundaries of the Northgate
20 Mixed-Use Overlay Zone are shown in Figure 605-3.

21 **605.015. Uses.**

22 (a) Except as otherwise provided in this section, the uses set forth in Table 605-1 shall be
23 the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the
24 Northgate Mixed Use Overlay Zone.

25 **TABLE 605-1**

26 **USES**

27 **Table 605-1: Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none">▪ Townhouse.▪ Residential Home, as defined under ORS 197.660.

Table 605-1: Uses

Use	Status	Limitations & Qualifications
	N	All other Single Family
Two Family	C	Duplex, not constructed as part of a mixed-use development.
	N	All other Two Family.
Multiple Family	P	Multiple Family, constructed as part of a mixed-use development.
	C	All other Multiple Family.
Group Living		
Room and Board	C	Room and Board Serving 5 or fewer persons.
	N	All other Room and Board.
Residential Care	C	Residential Facility, as defined under ORS 197.660.
	N	All other Residential Care.
Nursing Care	P	
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	C	Long-Term Commercial Lodging, not constructed as part of a mixed-use development.
	N	All other Long-Term Commercial Lodging.
Non-Profit Shelters	C	Non-Profit Shelters serving 5 or fewer persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	N	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ Meat and seafood markets, where live animals are sold or processed. ▪ Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	P	All other Retail Sales.
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	C	
Motor Vehicle Services	C	
Commercial Parking	P	
Park-and-Ride Facilities	P	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other Commercial Entertainment – Indoor.

Table 605-1: Uses

Use	Status	Limitations & Qualifications
Commercial Entertainment – Outdoor	N	The following Commercial Entertainment – Outdoor activities: <ul style="list-style-type: none"> ▪ Amusement parks. ▪ Drive-in movie theaters. ▪ Golf courses. ▪ Sporting and recreational camps. ▪ Recreational vehicle parks and campsites.
	P	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	C	
Building and Grounds Services and Construction Contracting	C	Carpet and upholstery cleaning establishments.
	N	All other Building and Grounds Services and Construction Contracting.
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	C	Online, mail order, and catalog sales.
	N	All other Warehousing and Distribution.
Self-Service Storage	N	
Manufacturing		

Table 605-1: Uses		
Use	Status	Limitations & Qualifications
General Manufacturing	C	The following General Manufacturing activities: <ul style="list-style-type: none"> ▪ Costume jewelry and precious metals metalsmithing. ▪ Sundries and notions. ▪ Sign manufacturing.
	N	All other General Manufacturing.
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	C	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	P	Small animal veterinary services.
	N	All other Animal Services.
Other Uses		
Temporary Uses	P	Mobile food units are permitted, subject to SRC 701.020.
Home Occupations	S	Home Occupations are allowed, subject to SRC 700.020.

(b) Additional Conditional Uses. In addition to the uses set forth in Table 605-1, any permitted, special, or conditional use within the Northgate Mixed-Use Overlay Zone shall be a conditional use within the overlay zone if developed with any of the following:

- (1) Drive-through;
- (2) Outside storage and parking of professional and commercial equipment; or

1 (3) Loading of commercial vehicles over 20,000 pounds of gross vehicle weight.
2 (c) **Continued Uses.** Uses existing within the Northgate Mixed-Use Overlay Zone that
3 were allowed as permitted, special, or conditional uses on October 1, 2001, but which
4 would otherwise be made non-conforming uses by this Chapter, are hereby deemed
5 continued uses. The owner shall have the burden to demonstrate continued use status
6 under this subsection.

7 (1) A continued use may be intensified, and buildings or structures housing a
8 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
9 such intensification, enlargement, rebuilding, or exterior alteration complies with
10 all applicable standards in the underlying zone.

11 (2) A continued use may be extended onto any contiguous vacant land under the
12 same ownership if such land was held under the same ownership on October 1,
13 2001, and has been maintained under the same ownership continuously thereafter.
14 The extension of a continued use onto contiguous vacant lots under the same
15 ownership must comply with all applicable standards in the underlying zone.

16 (3) A continued use may be changed to any use that is allowed in the Northgate
17 Mixed Overlay Zone. Such change of use shall terminate the continued use status
18 conferred by this subsection and the property must thereafter only be used for
19 uses allowed in the Northgate Mixed-Use Overlay Zone.

20 (4) A determination by the Building Official that the building or structure
21 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
22 56.230, shall terminate the continued use status conferred by this subsection and
23 the property may thereafter only be used for uses allowed in the Northgate Mixed-
24 Use Overlay Zone.

25 **605.020. Development Standards.** Development within the Northgate Mixed-Use Overlay
26 Zone must comply with the development standards applicable in underlying zone and the
27 development standards set forth in this section. The development standards in this section are in
28 addition to, and not in lieu of, all other applicable development standards in the underlying zone.
29 Where the development standards in this section conflict with the development standards
30

1 applicable in the underlying zone, the development standards in this section shall be the
 2 applicable development standard.

3 **(a) Continued Development.** Building and structures existing within the Northgate
 4 Mixed-Use Overlay Zone that conformed to the development standards existing on
 5 October 1, 2001, but which would otherwise be made non-conforming development by
 6 this Chapter, are hereby deemed continued development. The owner shall have the
 7 burden to demonstrate continued development status under this subsection.

8 (1) Continued development may be enlarged, rebuilt, or the exterior altered,
 9 provided such enlargement, rebuilding, or exterior alteration complies with all
 10 applicable standards in the underlying zone.

11 (2) Continued development may be extended onto any contiguous vacant land
 12 under the same ownership if such land was held under the same ownership on
 13 October 1, 2001, and has been maintained under the same ownership continuously
 14 thereafter. The extension of a continued development onto contiguous vacant
 15 land under the same ownership must comply with all applicable standards in the
 16 underlying zone.

17 (3) A determination by the Building Official that a continued development is
 18 derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the
 19 continued development status conferred by this subsection and the building or
 20 structure shall thereafter be deemed non-conforming development.

21 **(b) Lot Standards.** Lots for townhouses within the Northgate Mixed-Use Overlay
 22 Zone shall conform to the standards set forth in Table 605-2.

23 **TABLE 605-2**
 24 **LOT STANDARDS**

25 **Table 605-2: Lot Standards**

Requirements	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
LOT WIDTH		
Single Family	Min. 20 ft.	Applicable to townhouses.
LOT DEPTH		
Single Family	Min. 65 ft.	Applicable to townhouses.

(c) Development Density. Development within the Northgate Mixed-Use Overlay Zone shall conform to the density standards set forth in Table 605-3. Dwelling unit density cannot be varied or adjusted.

**TABLE 605-3
DEVELOPMENT DENSITY**

Table 605-3: Development Density		
Requirements	Standard	Limitations & Qualifications
Single Family, Two Family, and Multiple Family	Min. 20 dwelling units per acre	Applicable to mixed-use buildings where floors above the first floor are used entirely for dwelling units.
	None	
All Other Uses	Min. 0.5 FAR	

(d) Building Area. The aggregate floor area of a single development shall not exceed 50,000 square feet, unless developed as part of a mixed-use development. The aggregate floor area of a mixed-use development may exceed 50,000 square feet. All new buildings in a mixed-use development shall have a second level floor area equal to at least 50 percent of the first floor area.

(e) Setbacks. Setbacks within the Northgate Mixed-Use Overlay Zone shall be provided as set forth in Table 605-4.

**TABLE 605-4
SETBACKS**

Table 605-4: Setbacks		
Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family, Two Family, and Multiple Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
	Max. 20 ft.	
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over	Applicable to accessory structures greater than 4 ft. in height.

Table 605-4: Setbacks		
Requirements	Standards	Limitations & Qualifications
	12 ft.	
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
INTERIOR SIDE		
Buildings		
Single Family and Two Family	Min. 5 ft.	
	None	Applicable to townhouses.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTEIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(f) Landscaping. Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.

(g) Off-Street Parking and Loading Areas.

(1) Planter bays or islands shall have a minimum planting area of 50 square feet.

1 (2) A minimum of 1 tree per 8 parking spaces is required, of which a maximum
2 of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the
3 parking lot perimeter. Trees within the public street right-of-way shall not count
4 toward the tree planting requirements.

5 (3) Off-street parking may be provided no more than 800 hundred feet from the
6 edge of the lot, or contiguous lots, upon which the main building is located.

7 (4) Employee off-street parking may be provided no more than 2,000 feet from
8 the edge of the lot, or contiguous lots, upon which the main building is located.

9 (5) Parking lot light structures shall not exceed 25 feet in height.

10 (6) The minimum off-street parking requirement for Household Living uses shall
11 be 1 space per dwelling unit.

12 **(h) Screening.**

13 (1) Trash receptacles shall be screened from adjacent Household Living uses and
14 streets by a sight-obscuring fence, wall, or hedge.

15 (2) Concertina or barbed wire fencing shall not be located within 60 feet of the
16 street right-of-way, unless such fencing is obstructed by a building or structure.

17 (3) Concertina or barbed wire fencing shall be screened from public view and
18 adjacent property by sight-obscuring landscaping.

19 **(i) Outdoor Storage.**

20 (1) Outdoor storage areas shall not be located within required setbacks.

21 (2) Outdoor storage areas shall be enclosed by a minimum 6-foot-high sight-
22 obscuring fence, wall, hedge, or berm; provided however, items more than 6 feet
23 in height above grade shall be screened by sight-obscuring landscaping.

24 (3) Items stored within outdoor storage areas shall not exceed a maximum height
25 of 14 feet above grade.

26 **(j) Pedestrian Access.**

27 (1) A pedestrian connection shall be provided from the public sidewalk to the
28 primary building entrance.

29 (2) A pedestrian connection through the parking area to the primary building
30 entrance shall be provided when the parking area is greater than 60 feet in depth.

1 (3) Within shopping centers, office complexes, and mixed-use developments,
2 pedestrian connections shall be provided to connect the buildings. Pedestrian
3 connections shall be the most practical, direct route.

4 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
5 visual contrast or tactile finish texture.

6 (5) Wheel stops or extended curbs shall be provided along required pedestrian
7 connections to prevent the encroachment of vehicles onto pedestrian connections.

8 **(k) Project Enhancements.** Development within the Northgate Mixed-Use Overlay
9 Zone shall include four or more of the following project enhancements:

10 (1) Closure of one driveway approach on Portland/Fairgrounds Road;

11 (2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a
12 plan to satisfy off-street parking requirements through alternative modes of
13 transportation under SRC 806.015(e)(2);

14 (3) Freestanding sign not more than 5 feet in height and placed upon a
15 foundation;

16 (4) Weather protection, in the form of awnings or canopies, along more than 75
17 percent of the length of the ground floor building facade adjacent to sidewalks or
18 pedestrian connections;

19 (5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;

20 (6) Pedestrian connections that are:

21 (A) Constructed with pavers, scored or colored cement, and/or stamped
22 asphalt;

23 (B) Elevated above the parking area and driveway; or

24 (C) Defined with landscaping or building features such as canopies,
25 awnings, or arcades;

26 (7) Development on surface parking lots existing on October 1, 2001;

27 (8) Provision of one or more of the following pedestrian-oriented design features
28 on private property adjacent to Portland/Fairgrounds Road:

29 (A) Pedestrian scale lighting not more than 16 feet in height; or

30 (B) Plazas or other outdoor spaces open to the public;

1 (9) A minimum of 7 percent interior landscaping within parking areas not more
2 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
3 within parking areas greater than 50,000 square feet in size;

4 (10) Installation of landscaping and irrigation using a plan designed by an
5 Oregon landscape architect; or

6 (11) Development of a mixed-use building.

7 **605.025. Design Review.** Design review under SRC Chapter 225 is required for development
8 within the Northgate Mixed Use Overlay Zone as follows:

9 (a) Except as otherwise provided in this section, design review according to the design
10 review guidelines or the design review standards set forth in SRC 605.030 is required
11 for all development within the Northgate Mixed-Use Overlay Zone.

12 (b) Multiple family development, other than multiple family development within a
13 mixed-use building, shall only be subject to design review according to the multiple
14 family design review guidelines or the multiple family design review standards set forth
15 in SRC Chapter 702.

16 (c) Multiple family development within a mixed-use building shall only be subject to
17 design review according to the design review guidelines or the design review standards
18 set forth in SRC 605.030.

19 (d) Residential Care with three or more self-contained dwelling units shall only be
20 subject to design review according to the multiple family design review guidelines or
21 the multiple family design review standards set forth in SRC Chapter 702.

22 **605.030. Design Review Guidelines and Design Review Standards.**

23 (a) **Building Location, Orientation, and Design.**

24 (1) **Building Location.**

25 (A) **Design Review Guidelines.**

26 (i) **Building Setbacks Abutting Street.** Building setbacks from
27 the street shall be minimized (see Figure 605-1). Buildings
28 constructed contiguous to the street right-of-way are preferred.

29 (ii) Accessory structures shall be located to minimize their
30 appearance in relationship to the primary building.

1 **(B) Design Review Standards.**

2 **(i) Building Setback Abutting Street.** Buildings shall have the
3 following setbacks abutting a street:

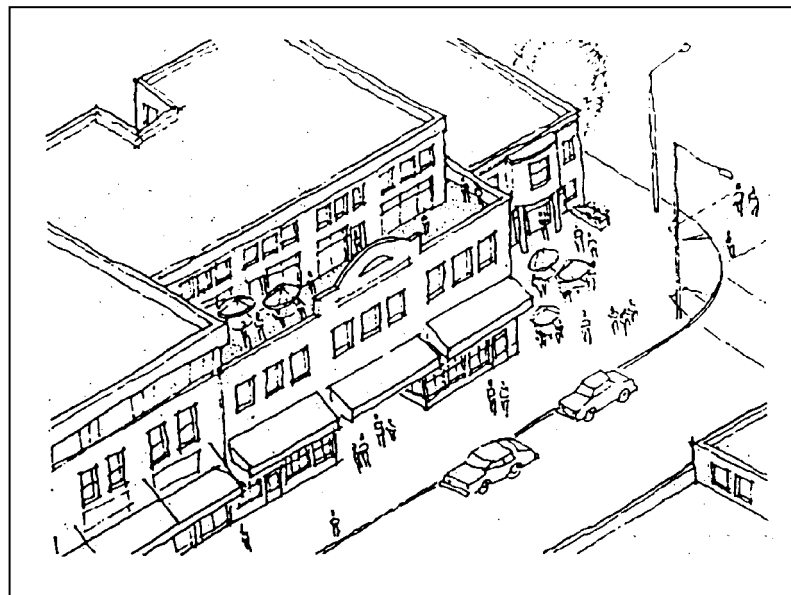
4 **(aa)** Minimum: 0 feet.

5 **(bb)** Maximum: 10 feet.

6 **(ii)** Accessory structures shall be located no closer to the street
7 than the primary building.

8 **FIGURE 605-1**

9 **BUILDING SETBACKS MINIMIZED FROM STREET**



21 **(2) Building Orientation and Design.**

22 **(A) Design Review Guidelines.**

23 **(i)** Buildings facing Portland/Fairgrounds Road shall create safe,
24 pleasant, and active pedestrian environments.

25 **(ii)** Ground floor building facades facing Portland/Fairgrounds
26 Road shall include transparent windows to ensure that the ground
27 floor promotes a sense of interaction between activities in the
28 building and activities in the public realm.

29 **(iii)** Buildings shall be human scale and avoid long monotonous
30 exterior walls. To minimize the appearance of bulk and divide

1 overall building mass, building offsets and building articulation
2 shall be provided throughout building facades.

3 (iv) Weather protection, in the form of awnings or canopies
4 appropriate to the design of the building, shall be provided along
5 ground floor building facades adjacent to sidewalks or pedestrian
6 connections in order to create a comfortable and inviting
7 pedestrian environment.

8 **(B) Design Review Standards.**

9 (i) A primary building entrance shall be provided for each
10 building facade facing a street. If a building has frontage on more
11 than one street, a single primary building entrance may be
12 provided at the corner of the building where the streets intersect
13 (see Figure 605-2).

14 **(aa) Alternative Standard for Existing Buildings.**

15 Notwithstanding subsection (a)(2)(B)(i) of this section,
16 where a building existing on October 1, 2001, has a
17 primary building entrance facing a street, such entrance
18 may be relocated but not eliminated. The relocated
19 entrance must face a street

20 (ii) Ground floor building facades facing Portland/Fairgrounds
21 Road shall include transparent windows on a minimum of 65
22 percent of the ground floor facade. The windows shall not be
23 mirrored or treated in such a way as to block visibility into the
24 building. The windows shall have a minimum Visible
25 Transmittance (VT) of 37 percent.

26 **(aa) Alternative Standard for Existing Buildings.**

27 Notwithstanding subsection (a)(2)(B)(ii) of this section,
28 where a building existing on October 1, 2001, does not
29 include transparent windows on a minimum of 65 percent
30 of the ground floor facade facing Portland/Fairgrounds

1 Road, the percentage of transparent windows existing on
2 the ground floor facade shall not be reduced. Additional
3 windows meeting the transparency requirements of
4 subsection (a)(2)(B)(ii) may be added without meeting the
5 minimum ground floor facade window percentage of 65
6 percent.

7 **(iii)** Building offsets shall be provided for building frontages
8 greater than 75 feet in width. Building frontages two or more
9 stories in height may be constructed without required building
10 offsets on the first floor, but all additional floors shall incorporate
11 building offsets. Building offsets shall be a minimum 4 feet in
12 depth and shall be provided at intervals of not more than 40 feet
13 along the building frontage. Building offsets may extend into
14 required setbacks.

15 **(iv)** Weather protection, in the form of awnings or canopies, shall
16 be provided along a minimum of 50 percent of the length of the
17 ground floor building facade adjacent to sidewalks or pedestrian
18 connections. Awnings or canopies shall have a minimum
19 clearance height above the sidewalk of 8 feet, and may encroach
20 into the street right-of-way as provided in SRC 76.160.

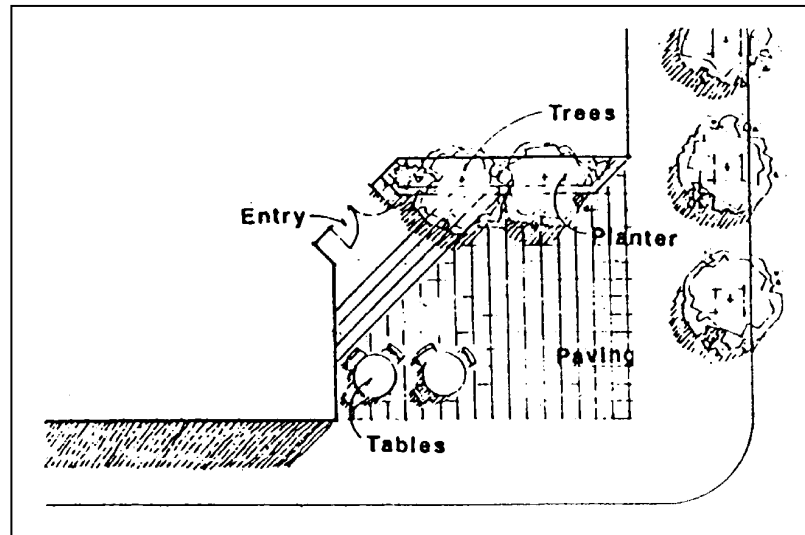
21 **(aa) Alternative Standard for Existing Buildings.**

22 Notwithstanding subsection (a)(2)(B)(iv) of this section,
23 where a building existing on October 1, 2001, does not
24 include weather protection, in the form of awnings or
25 canopies, along a minimum of 50 percent of the length of
26 the ground floor facade adjacent to sidewalks or pedestrian
27 connections, the percentage of weather protection along the
28 ground floor facade shall not be reduced. Additional
29 weather protection meeting the sidewalk clearance
30 requirements in subsection (a)(2)(B)(iv) of this section may

1 be added without meeting the minimum weather protection
2 standard of 50 percent.

3 (v) New buildings shall be a minimum of 25 feet in height.

4 **FIGURE 605-2**
5 **BUILDING CORNER ENTRY**



16
17 **(b) Landscaping.**

18 **(1) Landscaping for Open Sales and Off-Street Parking.**

19 **(A) Design Review Guidelines.**

20 (i) Landscaping shall be utilized to enhance the urban character of
21 the area and provide adequate screening of surface parking lots and
22 open sales areas.

23 **(B) Design Review Standards.**

24 (i) Open sales areas for items such as vehicles, boats, recreational
25 vehicles, satellites, hot tubs, and other similar items shall be
26 screened from the public right-of-way with a minimum 3-foot tall
27 sight-obscuring fence, masonry wall, or hedge, and a minimum 3-
28 foot wide landscape strip. The fence, masonry wall, or hedge shall
29 not encroach into the vision clearance area

30 (ii) A minimum 10-foot-wide landscape strip shall be provided
between surface parking lots and the street right-of-way. The

1 landscape strip shall be planted with a minimum of 1 plant unit per
2 20 square feet of planting area. Berms, mounds, raised beds, and
3 grade drops are allowed if they meet the standards in SRC
4 605.020(f).

5 **(c) Off-Street Parking and Loading.**

6 **(1) Off-Street Parking.**

7 **(A) Design Review Guidelines.**

8 (i) The area devoted to off-street parking shall be minimized.

9 (ii) Parking structures located adjacent to Portland/Fairgrounds
10 Road shall include space for ground floor commercial uses along
11 their Portland/Fairgrounds Road frontage in order to create a safe,
12 pleasant, and active pedestrian environment.

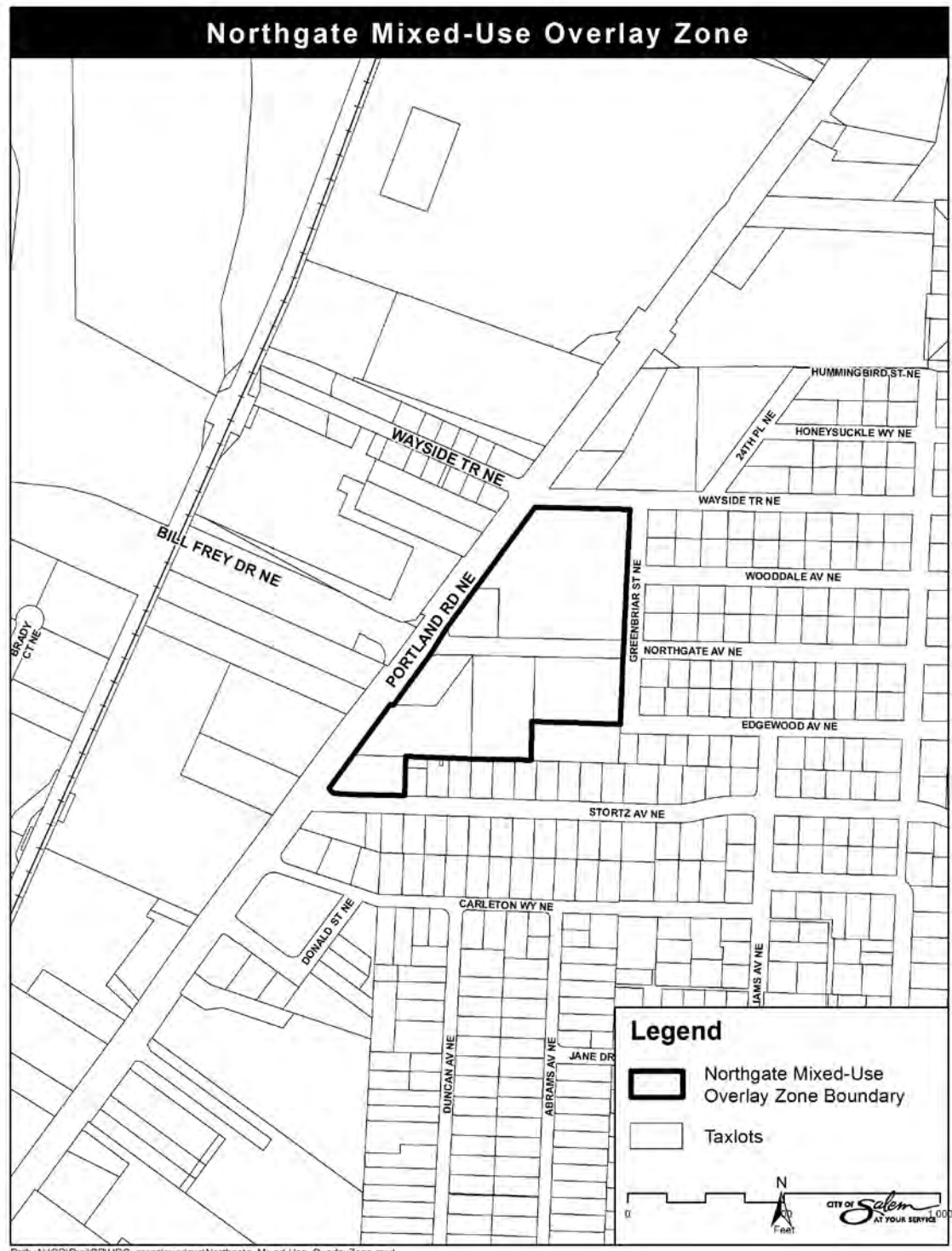
13 **(B) Design Review Standards.**

14 (i) Off-street parking areas shall not occupy more than 50 percent
15 of the street frontage of a lot, except that where a lot has frontage
16 on Portland/Fairgrounds Road and a side street, an off-street
17 surface parking area may occupy more than 50 percent of the side
18 street frontage.

19 (ii) Parking structures located adjacent to Portland/Fairgrounds
20 Road shall include space for ground floor commercial uses along
21 their entire Portland/Fairgrounds Road frontage.

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FIGURE 605-3
NORTHGATE MIXED-USE OVERLAY ZONE



1 **Section 42.** The following SRC Chapter 606 is added to the Salem Revised Code:

2 **606.001. Purpose.** The purpose of the Wallace Road Corridor Overlay Zone is to establish
3 development standards that promote pedestrian access and enhance the appearance of
4 development along Wallace Road.

5 **606.005. Definitions.** Unless the context otherwise specifically requires, as used in this
6 Chapter, the following mean:

7 (a) Mixed-use development: A combination of uses in two or more of the following
8 Use Categories within a single building, or within separate buildings on the same lot or
9 contiguous lots:

10 (1) Household Living;

11 (2) Lodging;

12 (3) Retail Sales and Service;

13 (4) Business and Professional Services;

14 (5) Health Services; or

15 (6) Civic Services.

16 **606.010. Wallace Road Corridor Overlay Zone Boundary.** The boundaries of the Wallace
17 Road Corridor Overlay Zone are shown in Figure 606-1.

18 **606.015. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
19 underlying zone is a permitted, special, conditional, or prohibited use in the Wallace Road
20 Corridor Overlay Zone.

21 **606.020. Development Standards.** Development within the Wallace Road Corridor Overlay
22 Zone must comply with the development standards applicable in the underlying zone and the
23 development standards set forth in this section. The development standards in this section are in
24 addition to, and not in lieu of, all other applicable development standards in the underlying zone.
25 Where the development standards in this section conflict with the development standards
26 applicable in the underlying zone, the development standards in this section shall be the
27 applicable development standard.

28 (a) **Continued Development.** Buildings and structures existing within the Wallace
29 Road Corridor Overlay Zone that conformed to the development standards existing on
30 December 1, 2002, but which would otherwise be made non-conforming development

1 by this Chapter, are hereby deemed continued development. The owner shall have the
2 burden to demonstrate continued development status under this subsection.

3 (1) Continued development may be enlarged, rebuilt, or the exterior altered,
4 provided such enlargement, rebuilding, or exterior alteration complies with all
5 applicable standards in the underlying zone.

6 (2) An owner or user of property on December 1, 2002, may extend continued
7 development onto any contiguous vacant land owned by such owner or user if
8 such land was held under the same ownership on December 1, 2002, and has been
9 maintained under the same ownership continuously thereafter. The extension of
10 continued development onto contiguous vacant land under the same ownership
11 must comply with all applicable standards in the underlying zone.

12 (3) A determination by the Building Official that a continued development is
13 derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate
14 the continued development status conferred by this subsection and the building or
15 structure shall thereafter be deemed non-conforming development.

16 (b) **Screening.** Concertina or barbed wire fencing shall not be located within 60 feet
17 of the street right-of-way, unless such fencing is obstructed by a building or structure.

18 (c) **Pedestrian Access.**

19 (1) A pedestrian connection shall be provided from the public sidewalk to the
20 primary building entrance.

21 (2) A pedestrian connection through the parking area to the primary building
22 entrance shall be provided when the parking area is greater than 60 feet in depth.

23 (3) Within shopping centers, office complexes, and mixed-use developments,
24 pedestrian connections shall be provided to connect the buildings. Pedestrian
25 connections shall be the most practical, direct route.

26 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
27 visual contrast or tactile finish texture.

28 (5) Wheel stops or extended curbs shall be provided along required pedestrian
29 connections to prevent the encroachment of vehicles onto pedestrian connections.

30 (d) **Project Enhancements.** Development within the Wallace Road Corridor Overlay

1 Zone shall include four or more of the following project enhancements:

- 2 **(1)** Closure of one driveway approach on Wallace Road;
- 3 **(2)** Joint parking agreement under SRC 806.020(a)(5), or implementation of a
- 4 plan to satisfy off-street parking requirements through alternative modes of
- 5 transportation under SRC 806.015(e)(2);
- 6 **(3)** Freestanding sign not more than 5 feet in height and placed upon a
- 7 foundation;
- 8 **(4)** Weather protection, in the form of awnings or canopies, along more than 50
- 9 percent of the length of the ground floor building facade adjacent to sidewalks or
- 10 pedestrian connections;
- 11 **(5)** Cast iron or wrought iron fencing adjacent to Wallace Road;
- 12 **(6)** Pedestrian connections that are:
- 13 **(A)** Constructed with pavers, scored or colored cement, and/or stamped
- 14 asphalt;
- 15 **(B)** Elevated above the parking area and driveway; or
- 16 **(C)** Defined with landscaping or building features such as canopies,
- 17 awnings, or arcades;
- 18 **(7)** Replacement of existing surface parking areas with new development of
- 19 buildings or structures;
- 20 **(8)** A minimum of 7 percent interior landscaping within parking areas not more
- 21 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
- 22 within parking areas greater than 50,000 square feet in size;
- 23 **(9)** Installation of landscaping and irrigation using a plan designed by an Oregon
- 24 landscape architect;
- 25 **(10)** Development of a mixed-use building;
- 26 **(11)** Construction of a building where at least 50 percent of the building frontage
- 27 is constructed contiguous to the minimum building setback line;
- 28 **(12)** Construction of one or more buildings at least two stories in height;
- 29 **(13)** Construction of planter bays, each a minimum of 50 square feet in size, to
- 30 meet minimum interior parking area landscaping requirements;

1 (14) Construction of planter bays below the surface grade of parking areas to
2 accommodate surface water runoff; or

3 (15) Use of native plant materials to meet minimum landscaping requirements.

4 **606.025. Design Review.** Design review under SRC Chapter 225 is required for development
5 within the Wallace Road Corridor Overlay Zone as follows:

6 (a) Except as otherwise provided in this section, design review according to the design
7 review guidelines or the design review standards set forth in SRC 606.030 is required
8 for all development within the Wallace Road Corridor Overlay Zone.

9 (b) Multiple family development, other than multiple family development within a
10 mixed-use building, shall only be subject to design review according to the multiple
11 family design review guidelines or the multiple family design review standards set forth
12 in SRC Chapter 702.

13 (c) Multiple family development within a mixed-use building shall only be subject to
14 design review according to the design review guidelines or the design review standards
15 set forth in SRC 606.030.

16 **606.030. Design Review Guidelines and Design Review Standards.**

17 (a) **Building Location, Orientation, and Design.**

18 (1) **Building Setbacks.**

19 (A) **Design Review Guidelines.**

20 (i) Building setbacks from Wallace Road shall be minimized.

21 (B) **Design Review Standards.**

22 (i) Buildings shall have the following setbacks from Wallace
23 Road:

24 (aa) Minimum: 0 feet.

25 (bb) Maximum: 60 feet.

26 (cc) Where a minimum of 50 percent of the buildable
27 width of a lot is already occupied by buildings, or portions
28 of buildings, located within 60 feet of the Wallace Road
29 right-of-way, the maximum setback shall not apply.
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(b) Landscaping.

(1) Landscaping for Open Sales.

(A) Design Review Guidelines.

(i) Landscaping shall be utilized to provide adequate screening of open sales areas.

(B) Design Review Standards.

(i) Open sales areas for construction, communication, or recreational equipment, vehicles, boats, recreational vehicles, and building materials shall be screened from Wallace Road with a minimum 3-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum 6-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area.

(c) Site Access.

(1) Vehicle Access.

(A) Design Review Guidelines.

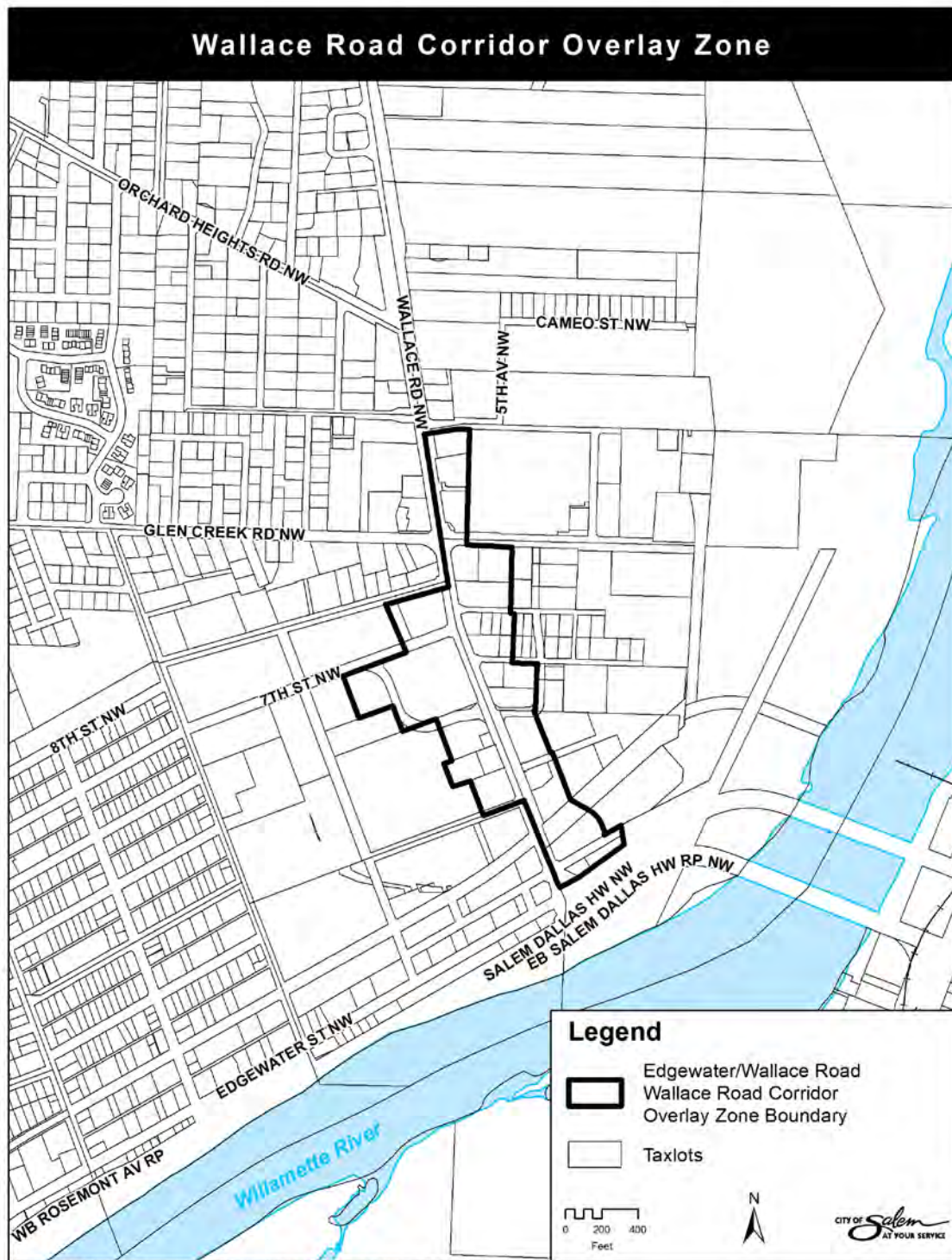
(i) Vehicle access onto Wallace Road shall be minimized when access to parking is available from a local street.

(B) Design Review Standards.

(i) New driveway approaches onto Wallace Road shall not be constructed when access to parking is available from a local street.

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FIGURE 606-1
WALLACE ROAD CORRIDOR OVERLAY ZONE



1 **Section 43.** The following SRC Chapter 607 is added to the Salem Revised Code:

2 **607.001. Purpose.** The purpose of the West Salem Gateway Overlay Zone is to establish
3 development standards to enhance the area’s role as the gateway into West Salem.

4 **607.005. Definitions.** Unless the context otherwise specifically requires, as used in this
5 Chapter, the following mean:

6 (a) **Mixed-use development:** A combination of uses in two or more of the following
7 Use Categories within a single building, or within separate buildings on the same lot or
8 contiguous lots:

9 (1) Household Living;

10 (2) Lodging;

11 (3) Retail Sales and Service;

12 (4) Business and Professional Services;

13 (5) Health Services; or

14 (6) Civic Services.

15 **607.010. West Salem Gateway Overlay Zone Boundary.** The boundaries of the West Salem
16 Gateway Overlay Zone are shown in Figure 607-1.

17 **607.015. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
18 underlying zone is a permitted, special, conditional, or prohibited use in the West Salem
19 Gateway Overlay Zone.

20 **607.020. Development Standards.** Development within the West Salem Gateway Overlay
21 Zone must comply with the development standards applicable in the underlying zone and the
22 development standards set forth in this section. The development standards in this section are in
23 addition to, and not in lieu of, all other applicable development standards in the underlying zone.
24 Where the development standards in this section conflict with the development standards
25 applicable in the underlying zone, the development standards in this section shall be the
26 applicable development standard.

27 (a) **Continued Development.** Buildings and structures existing within the West Salem
28 Gateway Overlay Zone that conformed to the development standards existing on
29 December 1, 2002, but which would otherwise be made non-conforming development
30 by this Chapter, are hereby deemed continued development. The owner shall have the

1 burden to demonstrate continued development status under this subsection.

2 (1) Continued development may be enlarged, rebuilt, or the exterior altered,
3 provided such enlargement, rebuilding, or exterior alteration complies with all
4 applicable standards in the underlying zone.

5 (2) An owner or user of property on December 1, 2002, may extend continued
6 development onto any contiguous vacant land owned by such owner or user if
7 such land was held under the same ownership on December 1, 2002, and has been
8 maintained under the same ownership continuously thereafter. The extension of
9 continued development onto contiguous vacant land under the same ownership
10 must comply with all applicable standards in the underlying zone.

11 (3) A determination by the Building Official that a continued development is
12 derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate
13 the continued development status conferred by this subsection and the building or
14 structure shall thereafter be deemed non-conforming development.

15 **(b) Pedestrian Access.**

16 (1) A pedestrian connection shall be provided from the public sidewalk to the
17 primary building entrance.

18 (2) A pedestrian connection through the parking area to the primary building
19 entrance shall be provided when the parking area is greater than 60 feet in depth.

20 (3) Within shopping centers, office complexes, and mixed-use developments
21 pedestrian connections shall be provided to connect the buildings. Pedestrian
22 connections shall be the most practical, direct route.

23 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
24 visual contrast or tactile finish texture.

25 (5) Wheel stops or extended curbs shall be provided along required pedestrian
26 connections to prevent the encroachment of vehicles onto pedestrian connections.

27 **(c) Project Enhancements.** Development within the West Salem Gateway Overlay
28 Zone shall include four or more of the following project enhancements:

29 (1) Closure of one driveway approach on Wallace Road;

30 (2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a

1 plan to satisfy off-street parking requirements through alternative modes of
2 transportation under SRC 806.015(e)(2);

3 (3) Freestanding sign not more than 5 feet in height and placed upon a
4 foundation;

5 (4) Weather protection, in the form of awnings or canopies, along more than 50
6 percent of the length of the ground floor building facade adjacent to sidewalks or
7 pedestrian connections;

8 (5) Cast iron or wrought iron fencing adjacent to Wallace Road;

9 (6) Pedestrian connections that are:

10 (A) Constructed with pavers, scored or colored cement, and/or stamped
11 asphalt;

12 (B) Elevated above the parking area and driveway; or

13 (C) Defined with landscaping or building features such as canopies,
14 awnings, or arcades;

15 (7) Replacement of existing surface parking areas with new development of
16 buildings or structures;

17 (8) A minimum of 7 percent interior landscaping within parking areas not more
18 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
19 within parking areas greater than 50,000 square feet in size;

20 (9) Installation of landscaping and irrigation using a plan designed by an Oregon
21 landscape architect;

22 (10) Development of a mixed-use building;

23 (11) Construction of a building where at least 50 percent of the building frontage
24 is constructed contiguous to the minimum building setback line;

25 (12) Construction of one or more buildings at least two stories in height;

26 (13) Construction of planter bays, each a minimum of 50 square feet in size, to
27 meet minimum interior parking area landscaping requirements;

28 (14) Construction of planter bays below the surface grade of parking areas to
29 accommodate surface water runoff; or

30 (15) Use of native plant materials to meet minimum landscaping requirements.

1 **607.025. Design Review.** Design review under SRC Chapter 225 is required for development
2 within the West Salem Gateway Overlay Zone as follows:

3 (a) Except as otherwise provided in this section, design review according to the design
4 review guidelines or the design review standards set forth in SRC 607.030 is required
5 for all development within the West Salem Gateway Overlay Zone, when located on
6 property abutting Wallace Road.

7 (b) Multiple family development, other than multiple family development within a
8 mixed-use building, shall only be subject to design review according to the multiple
9 family design review guidelines or the multiple family design review standards set forth
10 in SRC Chapter 702.

11 (c) Multiple family development within a mixed-use building located on property
12 abutting Wallace Road shall only be subject to design review according to the design
13 review guidelines or the design review standards set forth in SRC 607.030.

14 **607.030. Design Review Guidelines and Design Review Standards.**

15 (a) **Building Location, Orientation, and Design.**

16 (1) **Building Setbacks.**

17 (A) **Design Review Guidelines.**

18 (i) Building setbacks from Wallace Road shall be minimized.

19 (B) **Design Review Standards.**

20 (i) Buildings shall have the following setbacks from Wallace
21 Road:

22 (aa) Minimum: 0 feet.

23 (bb) Maximum: 60 feet.

24 (cc) Where a minimum of 50 percent of the buildable
25 width of a lot is already occupied by buildings, or portions
26 of buildings, located within 60 feet of the Wallace Road
27 right-of-way, the maximum setback shall not apply.

28 (b) **Landscaping.**

29 (1) **Landscaping for Open Sales.**

30 (A) **Design Review Guidelines.**

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(i) Landscaping shall be utilized to provide adequate screening of open sales areas.

(B) Design Review Standards.

(i) Open sales areas for construction, communication or recreational equipment, vehicles, boats, recreational vehicles, and building materials shall be screened from Wallace Road with a minimum 3-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum 6-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area.

(c) Site Access.

(1) Vehicle Access.

(A) Design Review Guidelines.

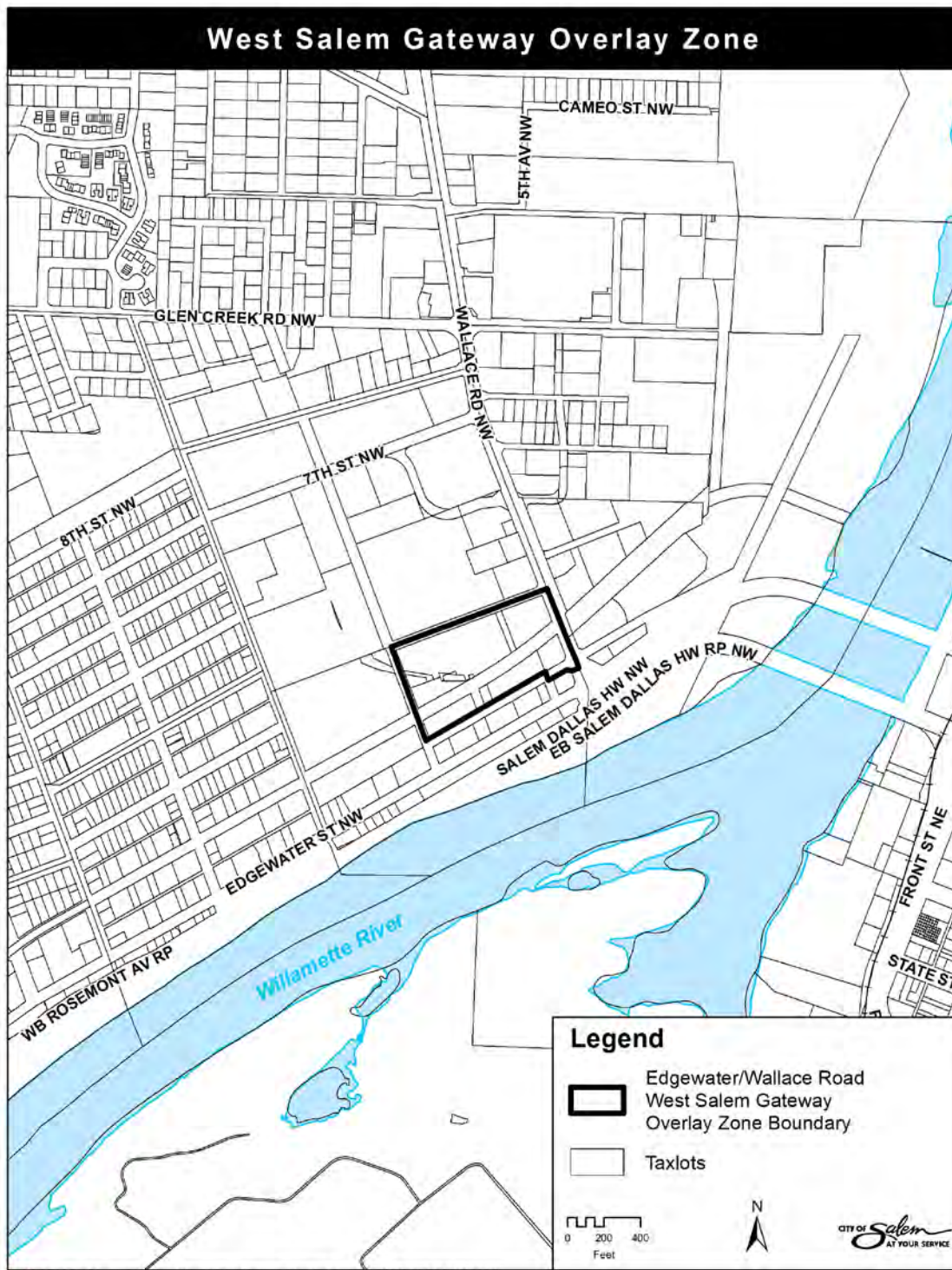
(i) Vehicle access onto Wallace Road shall be minimized when access to parking is available from a local street.

(B) Design Review Standards.

(i) New driveway approaches onto Wallace Road shall not be constructed when access to parking is available from a local street.

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FIGURE 607-1
WEST SALEM GATEWAY OVERLAY ZONE



1 **Section 44.** The following SRC Chapter 608 is added to the Salem Revised Code:

2 **608.001. Purpose.** The purpose of the West Salem General Industrial Overlay Zone is to
3 identify allowed uses and to establish development standards that promote a compatible mixture
4 of retail, commercial, and industrial development.

5 **608.005. Definitions.** Unless the context otherwise specifically requires, as used in this
6 Chapter, the following mean:

7 (a) Mixed-use development: A combination of uses in two or more of the following
8 Use Categories within a single building, or within separate buildings on the same lot or
9 contiguous lots:

10 (1) Household Living;

11 (2) Lodging;

12 (3) Retail Sales and Service;

13 (4) Business and Professional Services;

14 (5) Health Services; or

15 (6) Civic Services.

16 **608.010. West Salem General Industrial Overlay Zone Boundary.** The boundaries of the
17 West Salem General Industrial Overlay Zone are shown in Figure 608-1.

18 **608.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
19 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
20 prohibited use in the West Salem General Industrial Overlay Zone.

21 (a) **Continued Uses.** Uses existing within the West Salem General Industrial Overlay
22 Zone that were allowed as permitted, special, or conditional uses on December 1, 2002,
23 but which would otherwise be made non-conforming uses by this Chapter, are hereby
24 deemed continued uses. The owner shall have the burden to demonstrate continued use
25 status under this subsection.

26 (1) A continued use may be intensified, and buildings or structures housing a
27 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
28 such intensification, enlargement, rebuilding, or exterior alteration complies with
29 all applicable standards in the underlying zone.

30 (2) An owner or user of property on December 1, 2002, may extend a continued

use onto any contiguous vacant land owned by such owner or user if such land was held under the same ownership on December 1, 2002, and has been maintained under the same ownership continuously thereafter. The extension of a continued use onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.

(3) A continued use may be changed to any use that is allowed in the West Salem General Industrial Overlay Zone. Such change of use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the West Salem General Industrial Overlay Zone.

(4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the West Salem General Industrial Overlay Zone.

(b) **Additional Permitted Uses.** The uses set forth in Table 608-1 are additional permitted (P) uses in the West Salem General Industrial Overlay Zone.

**TABLE 608-1
ADDITIONAL PERMITTED USES**

Table 608-1: Additional Permitted Uses		
Use	Status	Limitations & Qualifications
Retail Sales and Services		
Eating and Drinking Establishments	P	
Retail Sales	P	
Personal Services	P	Only the following Personal Services activities are additional permitted uses: <ul style="list-style-type: none"> ▪ Beauty shops. ▪ Barber shops.
Business and Professional Services		
Office	P	
Laboratory Research and Testing	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment - Indoor	P	Only the following Commercial Entertainment – Indoor activities are additional permitted uses: <ul style="list-style-type: none"> ▪ Entertainment establishments. ▪ Membership sports and recreation clubs.

Table 608-1: Additional Permitted Uses

Use	Status	Limitations & Qualifications
Commercial Entertainment - Outdoor	P	Only the following Commercial Entertainment – Outdoor activities are additional permitted uses: <ul style="list-style-type: none"> ▪ Membership sports and recreation clubs.
Health Services		
Outpatient Medical Services and Laboratories	P	
Civic Services		
Governmental Services	P	
Public Safety		
Emergency Services	P	
Military Installations	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	

(c) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying zone, the uses set forth in Table 608-2 are additional prohibited (N) uses in the West Salem General Industrial Overlay Zone.

**TABLE 608-2
ADDITIONAL PROHIBITED USES**

Table 608-2: Additional Prohibited Uses

Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	Only the following Motor Vehicle and Manufactured Dwelling and Trailers Sales activities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Motorcycle dealers. ▪ Off-road vehicles and utility trailers.
Recreation, Entertainment, and Cultural Services and Facilities		
Major Event Entertainment	N	Only the following Major Event Entertainment activities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Race tracks.
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and Grounds Services and Construction Contracting	N	Only the following Buildings and Grounds Services and Construction Contracting activities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Disinfecting and pest control services ▪ Building cleaning and maintenance services.
Wholesale Sales, Storage, and Distribution		
Heavy Wholesaling	N	Only the following Heavy Wholesaling activities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Scrap and waste materials. ▪ Chemicals and allied products.
Manufacturing		

Table 608-2: Additional Prohibited Uses

Use	Status	Limitations & Qualifications
General Manufacturing	N	Only the following General Manufacturing activities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Paperboard containers and boxes. ▪ Paper bag and coated and treated paper manufacturing. ▪ Drugs, cleaning agents, and personal care products. ▪ Batteries. ▪ Sign manufacturing
Heavy Manufacturing	N	Only the following Heavy Manufacturing activities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Animal slaughtering and processing. ▪ Pulp, paper, and paperboard mills. ▪ Sawmills. ▪ Chemical manufacturing. ▪ Petroleum and coal products. ▪ Cement and concrete products. ▪ Foundries, smelting, and other similar activities. ▪ Ordnance, small arms, and ammunition.
Transportation Facilities		
Aviation Facilities	N	
Utilities		
Fuel Dealers	N	
Waste-Related Facilities	N	Only the following Waste-Related Facilities are additional prohibited uses: <ul style="list-style-type: none"> ▪ Solid waste transfer stations.
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	

608.020. Development Standards. Development within the West Salem General Industrial Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Continued Development. Buildings and structures existing within the West Salem

1 General Industrial Overlay Zone that conformed to the development standards existing
2 on December 1, 2002, but which would otherwise be made non-conforming
3 development by this Chapter, are hereby deemed continued development. The owner
4 shall have the burden to demonstrate continued development status under this
5 subsection.

6 (1) Continued development may be enlarged, rebuilt, or the exterior altered,
7 provided such enlargement, rebuilding, or exterior alteration complies with all
8 applicable standards in the underlying zone.

9 (2) An owner or user of property on December 1, 2002, may extend continued
10 development onto any contiguous vacant land owned by such owner or user if
11 such land was held under the same ownership on December 1, 2002, and has been
12 maintained under the same ownership continuously thereafter. The extension of
13 continued development onto contiguous vacant land under the same ownership
14 must comply with all applicable standards in the underlying zone.

15 (3) A determination by the Building Official that a continued development is
16 derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate
17 the continued development status conferred by this subsection and the building or
18 structure shall thereafter be deemed non-conforming development.

19 **(b) Development Standards for Additional Permitted Uses Set Forth in Table 608-**

20 **1.** Within the West Salem General Industrial Overlay Zone, the additional uses set
21 forth in Table 608-1 shall conform to the following additional development standards:

22 (1) **Site Area.** The use shall be located on a lot not more than 6 acres in size.

23 (2) **Parking and Loading Areas.**

24 (A) Planter bays or islands shall have a minimum planting area of 50
25 square feet.

26 (B) Within parking lots greater than 50,000 square feet in size, a
27 minimum of 1 tree per 8 parking spaces is required, of which not more
28 than 25 percent may be evergreen trees. Required trees must be planted
29 within 20 of the parking lot perimeter.

30 (3) **Screening.**

1 (A) Trash receptacles shall be screened from adjacent Household Living
2 uses and streets by a sight obscuring fence, wall, or hedge.

3 (B) Concertina or barbed wire fencing shall not be located within 60 feet
4 of the street right-of-way, unless such fencing is obstructed by a building
5 or structure.

6 (C) Concertina or barbed wire fencing shall be screened from public view
7 and adjacent property by sight-obscuring landscaping.

8 **(4) Outdoor Storage.**

9 (A) Outdoor storage areas shall not be located within required setbacks.

10 (B) Outdoor storage areas shall be enclosed by a minimum 6-foot-high
11 sight-obscuring fence, wall, hedge, or berm; provided however, items
12 more than 6 feet in height above grade shall be screened by sight-
13 obscuring landscaping.

14 (C) Items stored within outdoor storage areas shall not exceed a
15 maximum height of 14 feet above grade.

16 **(c) Pedestrian Access.**

17 (1) A pedestrian connection shall be provided from the public sidewalk to the
18 primary building entrance.

19 (2) A pedestrian connection through the parking area to the primary building
20 entrance shall be provided when the parking area is greater than 60 feet in depth.

21 (3) Within shopping centers, office complexes, and mixed-use developments,
22 pedestrian connections shall be provided to connect the buildings. Pedestrian
23 connections shall be the most practical, direct route.

24 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
25 visual contrast or tactile finish texture.

26 (5) Wheel stops or extended curbs shall be provided along required pedestrian
27 connections to prevent the encroachment of vehicles onto pedestrian connections.

28 **(d) Project Enhancements.** Development within the West Salem General Industrial
29 Overlay Zone shall include four or more of the following project enhancements:

30 (1) Joint parking agreement under SRC 806.020(a)(5) or implementation of a

1 plan to satisfy off-street parking requirements through alternative modes of
2 transportation under SRC 806.015(e)(2);

3 (2) Freestanding sign not more than 5 feet in height and placed upon a
4 foundation;

5 (3) Weather protection, in the form of awnings or canopies, along more than 50
6 percent of the length of the ground floor building facade adjacent to sidewalks or
7 pedestrian connections;

8 (4) Pedestrian connections that are:

9 (A) Constructed with pavers, scored or colored cement, and/or stamped
10 asphalt;

11 (B) Elevated above the parking area and driveway; or

12 (C) Defined with landscaping or building features such as canopies,
13 awnings, or arcades;

14 (5) Replacement of existing surface parking areas with new development of
15 buildings or structures;

16 (6) A minimum of 7 percent interior landscaping within parking areas not more
17 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
18 within parking areas greater than 50,000 square feet in size;

19 (7) Installation of landscaping and irrigation using a plan designed by an Oregon
20 landscape architect;

21 (8) Development of a mixed-use building;

22 (9) Construction of a building where at least 50 percent of the building frontage
23 is constructed contiguous to the minimum building setback line;

24 (10) Construction of one or more buildings at least two stories in height;

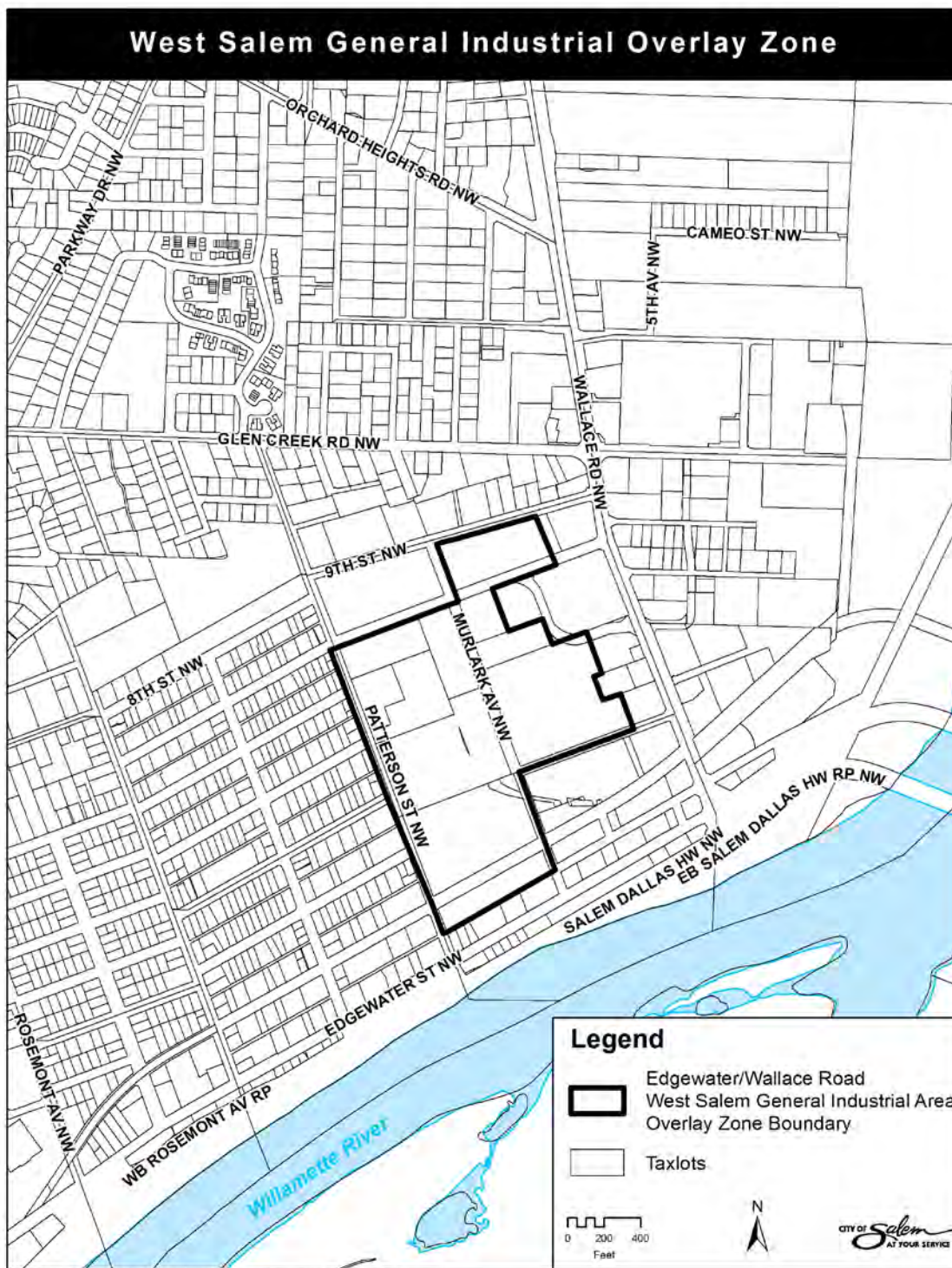
25 (11) Construction of planter bays, each a minimum of 50 square feet in size, to
26 meet minimum interior parking area landscaping requirements;

27 (12) Construction of planter bays below the surface grade of parking areas to
28 accommodate surface water runoff; or

29 (13) Use of native plant materials to meet minimum landscaping requirements.
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FIGURE 608-1
WEST SALEM GENERAL INDUSTRIAL OVERLAY ZONE



1 **Section 45.** The following SRC Chapter 609 is added to the Salem Revised Code:

2 **609.001. Purpose.** The purpose of the Patterson Street Corridor Overlay Zone is to establish
3 development standards to promote mixed-use neighborhood-scale development.

4 **609.005. Definitions.** Unless the context otherwise specifically requires, as used in this
5 Chapter, the following mean:

6 (a) **Mixed-use development:** A combination of uses in two or more of the following
7 Use Categories within a single building, or within separate buildings on the same lot or
8 contiguous lots:

9 (1) Household Living;

10 (2) Lodging;

11 (3) Retail Sales and Service;

12 (4) Business and Professional Services;

13 (5) Health Services; or

14 (6) Civic Services.

15 **609.010. Patterson Street Corridor Overlay Zone Boundary.** The boundaries of the
16 Patterson Street Corridor Overlay Zone are shown in Figure 609-1.

17 **609.015. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
18 underlying zone is a permitted, special, conditional, or prohibited use in the Patterson Street
19 Corridor Overlay Zone.

20 **609.020. Development Standards.** Development within the Patterson Street Corridor Overlay
21 Zone must comply with the development standards applicable in the underlying zone and the
22 development standards set forth in this section. The development standards in this section are in
23 addition to, and not in lieu of, all other applicable development standards in the underlying zone.
24 Where the development standards in this section conflict with the development standards
25 applicable in the underlying zone, the development standards in this section shall be the
26 applicable development standard.

27 (a) **Continued Development.** Buildings and structures existing within the Patterson
28 Street Corridor Overlay Zone that conformed to the development standards existing on
29 December 1, 2002, but which would otherwise be made non-conforming development
30 by this Chapter, are hereby deemed continued development. The owner shall have the

1 burden to demonstrate continued development status under this subsection.

2 (1) Continued development may be enlarged, rebuilt, or the exterior altered,
3 provided such enlargement, rebuilding, or exterior alteration complies with all
4 applicable standards in the underlying zone.

5 (2) An owner or user of property on December 1, 2002, may extend continued
6 development onto any contiguous vacant land owned by such owner or user if
7 such land was held under the same ownership on December 1, 2002, and has been
8 maintained under the same ownership continuously thereafter. The extension of
9 continued development onto contiguous vacant land under the same ownership
10 must comply with all applicable standards in the underlying zone.

11 (3) A determination by the Building Official that a continued development is
12 derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate
13 the continued development status conferred by this subsection and the building or
14 structure shall thereafter be deemed non-conforming development.

15 **(b) Pedestrian Access.** All development, other than development of Single Family and
16 Two Family uses, shall comply with the following pedestrian access standards:

17 (1) A pedestrian connection shall be provided from the public sidewalk to the
18 primary building entrance.

19 (2) A pedestrian connection through the parking area to the primary building
20 entrance shall be provided when the parking area is greater than 60 feet in depth.

21 (3) Within shopping centers, office complexes, and mixed-use developments,
22 pedestrian connections shall be provided to connect the buildings. Pedestrian
23 connections shall be the most practical, direct route.

24 (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by
25 visual contrast or tactile finish texture.

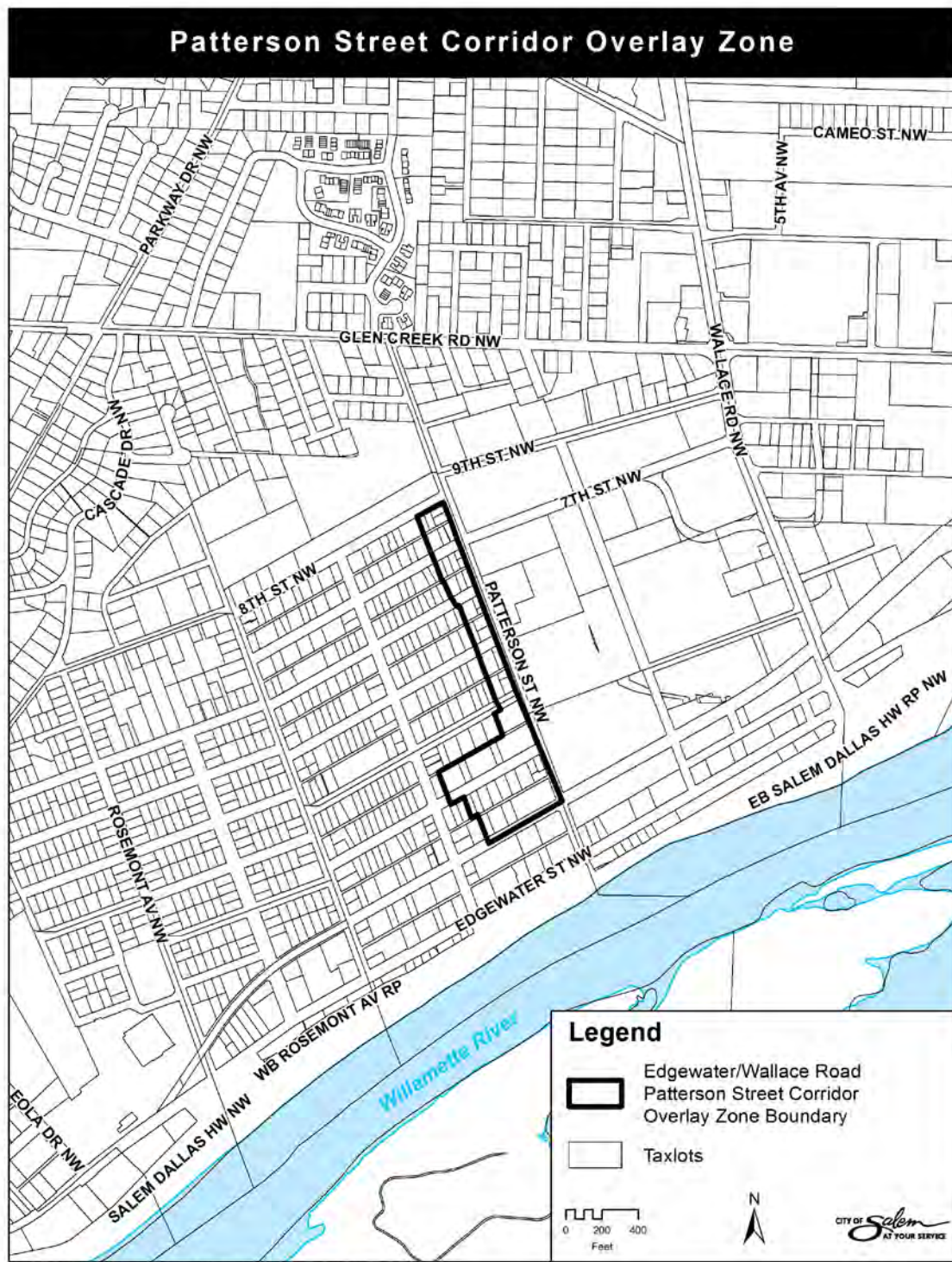
26 (5) Wheel stops or extended curbs shall be provided along required pedestrian
27 connections to prevent the encroachment of vehicles onto pedestrian connections.

28 **(c) Project Enhancements.** All development, other than development of Single
29 Family and Two Family uses, shall include four or more of the following project
30 enhancements:

- 1 **(1)** Joint parking agreement under SRC 806.020(a)(5) or implementation of a
- 2 plan to satisfy off-street parking requirements through alternative modes of
- 3 transportation under SRC 806.015(e)(2);
- 4 **(2)** Freestanding sign not more than 5 feet in height and placed upon a
- 5 foundation;
- 6 **(3)** Weather protection, in the form of awnings or canopies, along more than 50
- 7 percent of the length of the ground floor building facade adjacent to sidewalks or
- 8 pedestrian connections;
- 9 **(4)** Pedestrian connections that are:
 - 10 **(A)** Constructed with pavers, scored or colored cement, and/or stamped
 - 11 asphalt;
 - 12 **(B)** Elevated above the parking area and driveway; or
 - 13 **(C)** Defined with landscaping or building features such as canopies,
 - 14 awnings, or arcades;
- 15 **(5)** Replacement of existing surface parking areas with new development of
- 16 buildings or structures;
- 17 **(6)** A minimum of 7 percent interior landscaping within parking areas not more
- 18 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
- 19 within parking areas greater than 50,000 square feet in size;
- 20 **(7)** Installation of landscaping and irrigation using a plan designed by an Oregon
- 21 landscape architect;
- 22 **(8)** Development of a mixed-use building;
- 23 **(9)** Construction of a building where at least 50 percent of the building frontage
- 24 is constructed contiguous to the minimum building setback line;
- 25 **(10)** Construction of one or more buildings at least two stories in height;
- 26 **(11)** Construction of planter bays, each a minimum of 50 square feet in size, to
- 27 meet minimum interior parking area landscaping requirements;
- 28 **(12)** Construction of planter bays below the surface grade of parking areas to
- 29 accommodate surface water runoff; or
- 30 **(13)** Use of native plant materials to meet minimum landscaping requirements.

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FIGURE 609-1
PATTERSON STREET CORRIDOR OVERLAY ZONE



1 **Section 46.** The following SRC Chapter 610 is added to the Salem Revised Code:

2 **610.001. Purpose.** The purpose of the Edgewater Street Corridor Overlay Zone is to identify
3 allowed uses and to establish development standards that promote pedestrian-oriented mixed-use
4 development in keeping with a “main street” character.

5 **610.005. Definitions.** Unless the context otherwise specifically requires, as used in this
6 Chapter, the following mean:

7 (a) Mixed-use development: A combination of uses in two or more of the following
8 Use Categories within a single building, or within separate buildings on the same lot or
9 contiguous lots:

10 (1) Household Living;

11 (2) Lodging;

12 (3) Retail Sales and Service;

13 (4) Business and Professional Services;

14 (5) Health Services; or

15 (6) Civic Services.

16 **610.010. Edgewater Street Corridor Overlay Zone Boundary.** The boundaries of the
17 Edgewater Street Corridor Overlay Zone are shown in Figure 610-2.

18 **610.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
19 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
20 prohibited use in the Edgewater Street Corridor Overlay Zone.

21 (a) **Continued Uses.** Uses existing within the Edgewater Street Corridor Overlay
22 Zone that were allowed as permitted, special, or conditional uses on December 1, 2002,
23 but which would otherwise be made non-conforming uses by this Chapter, are hereby
24 deemed continued uses. The owner shall have the burden to demonstrate continued use
25 status under this subsection.

26 (1) A continued use may be intensified, and buildings or structures housing a
27 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
28 such intensification, enlargement, rebuilding, or exterior alteration complies with
29 all applicable standards in the underlying zone.

30 (2) An owner or user of property on December 1, 2002, may extend a continued

1 use onto any contiguous vacant land owned by such owner or user if such land
 2 was held under the same ownership on December 1, 2002, and has been
 3 maintained under the same ownership continuously thereafter. The extension of a
 4 continued use onto contiguous vacant land under the same ownership must
 5 comply with all applicable standards in the underlying zone.

6 **(3)** A continued use may be changed to any use that is allowed in the Edgewater
 7 Street Corridor Overlay Zone. Such change of use shall terminate the continued
 8 use status conferred by this subsection and the property must thereafter only be
 9 used for uses allowed in the Edgewater Street Corridor Overlay Zone.

10 **(4)** A determination by the Building Official that the building or structure
 11 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
 12 56.230, shall terminate the continued use status conferred by this subsection and
 13 the property may thereafter only be used for uses allowed in the Edgewater Street
 14 Corridor Overlay Zone.

15 **(b) Additional Permitted Uses.** The uses set forth in Table 610-1 are additional
 16 permitted (P) uses in the Edgewater Street Corridor Overlay Zone.

17 **TABLE 610-1**
 18 **ADDITIONAL PERMITTED USES**

19 **Table 610-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	
Two Family	P	
Multiple Family	P	

24 **(c) Additional Prohibited Uses.**

25 **(1)** In addition to the prohibited uses in the underlying zone, the uses set forth in
 26 Table 610-2 are additional prohibited (N) uses in the Edgewater Street Corridor
 27 Overlay Zone; provided, however, where an additional prohibited use set forth in
 28 Table 610-2 existed within the Edgewater Street Corridor Overlay Zone on
 29 February 11, 2008, such use shall be deemed a permitted use on the property
 30 where it existed on such date. The use may be intensified, enlarged, or rebuilt,

but may not be extended onto other property within the Edgewater Street Corridor Overlay Zone not previously utilized for such use.

**TABLE 610-2
ADDITIONAL PROHIBITED USES**

Table 610-2: Additional Prohibited Uses		
Use	Status	Limitations & Qualifications
Retail Sales and Service		
Retail Sales	N	Only the following Retail Sales activities are additional prohibited uses: ▪ Lumber and building materials dealers.
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Major Event Entertainment	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and Grounds Services and Construction Contracting	N	
Industrial Services	N	
Utilities		
Waste-Related Facilities	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Other Uses		
Temporary Uses	N	Only the following Temporary Uses activities are additional prohibited uses: ▪ Temporary Motor Vehicle and Recreational Vehicle Sales.

(2) In addition to the prohibited uses set forth in Table 610-2, any permitted, special, or conditional use within the Edgewater Street Corridor Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

(A) Drive-through.

610.020. Development Standards. Development within the Edgewater Street Corridor Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone.

1 Where the development standards in this section conflict with the development standards
2 applicable in the underlying zone, the development standards in this section shall be the
3 applicable development standard.

4 **(a) Continued Development.** Buildings and structures existing within the Edgewater
5 Street Corridor Overlay Zone that conformed to the development standards existing on
6 December 1, 2002, but which would otherwise be made non-conforming development
7 by this Chapter, are hereby deemed continued development. The owner shall have the
8 burden to demonstrate continued development status under this subsection.

9 **(1)** Continued development may be enlarged, rebuilt, or the exterior altered,
10 provided such enlargement, rebuilding, or exterior alteration complies with all
11 applicable standards in the underlying zone.

12 **(2)** An owner or user of property on December 1, 2002, may extend continued
13 development onto any contiguous vacant land owned by such owner or user if
14 such land was held under the same ownership on December 1, 2002, and has been
15 maintained under the same ownership continuously thereafter. The extension of
16 continued development onto contiguous vacant land under the same ownership
17 must comply with all applicable standards in the underlying zone.

18 **(3)** A determination by the Building Official that a continued development is
19 derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate
20 the continued development status conferred by this subsection and the building or
21 structure shall thereafter be deemed non-conforming development.

22 **(b) Dwelling Unit Density.** Dwelling unit density within the Edgewater Street
23 Corridor Overlay Zone shall conform to the standards set forth in Table 610-3.
24 Dwelling unit density cannot be varied or a

25 **TABLE 610-3**
26 **DWELLING UNIT DENSITY**

27 **Table 610-3: Dwelling Unit Density**

Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	8 dwelling units per acre	14 dwelling units per acre	

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Table 610-3: Dwelling Unit Density			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
	1 dwelling unit per acre	None	Applicable to Single Family, Two Family, and Multiple Family within a mixed-use building.

(c) Off-Street Parking. Except for new Single Family, Two Family, or Multiple Family uses, there is no minimum off-street parking requirement for development sites with buildings in existence as of January 9, 2013, provided there is no increase in building square footage and any existing parking is not reduced, except as necessary to comply with state and federal law, including the Americans with Disabilities Act.

(d) Screening. Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.

(e) Pedestrian Access. All development, other than development of Single Family and Two Family uses, shall comply with the following pedestrian access standards:

- (1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.
- (2) A pedestrian connection through the parking area to the primary building entrance shall be provided when the parking area is greater than 60 feet in depth.
- (3) Within shopping centers, office complexes, and mixed-use developments, pedestrian connections shall be provided to connect the buildings. Pedestrian connections shall be the most practical, direct route.
- (4) Pedestrian connections shall be a minimum of 5 feet in width, and defined by visual contrast or tactile finish texture.
- (5) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

(f) Project Enhancements. All development, other than development of Single Family and Two Family uses, shall include four or more of the following project enhancements:

- (1) Closure of one driveway approach on Edgewater Street;
- (2) Joint parking agreement under SRC 806.020(a)(5) or implementation of a

1 plan to satisfy off-street parking requirements through alternative modes of
2 transportation under SRC 806.015(e)(2);

3 (3) Freestanding sign not more than 5 feet in height and placed upon a
4 foundation;

5 (4) Cast iron or wrought iron fencing adjacent to Edgewater Street;

6 (5) Pedestrian connections that are:

7 (A) Constructed with pavers, scored or colored cement, and/or stamped
8 asphalt;

9 (B) Elevated above the parking area and driveway; or

10 (C) Defined with landscaping or building features such as canopies,
11 awnings, or arcades;

12 (6) Replacement of existing surface parking areas with new development of
13 buildings or structures;

14 (7) Provision of one or more of the following pedestrian-oriented design features
15 on property adjacent to Edgewater Street:

16 (A) Pedestrian scale lighting not more than 16 feet in height; or

17 (B) Plazas or other outdoor spaces open to the public;

18 (8) A minimum of 7 percent interior landscaping within parking areas not more
19 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
20 within parking areas greater than 50,000 square feet in size;

21 (9) Installation of landscaping and irrigation using a plan designed by an Oregon
22 landscape architect;

23 (10) Development of a mixed-use building;

24 (11) Construction of a building where at least 75 percent of the building frontage
25 is constructed contiguous to the minimum building setback line;

26 (12) Provision of underground, structured, or tuck-under parking. For purposes
27 of this paragraph, “tuck-under parking” means parking placed at grade with a
28 building constructed above it;

29 (13) Construction of one or more buildings at least two stories in height;

30 (14) Construction of planter bays, each a minimum of 50 square feet in size, to

1 meet minimum interior parking area landscaping requirements;

2 (15) Construction of planter bays below the surface grade of parking areas to
3 accommodate surface water runoff; or

4 (16) Use of native plant materials to meet minimum landscaping requirements.

5 **610.025. Design Review.** Design review under SRC Chapter 225 is required for development
6 within Edgewater Street Corridor Overlay Zone as follows:

7 (a) Except as otherwise provided in this section, design review according to the design
8 review guidelines or the design review standards set forth in SRC 610.030 is required
9 for all development within the Edgewater Street Corridor Overlay Zone.

10 (b) Design review according to the design review guidelines or the design review
11 standards set forth in SRC 610.030 is not required for:

12 (1) Development of Single Family uses.

13 (2) Development of Two Family uses.

14 (c) Multiple family development, other than multiple family development within a
15 mixed-use building, shall only be subject to design review according to the multiple
16 family design review guidelines or the multiple family design review standards set forth
17 in SRC Chapter 702.

18 (d) Multiple family development within a mixed-use building shall only be subject to
19 design review according to the design review guidelines or the design review standards
20 set forth in SRC 610.030.

21 **610.030. Design Review Guidelines and Design Review Standards.**

22 (a) **Building Location, Orientation, and Design.**

23 (1) **Building Setbacks.**

24 (A) **Design Review Guidelines.**

25 (i) Building setbacks from Edgewater Street shall be minimized.

26 (B) **Design Review Standards.**

27 (i) Buildings shall have the following setbacks from Edgewater
28 Street:

29 (aa) Minimum: 0 feet.

30 (bb) Maximum: 10 feet.

1 (cc) Where a minimum of 50 percent of the buildable
2 width of a lot is already occupied by buildings, or portions
3 of buildings, located within 10 feet of the Edgewater Street
4 right-of-way, the maximum setback shall not apply.

5 **(2) Building Orientation and Design.**

6 **(A) Design Review Guidelines.**

7 (i) Buildings facing Edgewater Street shall create safe, pleasant,
8 and active pedestrian environments.

9 (ii) Ground floor building facades facing Edgewater Street shall
10 include transparent windows to ensure that the ground floor
11 promotes a sense of interaction between activities in the building
12 and activities in the public realm.

13 (iii) Buildings shall be human scale and avoid long monotonous
14 exterior walls. To minimize the appearance of bulk and divide
15 overall building mass, building offsets and building articulation
16 shall be provided throughout building facades.

17 (iv) Weather protection, in the form of awnings or canopies
18 appropriate to the design of the building, shall be provided along
19 ground floor building facades adjacent to sidewalks or pedestrian
20 connections in order to create a comfortable and inviting
21 pedestrian environment.

22 **(B) Design Review Standards.**

23 (i) A primary building entrance shall be provided for each
24 building facade facing a street. If a building has frontage on more
25 than one street, a single primary building entrance may be
26 provided at the corner of the building where the streets intersect
27 (see Figure 610-1).

28 **(aa) Alternative Standard for Existing Buildings.**

29 Notwithstanding subsection (a)(2)(B)(i) of this section,
30 where a building existing on December 1, 2002, has a

1 primary building entrance facing a street, such entrance
2 may be relocated but not eliminated. The relocated
3 entrance must face a street.

4 **(ii)** Ground floor building facades facing Edgewater Street shall
5 include transparent windows on a minimum of 65 percent of the
6 ground floor facade. The windows shall not be mirrored or treated
7 in such a way as to block visibility into the building. The windows
8 shall have a minimum Visible Transmittance (VT) of 37 percent.

9 **(aa) Alternative Standard for Existing Buildings.**

10 Notwithstanding subsection (a)(2)(B)(ii) of this section,
11 where a building existing on December 1, 2002, does not
12 include transparent windows on a minimum of 65 percent
13 of the ground floor facade facing Edgewater Street, the
14 percentage of transparent windows existing on the ground
15 floor facade shall not be reduced. Additional windows
16 meeting the transparency requirements of subsection
17 (a)(2)(B)(ii) may be added without meeting the minimum
18 ground floor facade window percentage of 65 percent.

19 **(iii)** Building offsets shall be provided for building frontages
20 greater than 75 feet in width. Building frontages two or more
21 stories in height may be constructed without required building
22 offsets on the first floor, but all additional floors shall incorporate
23 building offsets. Building offsets shall be a minimum 4 feet in
24 depth and shall be provided at intervals of not more than 40 feet
25 along the building frontage. Building offsets may extend into
26 required setbacks.

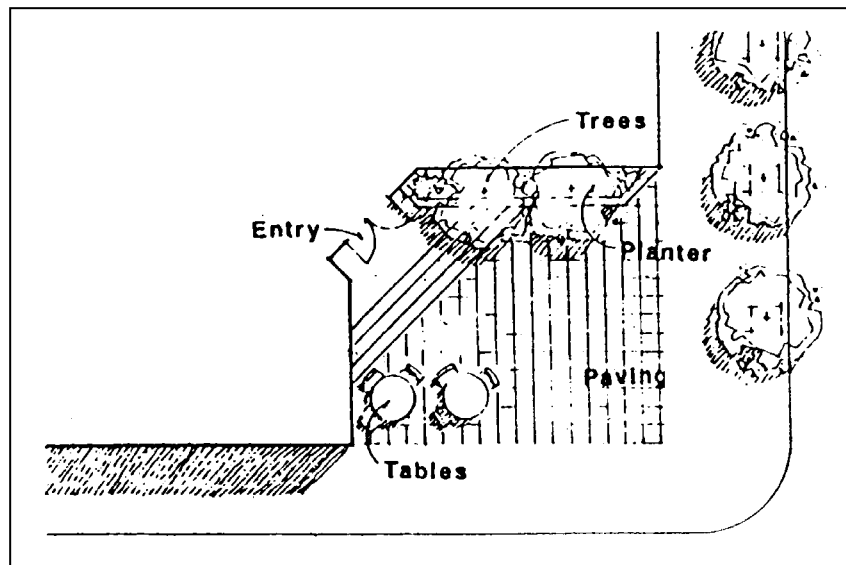
27 **(iv)** Weather protection, in the form of awnings or canopies, shall
28 be provided along a minimum of 90 percent of the length of the
29 ground floor building facade adjacent to sidewalks or pedestrian
30 connections. Awnings or canopies shall have a minimum

1 clearance height above the sidewalk of 8 feet, and may encroach
2 into the street right-of-way as provided in SRC 76.160.

3 **(aa) Alternative Standard for Existing Buildings.**

4 Notwithstanding subsection (a)(2)(B)(iv) of this section,
5 where a building existing on December 1, 2002, does not
6 include weather protection, in the form of awnings or
7 canopies, along a minimum of 90 percent of the length of
8 the ground floor facade adjacent to sidewalks or pedestrian
9 connections, the percentage of weather protection along the
10 ground floor facade shall not be reduced. Additional
11 weather protection meeting the sidewalk clearance
12 requirements in subsection (a)(2)(B)(iv) of this section may
13 be added without meeting the minimum weather protection
14 standard of 90 percent.

15 **FIGURE 610-1**
16 **BUILDING CORNER ENTRY**



28 **(b) Landscaping.**

29 **(1) Landscaping for Open Sales Areas.**

30 **(A) Design Review Guidelines.**

(i) Landscaping shall be utilized to provide adequate screening of

1 open sales areas.

2 **(B) Design Review Standards.**

3 (i) Open sales areas for construction, communication, or
4 recreational equipment, vehicles, boats, recreational vehicles, and
5 building materials shall be screened from Edgewater Street with a
6 minimum 3-foot tall sight-obscuring fence, masonry wall, or
7 hedge, and a minimum 6-foot wide landscape strip. The fence,
8 masonry wall, or hedge shall not encroach into the vision clearance
9 area.

10 **(c) Off-Street Parking.**

11 **(1) Design and Location of Off-Street Parking.**

12 **(1) Design Review Guidelines.**

13 (i) The area devoted to off-street surface parking along the
14 Edgewater Street shall be minimized.

15 (ii) Parking structures located adjacent to Edgewater Street shall
16 include space for ground floor commercial uses along their
17 Edgewater Street frontage in order to create a safe, pleasant, and
18 active pedestrian environment.

19 (iii) Where possible, access to parking serving activities along
20 Edgewater Street shall be provided from Second Street or an alley.

21 **(2) Design Review Standards.**

22 (i) Along Edgewater Street, off-street surface parking shall not
23 occupy more than 50 percent of the street frontage of the lot,
24 except that where a lot has frontage on Edgewater Street and a side
25 street, off-street surface parking may occupy more than 50 percent
26 of the side-street frontage.

27 (ii) Parking structures located adjacent to Edgewater Street shall
28 include space for ground floor commercial uses along their entire
29 Edgewater Street frontage.

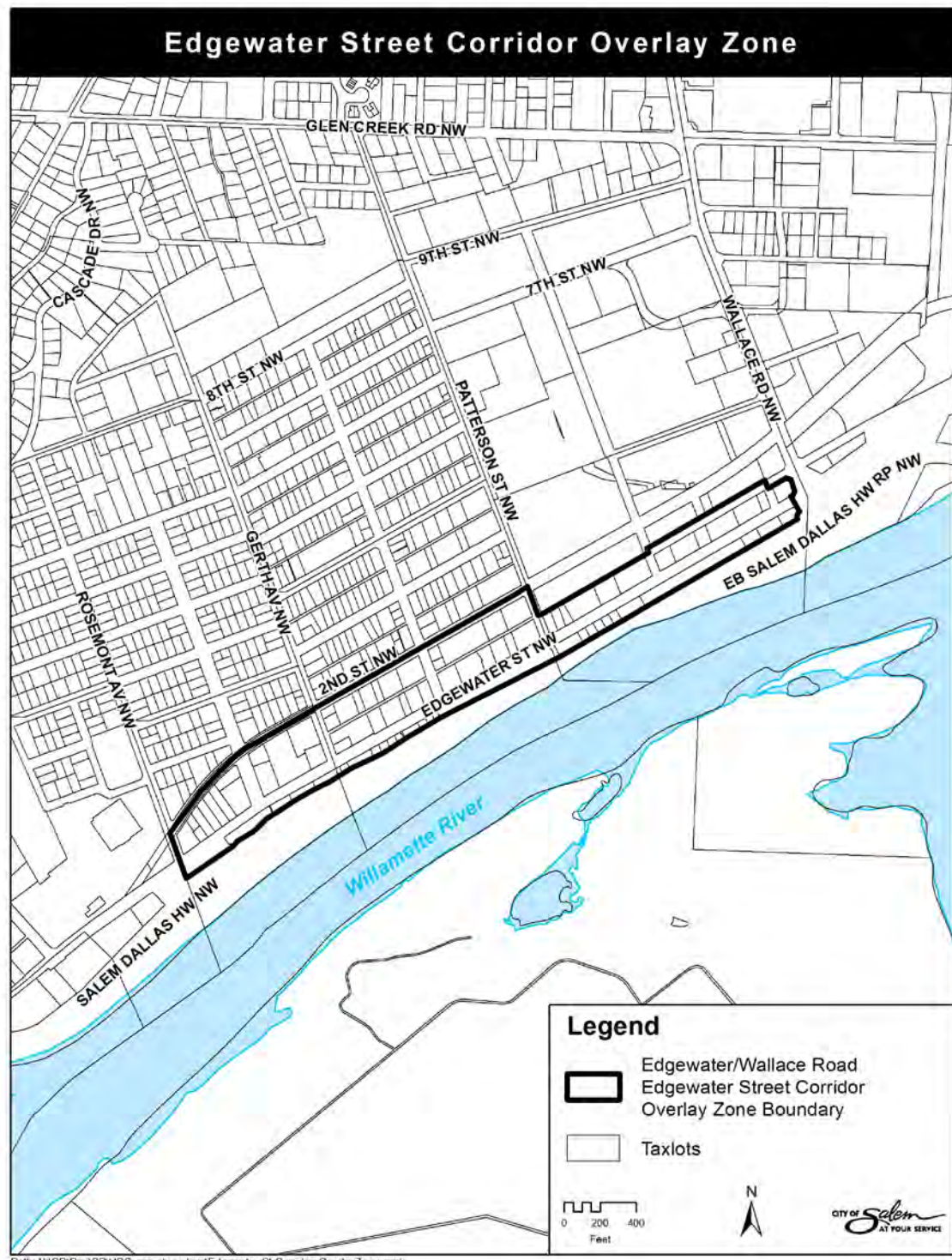
30 (iii) Where access to parking is available from Second Street or an

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alley, no new driveway approaches onto Edgewater Street shall be provided.

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FIGURE 610-2
EDGEWATER STREET CORRIDOR OVERLAY ZONE



1 **Section 47.** The following SRC Chapter 611 is added to the Salem Revised Code:

2 **611.001. Purpose.** The purpose of the Second Street Corridor Overlay Zone is to promote
3 live/work opportunities in close proximity to Second Street NW.

4 **611.005. Second Street Corridor Overlay Zone Boundary.** The boundaries of the Second
5 Street Corridor Overlay Zone are shown in Figure 611-1.

6 **611.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
7 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
8 prohibited use in the Second Street Corridor Overlay Zone.

9 (a) **Additional Special Uses.** The uses set forth in Table 611-1 are additional special
10 (S) uses in the Second Street Corridor Overlay Zone.

11 **TABLE 611-1**
12 **ADDITIONAL SPECIAL USES**

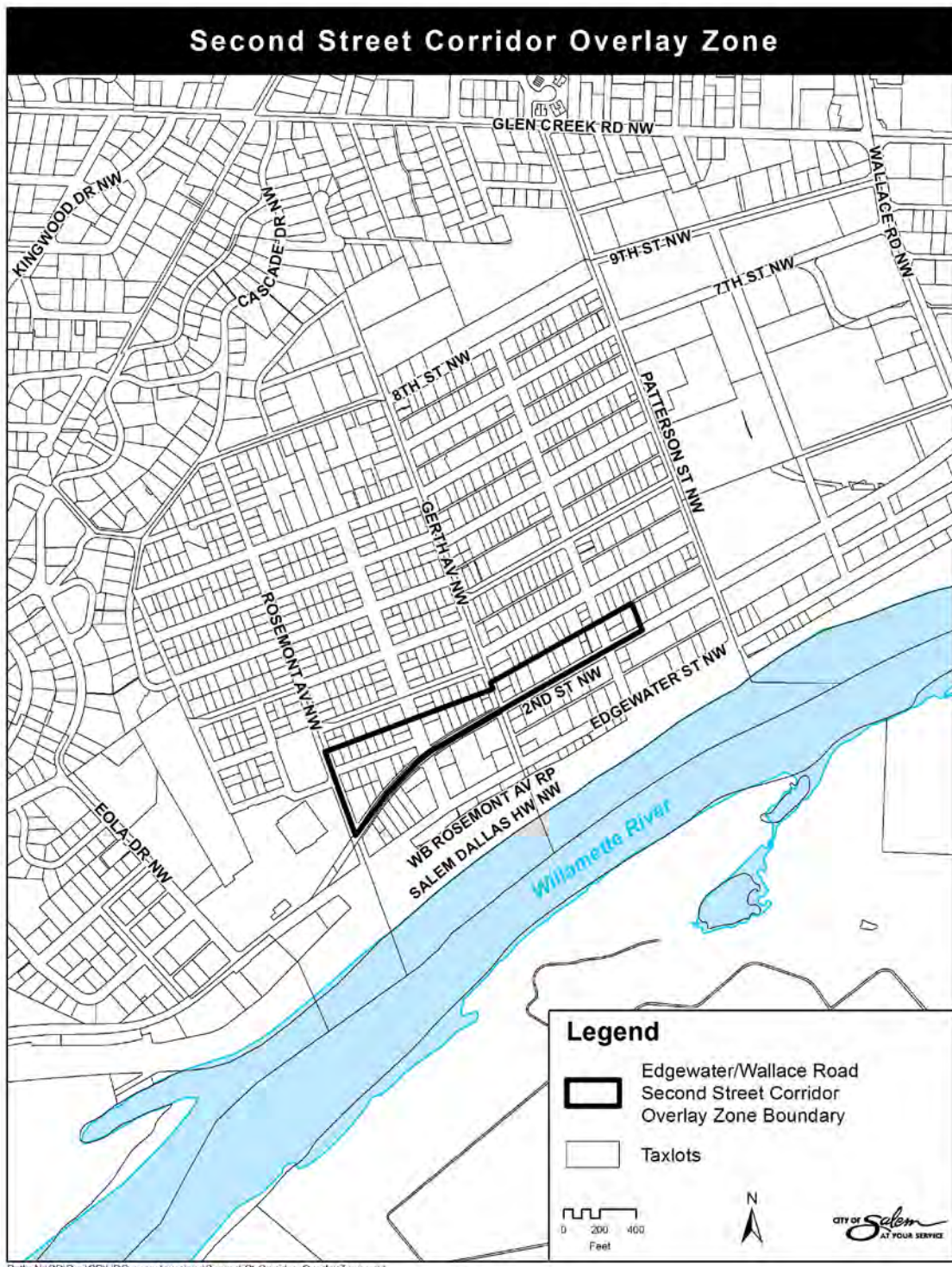
13 **Table 611-1: Additional Special Uses**

Use	Status	Limitations & Qualifications
Other Uses		
Home Occupations	S	Home Occupations are allowed subject to SRC 700.020; provided however, notwithstanding SRC 700.020(d), on-site sales associated with professional services, artists, and craftspeople is permitted.

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FIGURE 611-1
SECOND STREET CORRIDOR OVERLAY ZONE



1 **Section 48.** The following SRC Chapter 612 is added to the Salem Revised Code:

2 **612.001. Purpose.** The purpose of the Walker School Residential Area Overlay Zone is to
3 establish additional development standards for multiple family development and compact
4 residential development, allowed pursuant to SRC Chapter 690, that promote compatibility
5 between the higher density infill residential development and existing single family dwellings.

6 **612.005. Walker School Residential Area Overlay Zone Boundary.** The boundaries of the
7 Walker School Residential Area Overlay Zone are shown in Figure 612-1.

8 **612.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
9 underlying zone is a permitted, special, conditional, or prohibited use in the Walker School
10 Residential Area Overlay Zone.

11 **612.015. Development Standards.** Development within the Walker School Residential Area
12 Overlay Zone must comply with the development standards applicable in the underlying zone
13 and the development standards set forth in this section. The development standards in this
14 section are in addition to, and not in lieu of, all other applicable development standards in the
15 underlying zone. Where the development standards in this section conflict with the development
16 standards applicable in the underlying zone, the development standards in this section shall be
17 the applicable development standard.

18 (a) **Continued Development.** Buildings and structures existing within the Walker
19 School Residential Area Overlay Zone that conformed to the development standards
20 existing on December 1, 2002, but which would otherwise be made non-conforming
21 development by this Chapter, are hereby deemed continued development. The owner
22 shall have the burden to demonstrate continued development status under this
23 subsection.

24 (1) Continued development may be enlarged, rebuilt, or the exterior altered,
25 provided such enlargement, rebuilding, or exterior alteration complies with all
26 applicable standards in the underlying zone.

27 (2) An owner or user of property on December 1, 2002, may extend continued
28 development onto any contiguous vacant land owned by such owner or user if
29 such land was held under the same ownership on December 1, 2002, and has been
30 maintained under the same ownership continuously thereafter. The extension of a

1 continued development onto contiguous vacant land under the same ownership
2 must comply with all applicable standards in the underlying zone.

3 (3) A determination by the Building Official that a continued development is
4 derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate
5 the continued development status conferred by this subsection and the building or
6 structure shall thereafter be deemed non-conforming development.

7 **(b) Pedestrian Access.** All development, other than development of Single Family and
8 Two Family uses, shall comply with the following pedestrian access standards:

9 (1) A pedestrian connection shall be provided from the public sidewalk to the
10 primary building entrance.

11 (2) A pedestrian connection through the parking area to the primary building
12 entrance shall be provided when the parking area is greater than 60 feet in depth.

13 (3) Within shopping centers, office complexes, and mixed-use developments
14 pedestrian connections shall be provided to connect the buildings. Pedestrian
15 connections shall be the most practical, direct route.

16 (4) Pedestrian connections shall be a minimum of 5 feet in width and defined by
17 visual contrast or tactile finish texture.

18 (5) Wheel stops or extended curbs shall be provided along required pedestrian
19 connections to prevent the encroachment of vehicles onto pedestrian connections.

20 **(c) Project Enhancements.** All development, other than development of Single
21 Family and Two Family uses, shall include four or more of the following project
22 enhancements:

23 (1) Joint parking agreement under SRC 806.020(a)(5) or implementation of a
24 plan to satisfy off-street parking requirements through alternate modes of
25 transportation under SRC 806.015(e)(2);

26 (2) Freestanding sign not more than 5 feet in height and placed upon a
27 foundation;

28 (3) Weather protection, in the form of awnings or canopies, along more than 50
29 percent of the length of the ground floor building facade adjacent to sidewalks
30 and pedestrian connections;

1 (4) Pedestrian connections that are:

2 (A) Constructed with pavers, scored or colored cement, and/or stamped
3 asphalt;

4 (B) Elevated above the parking area and driveway; or

5 (C) Defined with landscaping or building features such as canopies,
6 awnings, or arcades;

7 (5) Replacement of existing surface parking areas with new development of
8 buildings or structures;

9 (6) A minimum of 7 percent interior landscaping within parking areas not more
10 than 50,000 square feet in size; or a minimum of 10 percent interior landscaping
11 within parking areas greater than 50,000 square feet in size;

12 (7) Installation of landscaping and irrigation using a plan designed by an Oregon
13 landscape architect;

14 (8) Construction of a building where at least 50 percent of the building frontage
15 is constructed contiguous to the minimum building setback line;

16 (9) Construction of one or more buildings at least two stories in height;

17 (10) Construction of planter bays, each a minimum of 50 square feet in size, to
18 meet minimum interior parking area landscaping requirements;

19 (11) Construction of planter bays below the surface grade of parking areas to
20 accommodate surface water runoff; or

21 (12) Use of native plant materials to meet minimum landscaping requirements.

22 **612.020. Design Review.** Design review under SRC Chapter 225 is required for development
23 within the Walker School Residential Area Overlay Zone as follows:

24 (a) Except as otherwise provided in this section, design review according to the design
25 review guidelines or the design review standards set forth in SRC 612.025 is required
26 for all residential development within the Walker School Residential Area Overlay
27 Zone.

28 (b) Design review according to the design review guidelines or the design review
29 standards set forth in SRC 612.025 is not required for:

30 (1) Development of Single Family uses.

1 (2) Development of Two Family uses.

2 (c) Multiple family development shall be subject to design review according to the
3 multiple family design review guidelines or the multiple family design review standards
4 set forth in SRC Chapter 702, and the design review guidelines or the design review
5 standards set forth in SRC 612.025.

6 **612.025. Design Review Guidelines and Design Review Standards.**

7 **(a) Building Design.**

8 **(1) Building Orientation and Design.**

9 **(A) Design Review Guidelines.**

10 (i) Building design shall reflect the scale, shape, and detailing of
11 single family dwellings.

12 (ii) Dwelling units shall have entries oriented to the street.

13 Apartments may have entries oriented to a central courtyard that is
14 open to the street.

15 (iii) Architecturally defined entryways shall be provided.

16 (iv) Buildings shall be human scale and avoid long monotonous
17 exterior walls.

18 **(B) Design Review Standards.**

19 (i) Trim boards shall be used to mark and define all roof lines,
20 porches, windows, and doors on building facades facing streets.

21 (ii) Buildings shall be oriented so that their front facades are
22 parallel to the street; with side walls oriented at right angles to the
23 street.

24 (iii) Dwelling units located on the ground floor shall, when facing
25 a street, include individual covered entry porches.

26 (iv) On interior lots less than 50 feet in width, at least one
27 dwelling unit shall face the street. A paved walkway shall be
28 provided from the street to each dwelling unit.

29 (v) Attached dwelling units shall be differentiated by building
30 offsets.

1 **(2) Building Mass, Location, and Facade Design.**

2 **(A) Design Review Guidelines.**

3 (i) The roof lines of new structures shall reflect the roof lines of
4 single family structures in the neighborhood or single family
5 structures along the block face.

6 (ii) Building setbacks from the front property line shall be
7 minimized.

8 (iii) Building height adjacent to the front property line shall be
9 minimized.

10 (iv) The scale of building facades shall be minimized.

11 (v) Developments with multiple buildings shall include useable
12 common open space and provide visual interest to reduce the
13 appearance of bulk.

14 **(B) Design Review Standards.**

15 (i) Buildings shall have a minimum roof pitch of 3:12 or greater.

16 (ii) Buildings shall be setback from the front property line a
17 minimum of 18 feet.

18 (iii) Buildings shall not to exceed 28 feet in height within 50 feet
19 of the front property line.

20 (iv) No building facade facing a street shall:

21 (aa) Exceed 960 square feet within 30 feet of a street;

22 (bb) Exceed 1,400 square feet within 50 feet of a street;

23 and

24 (cc) Have a horizontal dimension greater than 40 feet.

25 (v) Where more than one building facade faces a property line,
26 and such building facades align at a common distance from the
27 property line, the building facades shall be horizontally separated
28 by a distance of at least 20 feet to create a courtyard effect. For
29 purposes of this design review standard, “common distance” shall
30 be mean within 12 feet.

1 **(b) Off-Street Parking.**

2 **(1) Design and Location of Off-Street Parking.**

3 **(A) Design Review Guidelines.**

4 (i) Views of parking areas from the street shall be minimized.

5 (ii) The amount of building frontage devoted to garages facing a
6 street shall be minimized.

7 (iii) The amount of land area used for driveways shall be
8 minimized.

9 **(B) Design Review Standards.**

10 (i) Parking areas shall not occupy more than 25 percent of any
11 street frontage.

12 (ii) Only single car garages shall face a street. Garages shall be
13 setback from the street at least 4 feet further than any enclosed
14 living area.

15 (iii) Driveways shall be no greater than 8 feet in width. Tandem
16 parking is permitted to meet off-street parking requirements.

17 **(c) Open Space.**

18 **(1) Private Open Space.**

19 **(A) Design Review Guidelines.**

20 (i) Entry porches shall have useable private outdoor open space.

21 **(B) Design Review Standards.**

22 (i) Entry porches shall have minimum dimensions of 6 feet by 8
23 feet.

24 **(d) Landscaping.**

25 **(1) Trees.**

26 **(A) Design Review Guidelines.**

27 (i) Trees shall be planted along the street frontage according to
28 SRC Chapter 86.

29 **(B) Design Review Standards.**

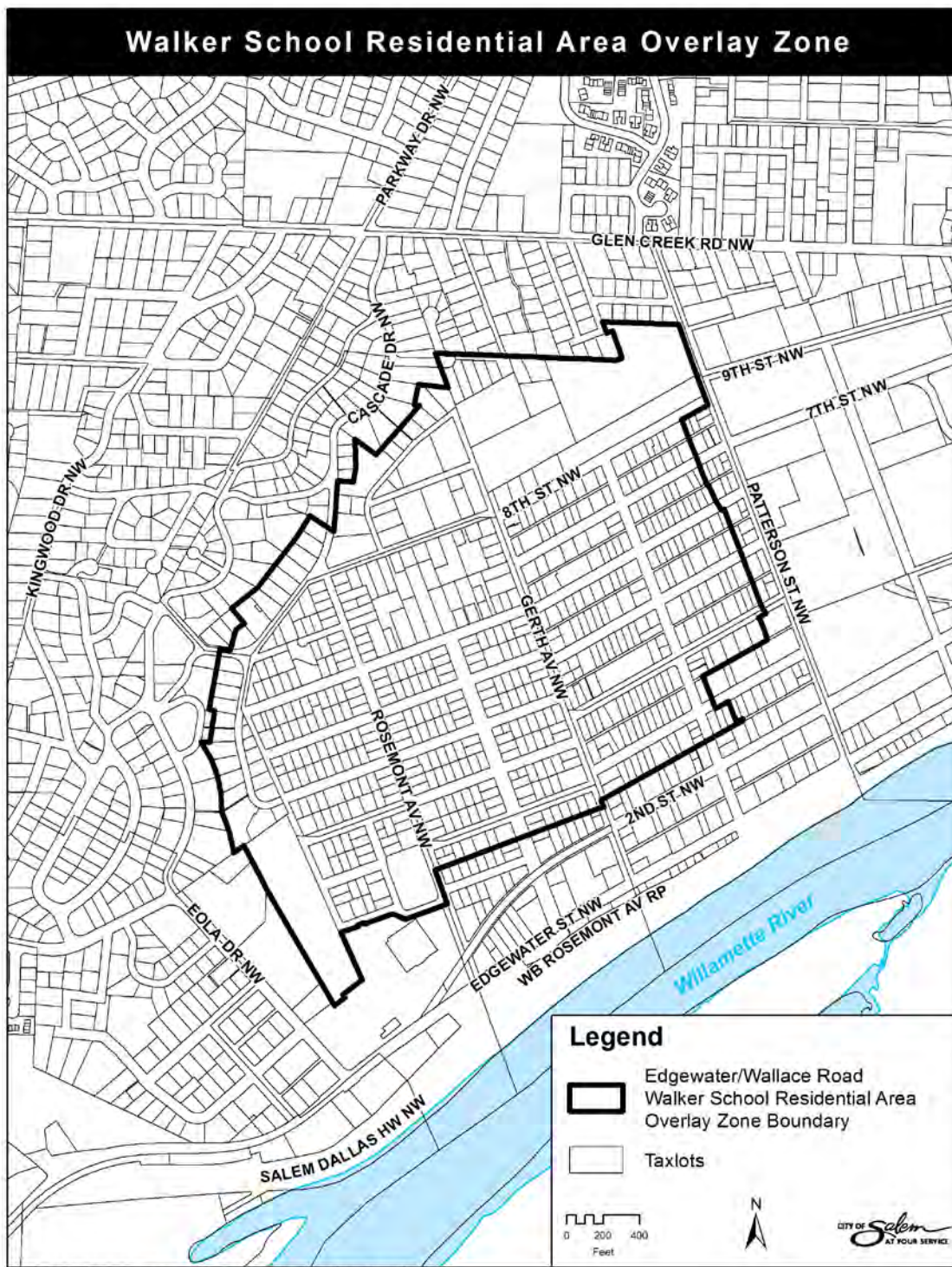
30 (i) A minimum of 1 street tree shall be provided for each dwelling

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unit; provided, however, no more than 1 street tree shall be required for every 20 feet of street frontage or fraction thereof. Street trees shall be canopy trees with a minimum caliper of 3 inches. Existing trees may be used to satisfy this requirement.

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FIGURE 612-1
WALKER SCHOOL RESIDENTIAL AREA OVERLAY ZONE



1 **Section 49.** The following SRC Chapter 613 is added to the Salem Revised Code:

2 **613.001. Purpose.** The purpose of the Broadway/High Street Retail Overlay Zone is to identify
3 allowed uses and to establish development standards that promote a pedestrian-oriented mixed-
4 use residential and commercial district with an emphasis on retail.

5 **613.005. Definitions.** Unless the context otherwise specifically requires, as used in this
6 Chapter, the following mean:

7 (a) Side street: Any public street that intersects Broadway/High Street.

8 **613.010. Broadway/High Main Street Retail Overlay Zone Boundary.** The boundaries of
9 the Broadway/High Street Retail Overlay Zone are shown in Figure 613-7.

10 **613.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
11 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
12 prohibited use in the Broadway/High Street Retail Overlay Zone.

13 (a) **Additional Permitted Uses.** The uses set forth in Table 613-1 are additional
14 permitted (P) uses in the Broadway/High Street Retail Overlay Zone.

15 **TABLE 613-1**
16 **ADDITIONAL PERMITTED USES**

17 **Table 613-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Household Living		
Multiple Family	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: ▪ Parking structures.

23 (b) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying
24 zone, any permitted, special, or conditional use within the Broadway/High Street Retail
25 Overlay Zone shall be a prohibited use within the overlay zone if developed with the
26 following:

27 (1) Drive-through.

28 **613.020. Development Standards.** Development within the Broadway/High Street Retail
29 Overlay Zone must comply with the development standards applicable in underlying zone and
30 the development standards set forth in this section. The development standards in this section

are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) **Height.** Buildings and accessory structures within the Broadway/High Street Retail Overlay Zone shall conform to the height standards set forth in Table 613-2.

**TABLE 613-2
HEIGHT**

Table 613-2: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 50 ft.	

613.025. Design Review. Design review under SRC Chapter 225 is required for development within the Broadway/High Street Retail Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 613.030 is required for all development within the Broadway/High Street Retail Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 613.030.

613.030. Design Review Guidelines and Design Review Standards.

(a) **Building Location, Orientation, and Design.**

(1) **Building Location.**

(A) **Design Review Guidelines.**

- (i) Building setbacks from the street shall be minimized (see Figure 613-1). Buildings constructed contiguous to the right-of-way of Broadway/High Streets are preferred.
- (ii) Buildings shall be located to minimize impacts to adjacent residential uses.

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(B) Design Review Standards.

(i) Setbacks Abutting Broadway/High Street. Buildings shall have the following setbacks from Broadway/High Street:

- (aa)** Contiguous to the street right-of-way; or
- (bb)** Maximum 10 feet from the street right-of-way, for those portions of a building where a plaza or other outdoor space open to the public is provided between the building and the street right-of-way.
- (cc)** Portions of buildings greater than 25 feet in height may be setback up to 10 additional feet from the street right-of-way.

(ii) Setbacks Abutting Street other than Broadway/High Street. Buildings shall have the following setbacks abutting a street other than Broadway/High Street:

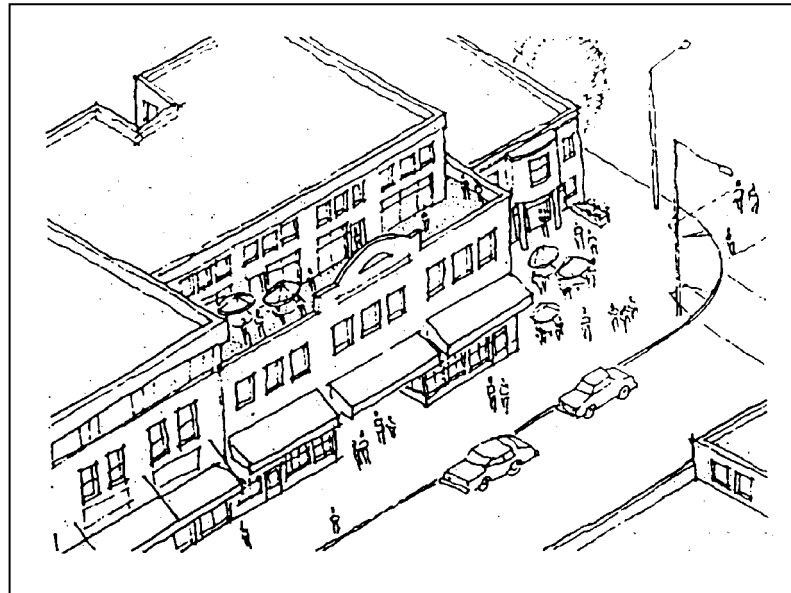
- (aa)** Minimum: 0 feet.
- (bb)** Maximum: 12 feet, for buildings or portions of buildings not more than 25 feet in height.
- (cc)** Maximum: 25 feet, for portions of buildings greater than 25 feet in height.

(iii) Interior Side Setback. Buildings shall be constructed contiguous to interior side lot lines.

(iv) Interior Rear Setback. Buildings shall have a minimum interior rear setback of 1 foot for each 1 foot of building height. Such setback need not exceed 20 feet in depth.

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FIGURE 613-1
BUILDING SETBACKS MINIMIZED FROM STREET



(2) Building Orientation and Design.

(A) Design Review Guidelines.

(i) Buildings shall create safe, pleasant, and active pedestrian environments.

(ii) Ground floor building facades facing Broadway/High Street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

(iii) Upper floors of buildings facing Broadway/High Street should incorporate decks and balconies.

(iv) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to a street in order to create a comfortable and inviting pedestrian environment.

(v) An urban streetscape shall be provided along Broadway/High Street by locating new buildings close to the street and close to one another, and by providing, wherever practical, buildings with

1 multiple stories in order to create a sense of enclosure along
2 sidewalks and a variety of street level facades.

3 **(B) Design Review Standards.**

4 (i) A primary building entrance shall be provided for each
5 building facade facing Broadway/High Street. If a building has
6 frontage on Broadway/High Street and another street, a single
7 primary building entrance may be provided at the corner of the
8 building where the streets intersect (see Figure 613-2).

9 (ii) Ground floor building facades facing Broadway/High Street
10 shall include transparent windows on a minimum of 65 percent of
11 the ground floor facade. The windows shall not be mirrored or
12 treated in such a way as to block visibility into the building. The
13 windows shall have a minimum Visible Transmittance (VT) of 37
14 percent.

15 **(aa) Alternative Standard for Existing Buildings.**

16 Notwithstanding subsection (a)(2)(B)(ii) of this section,
17 where a building existing on November 23, 1998, does not
18 include transparent windows on at least 65 percent of the
19 ground floor facade facing Broadway/High Street, the
20 percentage of transparent windows existing on the ground
21 floor facade shall not be reduced. Additional windows
22 meeting the transparency requirements of subsection
23 (a)(2)(B)(ii) may be added without meeting the minimum
24 ground floor facade window percentage of 65 percent.

25 (iii) Building offsets and articulation shall be provided for
26 building frontages greater than 100 feet in length in order to create
27 pedestrian scale.

28 (iv) Weather protection, in the form of awnings or canopies, shall
29 be provided along a minimum of 50 percent of the length of the
30 ground floor building facade adjacent to a street. Awnings or

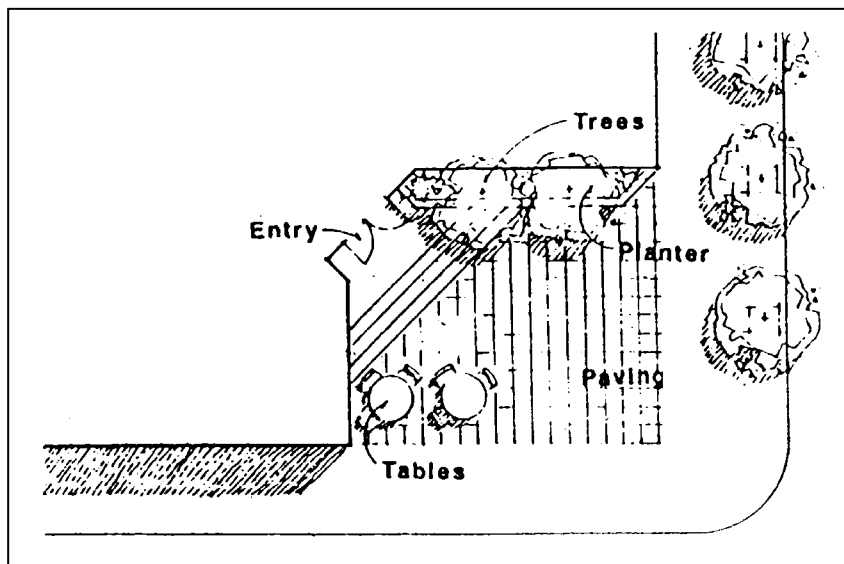
1 canopies shall have a minimum clearance height above the
2 sidewalk of 8 feet, and may encroach into the street right-of-way as
3 provided in SRC 76.160.

4 **(aa) Alternative Standard for Existing Buildings.**

5 Notwithstanding subsection (a)(2)(B)(iv) of this section,
6 where a building existing on November 23, 1998, does not
7 include weather protection, in the form of awnings or
8 canopies, along a minimum of 50 percent of the length of
9 the ground floor facade adjacent to a street, the percentage
10 of weather protection along the ground floor facade shall
11 not be reduced. Additional weather protection meeting the
12 sidewalk clearance requirements in subsection (a)(2)(B)(iv)
13 of this section may be added without meeting the minimum
14 weather protection standard of 50 percent.

15 (v) New buildings on lots abutting Broadway/High Street shall be
16 a minimum of 25 feet in height and shall provide space for
17 commercial uses on the ground floor and office and/or residential
18 uses above.

19 **FIGURE 613-2**
20 **BUILDING CORNER ENTRY**



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(b) Open Space.

(1) Private Open Space.

(A) Design Review Guidelines.

(i) Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.

(B) Design Review Standards.

(i) A minimum of 48 square feet of private open space shall be provided for each dwelling unit. The private open space shall have no dimension less than 6 feet and shall be directly accessible from the dwelling unit through a doorway.

(c) Site Access.

(1) Vehicle Access.

(A) Design Review Guidelines.

(i) Vehicle access and driveway approaches onto Broadway/High Street shall be minimized. Joint use driveways providing access to Broadway/High Street are preferred (see Figure 613-3).

(ii) Where feasible, provide vehicle access to buildings on lots abutting Broadway/High Street from an alley or side street (see Figure 613-4).

(B) Design Review Standards.

(i) Vehicle access to off-street parking and loading areas shall be provided from an alley or side street (see Figure 613-4).

(ii) No new driveway approaches shall be permitted onto Broadway/High Street.

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FIGURE 613-3
VEHICLE ACCESS MINIMIZED THROUGH JOINT USE DRIVEWAYS

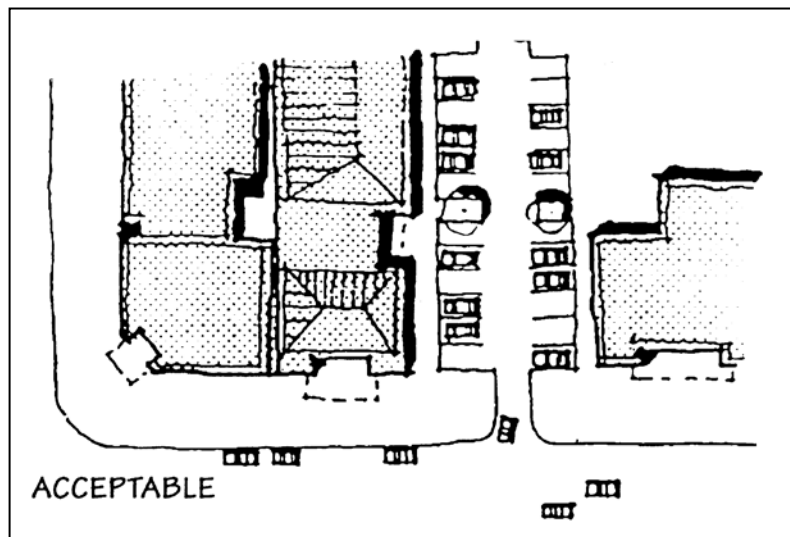
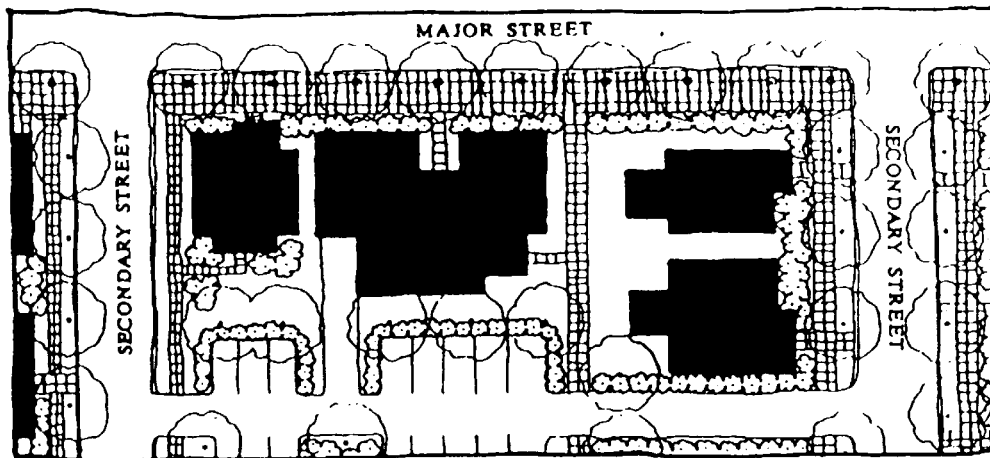


FIGURE 613-4:
VEHICLE ACCESS PROVIDED FROM ALLEY OR SIDE STREET



(d) Off-Street Parking and Loading.

(1) Off-Street Parking.

(A) Design Review Guidelines.

- (i) Off-street surface parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district.

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(ii) The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.

(B) Design Review Standards.

(i) Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street (see Figure 613-5 and Figure 613-6).

(iii) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:

(aa) Where a lot has frontage on Broadway/High Street and a side street, an off-street surfacing parking area may occupy more than 50 percent of the side street frontage.

(bb) On lots abutting Broadway/High Street, multi-level parking structures may occupy more than 50 percent of the Broadway/High Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Broadway/High Street frontage.

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FIGURE 613-5
PARKING CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT

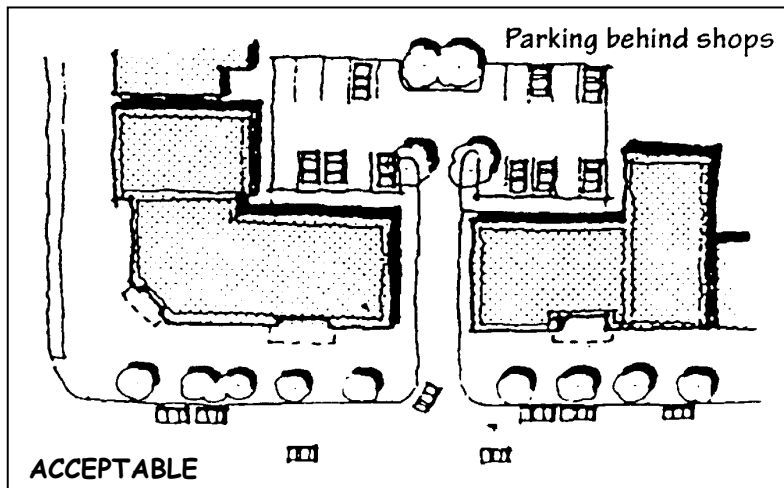
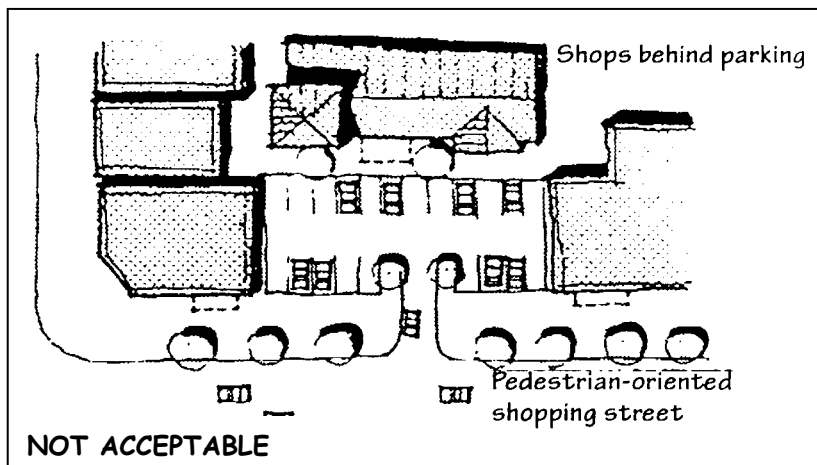


FIGURE 613-6
PARKING NOT CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT



(2) Off-Street Loading.

(A) Design Review Guidelines.

- (i) Off-street loading areas shall be located so as to minimize their visibility from the street.

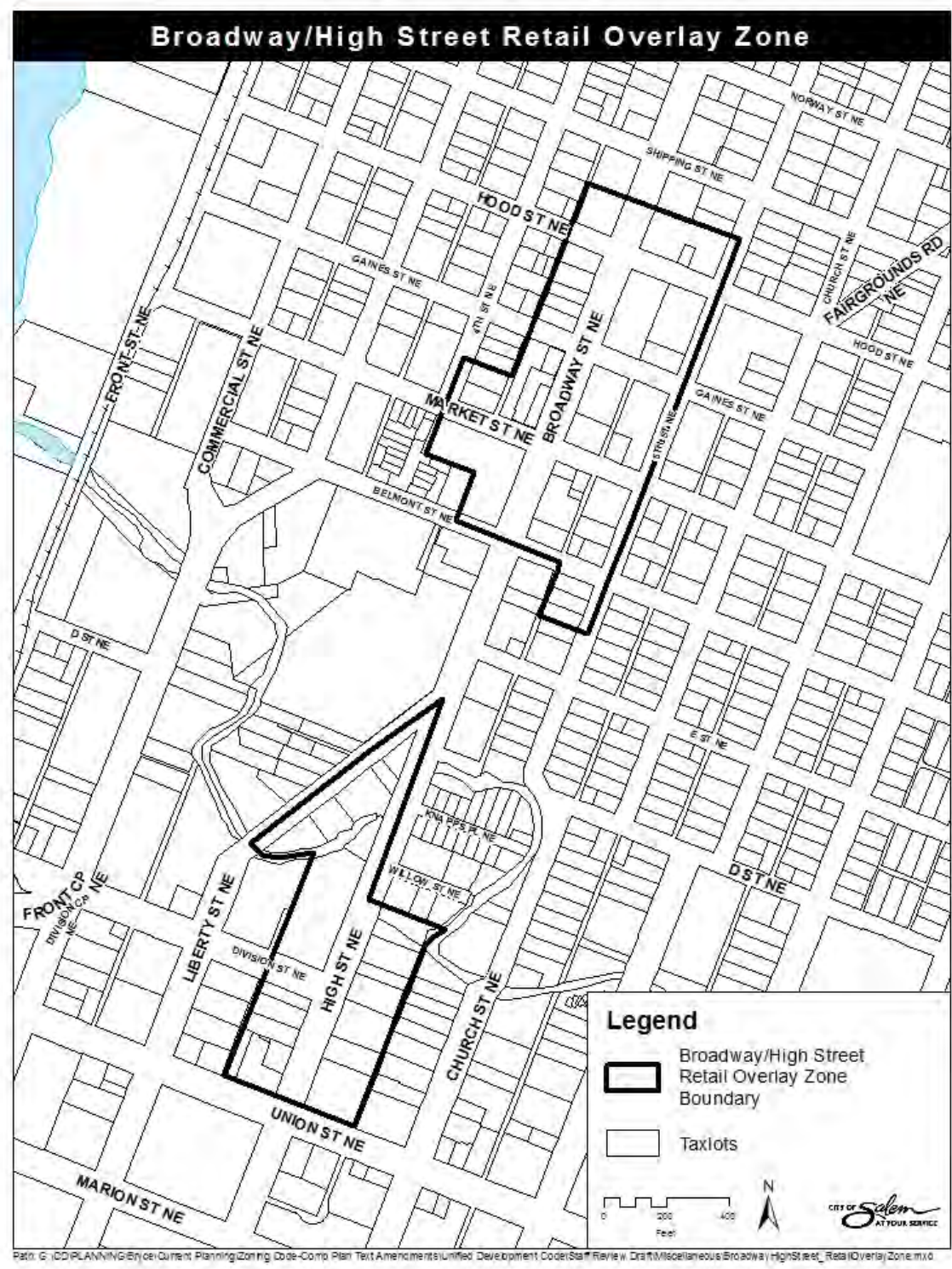
(B) Design Review Standards.

(i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

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**FIGURE 613-7:
BROADWAY/HIGH STREET RETAIL OVERLAY ZONE**



1 **Section 50.** The following SRC Chapter 614 is added to the Salem Revised Code:

2 **614.001. Purpose.** The purpose of the Broadway/High Street Housing Overlay Zone is to
3 identify allowed uses and to establish development standards that promote a pedestrian-oriented
4 mixed-use residential and commercial district with an emphasis on residential uses to support
5 retail areas.

6 **614.005. Definitions.** Unless the context otherwise specifically requires, as used in this
7 Chapter, the following mean:

8 (a) **Project:** A single development built in a single phase. A project may involve a
9 single building or multiple buildings.

10 (b) **Side street:** Any public street that intersects Broadway/High Street.

11 **614.010. Broadway/High Street Overlay Zone Boundary.** The boundaries of the
12 Broadway/High Street Housing Overlay Zone are shown in Figure 614-7.

13 **614.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
14 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
15 prohibited use in the Broadway/High Street Housing Overlay Zone.

16 (a) **Additional Permitted Uses.** The uses set forth in Table 614-1 are additional
17 permitted (P) uses in the Broadway/High Street Housing Overlay Zone.

18 **TABLE 614-1**
19 **ADDITIONAL PERMITTED USES**

20 **Table 614-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Household Living		
Multiple Family	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: ▪ Parking structures.

26 (b) **Uses within Mixed-Use Project with Twenty-Five or More Dwelling Units.**

27 Notwithstanding the permitted, special, conditional, or prohibited uses in the underlying
28 zone, the only uses that shall be permitted (P) in a mixed use project with 25 or more
29 dwelling units within the Broadway/High Street Housing Overlay Zone are the uses set
30 forth in Table 614-2.

**TABLE 614-2
USES WITHIN MIXED-USE PROJECT WITH TWENTY-FIVE OR MORE
DWELLING UNITS**

Table 614-2: Uses Within Mixed-Use Project with Twenty-Five or More Dwelling Units

Use	Status	Limitations & Qualifications
Household Living		
Multiple Family	P	Multiple family is permitted, subject to SRC 614.015(b)(1).
Lodging		
Short-Term Commercial Lodging	P	Short-Term Commercial Lodging is permitted, subject to SRC 614.015(b)(1).
Long-Term Commercial Lodging	P	Long-Term Commercial Lodging is permitted, subject to SRC 614.015(b)(1).
Retail Sales and Service		
Eating and Drinking Establishments	P	Eating and Drinking Establishments are permitted, subject to SRC 614.015(b)(1).
Retail Sales	P	Retail Sales are permitted, unless noted below, subject to SRC 614.015(b)(1).
Personal Services	P	Personal Services are permitted, subject to SRC 614.015(b)(1).
Postal and Retail Financial Services	P	Postal and Retail Financial Services are permitted, subject to SRC 614.015(b)(1).
Business and Professional Services		
Office	P	Office is permitted, subject to SRC 614.015(b)(1).
Audio/Visual Media Production	P	Audio/Visual Media Production is permitted, subject to SRC 614.015(b)(1).
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	Commercial Entertainment – Indoor is permitted, subject to SRC 614.015(b)(1).
Recreational and Cultural Community Services	P	Recreational and Cultural Community Services are permitted, subject to SRC 614.015(b)(1).
Health Services		
Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories are permitted, subject to SRC 614.015(b)(1).

(1) Limitations on Uses in a Mixed-Use Project with Twenty-Five or More Dwelling Units. Uses in a mixed-use project with 25 or more dwelling units set forth in Table 614-2 shall conform to the following additional limitations:

(A) A mix of residential and non-residential uses shall be provided.

(B) The use shall not include:

(i) Rendering, processing, or cleaning of animals, fish, seafood, fowl, poultry, fruits, vegetables, or dairy products, except for consumption on the premises.

(ii) Packaging of products for retail sale, except for purchases made by a retail customer at the time of purchase.

(iii) Outdoor display or storage of merchandise or materials.

(c) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying zone, any permitted, special, or conditional use within the Broadway/High Street Housing Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

(1) Drive-through.

614.020. Development Standards. Development within the Broadway/High Street Housing Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) **Dwelling Units Required.** A minimum of 50 percent of the floor area of each new building shall include dwelling units.

(b) **Location of Non-Residential Uses within Building.** All non-residential uses, except for Office uses, shall be limited to the ground floor of a building. Office uses may be located on the upper floors of a building.

(c) **Height.** Buildings and accessory structures within the Broadway/High Street Housing Overlay Zone shall conform to the height standards set forth in Table 614-3.

TABLE 614-3

HEIGHT

Table 614-3: Height

Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 50 ft.	

1 **(d) Additional Development Standards for Uses in Mixed-Use Project with**
2 **Twenty-Five or More Dwelling Units.** Uses in a mixed-use project with 25 or more
3 dwelling units set forth in Table 614-2 shall conform to the following additional
4 development standards:

5 (1) A minimum of 50 percent of the floor area of each building within a mixed-
6 use project shall include dwelling units; except that Eating and Drinking
7 Establishments may be housed in a separate building if the floor area of all non-
8 residential uses within the mixed-use project, including the Eating and Drinking
9 Establishments, total no more than 50 percent of the total floor area of the mixed-
10 use project.

11 (2) All non-residential uses, except for Office uses, shall be limited to the ground
12 floor of a building or buildings within a mixed-use project. Office uses may be
13 located on upper floors.

14 **614.025. Design Review.** Design review under SRC Chapter 225 is required for development
15 within the Broadway/High Street Housing Overlay Zone as follows:

16 (a) Except as otherwise provided in this section, design review according to the design
17 review guidelines or the design review standards set forth in SRC 614.030 is required
18 for all development within the Broadway/High Street Housing Overlay Zone.

19 (b) Multiple family development shall only be subject to design review according to
20 the design review guidelines or the design review standards set forth in SRC 614.030.

21 **614.030. Design Review Guidelines and Design Review Standards.**

22 (a) **Building Location, Orientation, and Design.**

23 (1) **Building Location.**

24 (A) **Design Review Guidelines.**

25 (i) Building setbacks from the street shall be minimized (see
26 Figure 614-1). Buildings constructed contiguous to the right-of-
27 way of Broadway/High Streets are preferred.

28 (ii) Buildings shall be located to minimize impacts to adjacent
29 residential uses.

30 (B) **Design Review Standards.**

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(i) Setbacks Abutting Broadway/High Street. Buildings shall have the following setbacks from Broadway/High Street:

- (aa) Contiguous to the street right-of-way; or
- (bb) Maximum 10 feet from the street right-of-way, for those portions of a building where a plaza or other outdoor space open to the public is provided between the building and the street right-of-way.
- (cc) Portions of buildings greater than 25 feet in height may be setback up to 10 additional feet from the street right-of-way.

(ii) Setback Abutting Street other than Broadway/High Street. Buildings shall have the following setbacks abutting a street other than Broadway/High Street:

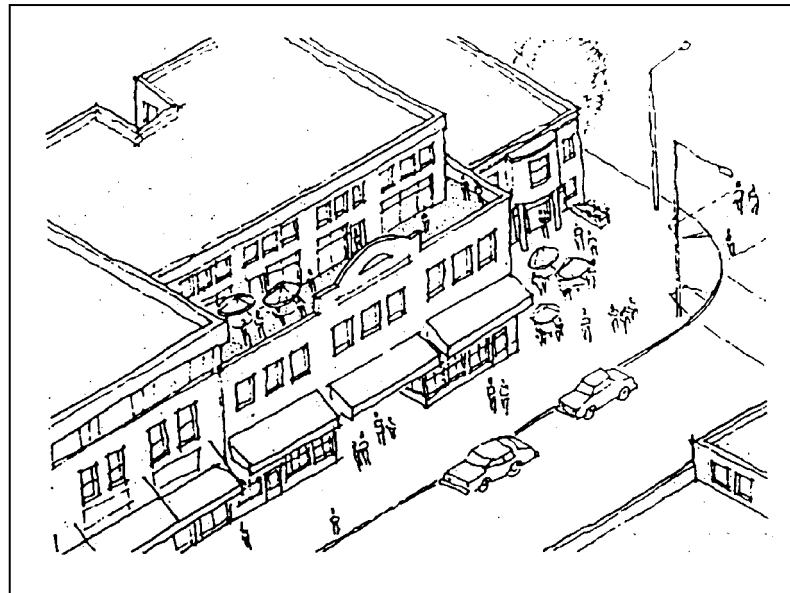
- (aa) Minimum: 0 feet.
- (bb) Maximum: 12 feet, for buildings or portions of buildings not more than 25 feet in height.
- (cc) Maximum: 25 feet, for portions of buildings greater than 25 feet in height.

(iii) Interior Side Setback. Buildings shall be constructed contiguous to interior side lot lines.

(iv) Interior Rear Setback. Buildings shall have a minimum interior rear setback of 1 foot for each 1 foot of building height. Such setback need not exceed 20 feet in depth.

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FIGURE 614-1
BUILDING SETBACKS MINIMIZED FROM STREET



(2) Building Orientation and Design.

(A) Design Review Guidelines.

- (i)** Buildings shall create safe, pleasant, and active pedestrian environments.
- (ii)** Ground floor building facades facing Broadway/High Street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.
- (iii)** Upper floors of buildings facing Broadway/High Street should incorporate decks and balconies.
- (iv)** Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to a street in order to create a comfortable and inviting pedestrian environment.
- (v)** An urban streetscape shall be provided along Broadway/High Street by locating new buildings close to the street and close to one another, and by providing, wherever practical, buildings with

1 multiple stories in order to create a sense of enclosure along
2 sidewalks and to provide a variety of street level facades.

3 **(B) Design Review Standards.**

4 (i) A primary building entrance shall be provided for each
5 building facade facing Broadway/High Street. If a building has
6 frontage on Broadway/High Street and another street, a single
7 primary building entrance may be provided at the corner of the
8 building where the streets intersect (see Figure 614-2).

9 (ii) Ground floor building facades facing Broadway/High Street
10 shall include transparent windows on a minimum of 65 percent of
11 the ground floor facade. The windows shall not be mirrored or
12 treated in such a way as to block visibility into the building. The
13 windows shall have a minimum Visible Transmittance (VT) of 37
14 percent.

15 **(aa) Alternative Standard for Existing Buildings.**

16 Notwithstanding subsection (a)(2)(B)(ii) of this section,
17 where a building existing on November 23, 1998, does not
18 include transparent windows on a minimum of 65 percent
19 of the ground floor facade facing Broadway/High Street,
20 the percentage of transparent windows existing on the
21 ground floor facade shall not be reduced. Additional
22 windows meeting the transparency requirements of
23 subsection (a)(2)(B)(ii) may be added without meeting the
24 minimum ground floor facade window percentage of 65
25 percent.

26 (iii) Building offsets and articulation shall be provided for
27 building frontages greater than 100 feet in length in order to create
28 pedestrian scale.

29 (iv) Weather protection, in the form of awnings or canopies, shall
30 be provided along a minimum of 50 percent of the length of the

1 ground floor building facade adjacent to a street. Awnings or
2 canopies shall have a minimum clearance height above the
3 sidewalk of 8 feet, and may encroach into the street right-of-way as
4 provided in SRC 76.160.

5 **(aa) Alternative Standard for Existing Buildings.**

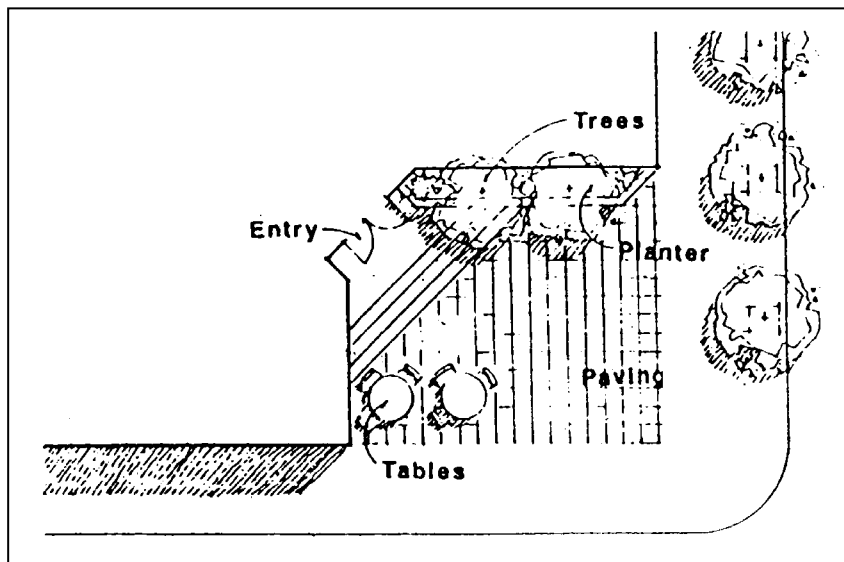
6 Notwithstanding subsection (a)(2)(B)(iv) of this section,
7 where a building existing on November 23, 1998, does not
8 include weather protection, in the form of awnings or
9 canopies, along a minimum of 50 percent of the length of
10 the ground floor facade adjacent to a street, the percentage
11 of weather protection along the ground floor facade shall
12 not be reduced. Additional weather protection meeting the
13 sidewalk clearance requirements in subsection (a)(2)(B)(iv)
14 of this section may be added without meeting the minimum
15 weather protection standard of 50 percent.

16 **(v)** New buildings on lots abutting Broadway/High Street shall be
17 a minimum of 25 feet in height and shall provide space for
18 commercial uses on the ground floor and office and/or residential
19 uses above.

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**FIGURE 614-2:
BUILDING CORNER ENTRY**



(b) Open Space.

(1) Private Open Space.

(A) Design Review Guidelines.

(i) Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.

(B) Design Review Standards.

(i) A minimum of 48 square feet of private open space shall be provided for each dwelling unit. The private open space shall have no dimension less than 6 feet and shall be directly accessible from the dwelling unit through a doorway.

(c) Site Access.

(1) Vehicle Access.

(A) Design Review Guidelines.

(i) Vehicle access and driveways onto Broadway/High Street shall be minimized. Joint use driveways providing access to Broadway/High Street are preferred (see Figure 614-3).

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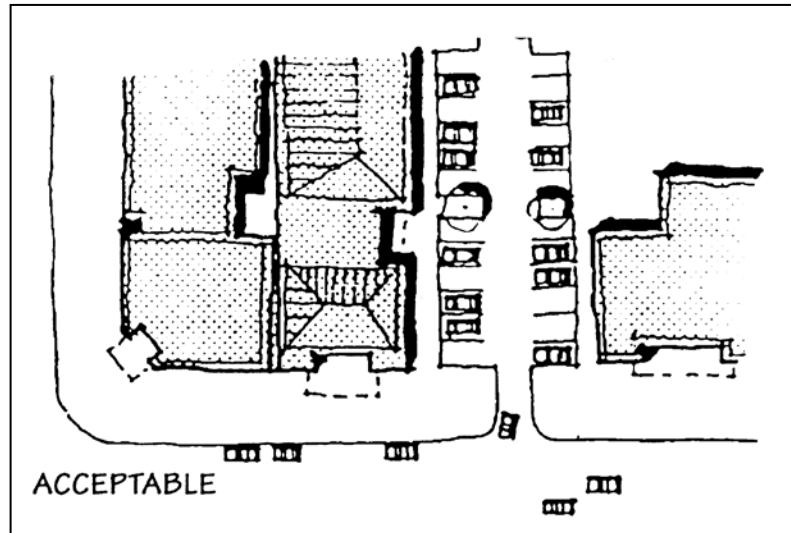
(ii) Where feasible, provide vehicle access to buildings on lots abutting Broadway/High Street from an alley or side street (see Figure 614-4).

(B) Design Review Standards.

(i) Vehicle access to off-street parking and loading areas shall be provided from an alley or side street (see Figure 614-4).

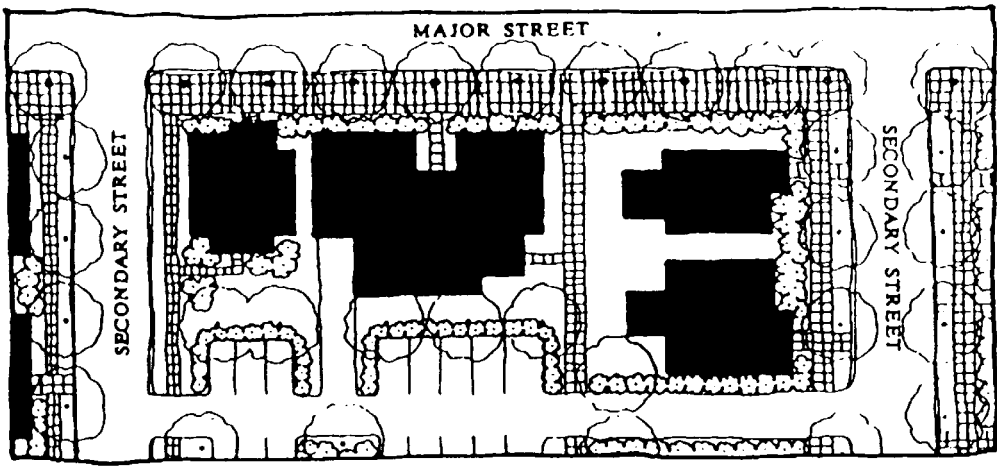
(ii) No new driveways shall be permitted onto Broadway/High Street.

**FIGURE 614-3
VEHICLE ACCESS MINIMIZED THROUGH JOINT USE DRIVEWAYS**



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**FIGURE 614-4:
VEHICLE ACCESS PROVIDED FROM ALLEY OR SIDE STREET**



(d) Off-Street Parking and Loading.

(1) Off-Street Parking.

(A) Design Review Guidelines.

- (i) Off-street parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district.
- (ii) The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.

(B) Design Review Standards.

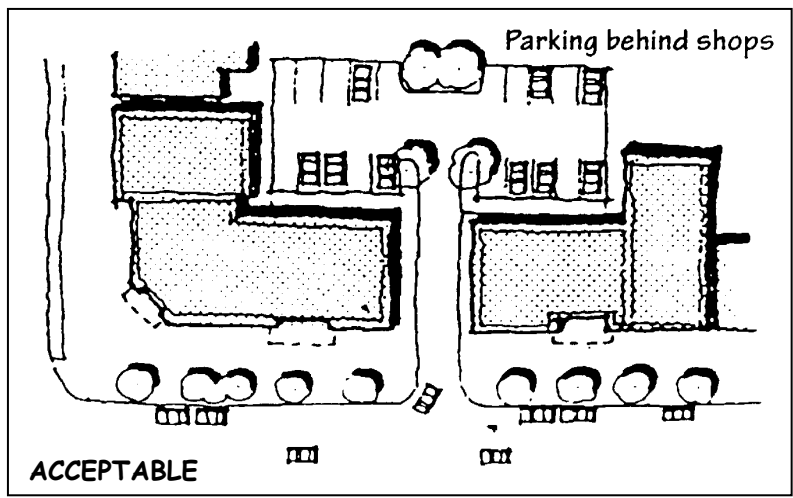
- (i) Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street (see Figure 614-5 and Figure 614-6).
- (iii) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:

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(aa) Where a lot has frontage on Broadway/High Street and a side street, an off-street surfacing parking area may occupy more than 50 percent of the side street frontage.

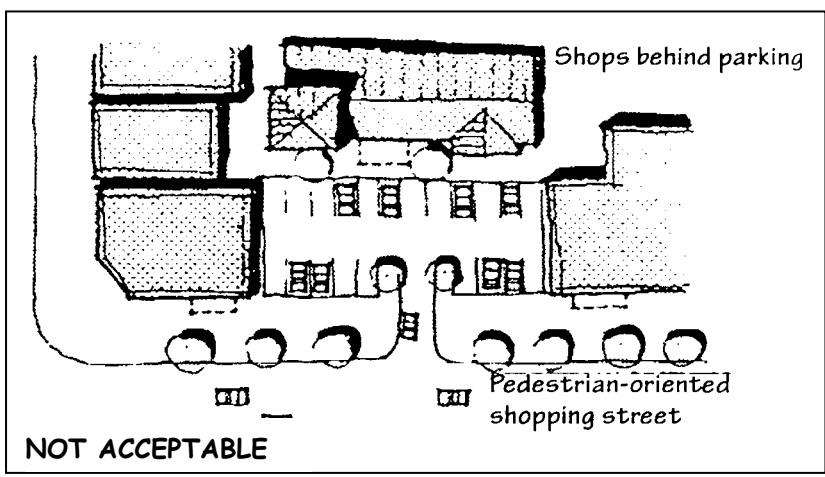
(bb) On lots abutting Broadway/High Street, multi-level parking structures may occupy more than 50 percent of the Broadway/High Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Broadway/High Street frontage.

FIGURE 614-5
PARKING CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT



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FIGURE 614-6
PARKING NOT CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT



(2) Off-Street Loading.

(A) Design Review Guidelines.

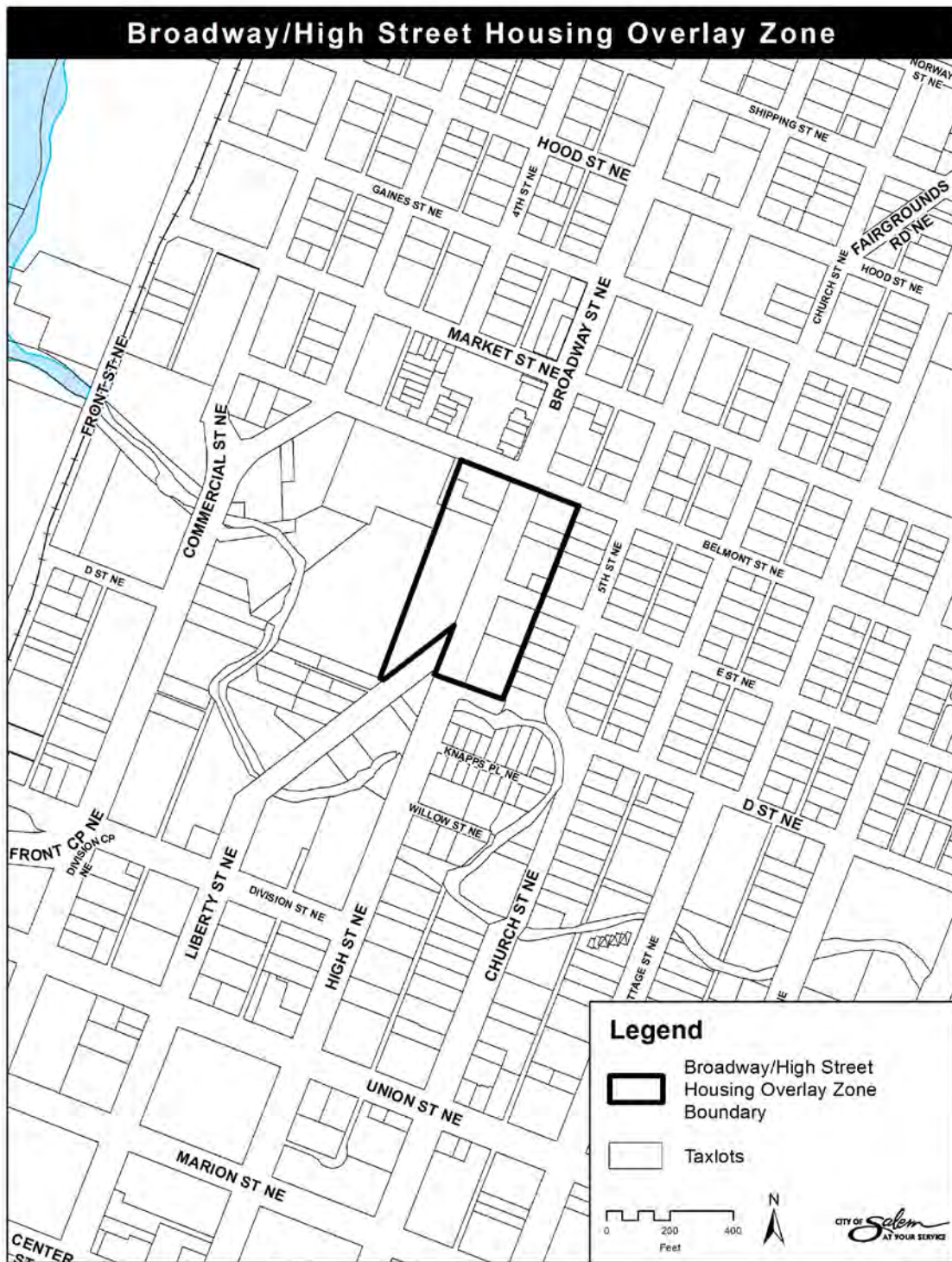
(i) Off-street loading areas shall be located so as to minimize their visibility from the street.

(B) Design Review Standards.

(i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

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FIGURE 614-7
BROADWAY/HIGH STREET HOUSING OVERLAY ZONE



1 **Section 51.** The following SRC Chapter 615 is added to the Salem Revised Code:

2 **615.001. Purpose.** The purpose of the Broadway/High Street Transition Overlay Zone is to
3 identify allowed uses and to establish development standards that buffer existing residential from
4 the commercial corridor along Broadway/High Street by providing a transition from lower
5 density development to the east of the overlay zone and higher density development to the west
6 of the overlay zone.

7 **615.005. Definitions.** Unless the context otherwise specifically requires, as used in this
8 Chapter, the following mean:

9 (a) Project: A single development built in a single phase. A project may involve a
10 single building or multiple buildings.

11 (b) Side street: Any public street that intersects Broadway/High Street.

12 **615.010. Broadway/High Street Overlay Zone Boundary.** The boundaries of the
13 Broadway/High Street Transition Overlay Zone are shown in Figure 615-4.

14 **615.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
15 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
16 prohibited use in the Broadway/High Street Transition Overlay Zone.

17 (a) **Additional Permitted Uses.** The uses set forth in Table 615-1 are additional
18 permitted (P) uses in the Broadway/High Street Transition Overlay Zone.

19 **TABLE 615-1**

20 **ADDITIONAL PERMITTED USES**

21 **Table 615-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Household Living		
Multiple Family	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: ▪ Parking structures.

27 (b) **Uses Permitted Only within a Mixed-Use Project with Twenty-Five or More**
28 **Dwelling Units.** Notwithstanding the permitted, special, conditional, or prohibited uses
29 in the underlying zone, the uses set forth in Table 615-2 are permitted (P) within the
30 Broadway/High Street Transition Overlay Zone only if located within a mixed use

1 project with 25 or more dwelling units.

2 **TABLE 615-2**
3 **USES PERMITTED ONLY WITHIN A MIXED-USE PROJECT WITH TWENTY-FIVE**
4 **OR MORE DWELLING UNITS**

5 **Table 615-2: Uses Permitted Only within a Mixed-Use Project with Twenty-Five or More Dwelling Units**

6 Use	Status	7 Limitations & Qualifications
Lodging		
8 Short-Term Commercial Lodging	P	Short-Term Commercial Lodging is permitted, subject to SRC 615.015(b)(1).
9 Long-Term Commercial Lodging	P	Long-Term Commercial Lodging is permitted, subject to SRC 615.015(b)(1).
Retail Sales and Service		
10 Eating and Drinking Establishments	P	Eating and Drinking Establishments are permitted, subject to SRC 615.015(b)(1).
11 Retail Sales	P	Retail Sales are permitted, subject to SRC 615.015(b)(1).
12 Personal Services	P	Personal Services are permitted, subject to SRC 615.015(b)(1).
13 Postal and Retail Financial Services	P	Postal and Retail Financial Services are permitted, subject to SRC 615.015(b)(1).
Business and Professional Services		
14 Office	P	Office is permitted, subject to SRC 615.015(b)(1).
15 Audio/Visual Media Production	P	Audio/Visual Media Production is permitted, subject to SRC 615.015(b)(1).
Recreation, Entertainment, and Cultural Services and Facilities		
16 Commercial Entertainment – Indoor	P	Commercial Entertainment – Indoor is permitted, subject to SRC 615.015(b)(1).
17 Recreational and Cultural Community Services	P	Recreational and Cultural Community Services are permitted, subject to SRC 615.015(b)(1).
Health Services		
18 Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories are permitted, subject to SRC 615.015(b)(1).

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22 **(1) Limitations on Uses Permitted Only within a Mixed-Use Project with**
23 **Twenty-Five or More Dwelling Units.** Uses permitted only within a mixed-use
24 project with 25 or more dwelling units set forth in Table 615-2 shall conform to
25 the following additional limitations:

26 **(A)** A mix of residential and non-residential uses shall be provided.

27 **(B)** The use shall not include:

28 **(i)** Rendering, processing, or cleaning of animals, fish, seafood,
29 fowl, poultry, fruits, vegetables, or dairy products, except for
30 consumption on the premises.

(ii) Packaging of products for retail sale, except for purchases made by a retail customer at the time of purchase.

(iii) Outdoor display or storage of merchandise or materials.

(c) **Uses Permitted Only within a Parking Structure.** Notwithstanding the permitted, special, conditional, or prohibited uses in the underlying zone, the uses set forth in Table 615-3 are permitted (P) within the Broadway/High Street Transition Overlay Zone only if located within a parking structure.

TABLE 615-3

USES PERMITTED ONLY WITHIN A PARKING STRUCTURE

Table 615-3: Uses Permitted Only in a Parking Structure		
Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	P	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	P	
Personal Services	P	
Postal and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	
Recreational and Cultural Community Services	P	
Health Services		
Outpatient Medical Services and Laboratories	P	

(d) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying zone, any permitted, special, or conditional use within the Broadway/High Street Transition Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

(1) Drive-through.

1 **615.020. Development Standards.** Development with the Broadway/High Street Transition
 2 Overlay Zone must comply with the development standards applicable in underlying zone and
 3 the development standards set forth in this section. The development standards in this section
 4 are in addition to, and not in lieu of, all other applicable development standards in the underlying
 5 zone. Where the development standards in this section conflict with the development standards
 6 applicable in the underlying zone, the development standards in this section shall be the
 7 applicable development standard.

8 (a) **Height.** Buildings and accessory structures within the Broadway/High Street
 9 Transition Overlay Zone shall conform to the height standards set forth in Table 615-4.

10 **TABLE 615-4**

11 **HEIGHT**

12 **Table 615-4: Height**

Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 50 ft.	

18 (b) **Additional Development Standards for Uses Permitted Only in a Mixed-Use**
 19 **Project with Twenty-Five or More Dwelling Units.** Uses permitted only in a mixed-
 20 use project with 25 or more dwelling units set forth in Table 615-2 shall conform to the
 21 following additional development standards:

22 (1) A minimum of 50 percent of the floor area of each building within a mixed-
 23 use project shall include dwelling units; except that Eating and Drinking
 24 Establishments may be housed in a separate building if the floor area of all non-
 25 residential uses within the mixed-use project, including the Eating and Drinking
 26 Establishments, total no more than 50 percent of the total floor area of the mixed-
 27 use project.

28 (2) All non-residential uses, except for Office uses, shall be limited to the ground
 29 floor of a building or buildings within a mixed-use project. Office uses may be
 30 located on upper floors.

1 **615.025. Design Review.** Design review under SRC Chapter 225 is required for development
2 within the Broadway/High Street Transition Overlay Zone as follows:

3 (a) Except as otherwise provided in this section, design review according to the design
4 review guidelines or the design review standards set forth in SRC 615.030 is required
5 for all development within the Broadway/High Street Transition Overlay Zone.

6 (b) Multiple family development, other than multiple family development within a
7 mixed-use building, shall only be subject to design review according to the multiple
8 family design review guidelines or the multiple family design review standards set forth
9 in SRC Chapter 702.

10 (c) Multiple family development within a mixed-use building shall only be subject to
11 design review according to the design review guidelines or the design review standards
12 set forth in SRC 615.030.

13 **615.030. Design Review Guidelines and Design Review Standards.**

14 (a) **Building Location, Orientation, and Design.**

15 (1) **Building Location.**

16 (A) **Design Review Guidelines.**

17 (i) Building setbacks from the street shall be minimized (see
18 Figure 615-1).

19 (ii) Buildings shall be located to minimize impacts to adjacent
20 residential uses.

21 (B) **Design Review Standards.**

22 (i) **Setbacks Abutting Street.** Buildings shall have the following
23 setbacks abutting a street:

24 (aa) Minimum: 0 feet.

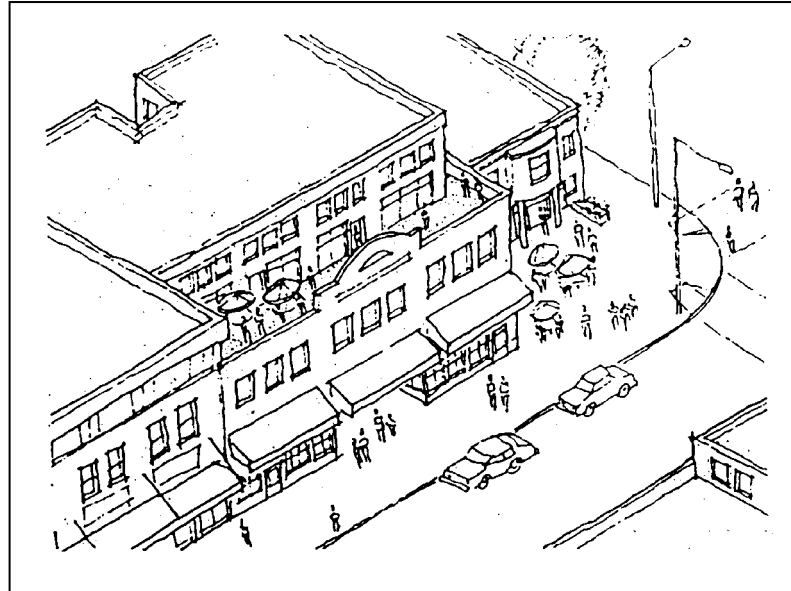
25 (bb) Maximum: 12 feet, for buildings or portions of
26 buildings not more than 25 feet in height.

27 (cc) Maximum: 25 feet, for portions of buildings greater
28 than 25 feet in height.

29 (ii) **Interior Side Setback.** Buildings shall be constructed
30 contiguous to interior side lot lines.

1 (iii) **Interior Rear Setback.** Buildings shall have a minimum
2 interior rear setback of 1 foot for each 1 foot of building height.
3 Such setback need not exceed 20 feet in depth.

4 **FIGURE 615-1**
5 **BUILDING SETBACKS MINIMIZED FROM STREET**



17 **(2) Building Orientation and Design.**

18 **(A) Design Review Guidelines.**

19 (i) Buildings shall create safe, pleasant, and active pedestrian
20 environments.

21 (ii) Upper floors of buildings facing Broadway/High Street should
22 incorporate decks and balconies.

23 (iii) Weather protection, in the form of awnings or canopies
24 appropriate to the design of the building, shall be provided along
25 ground floor building facades adjacent to a street in order to create
26 a comfortable and inviting pedestrian environment.

27 **(B) Design Review Standards.**

28 (i) Building offsets and articulation shall be provided for building
29 frontages greater than 100 feet in length in order to create
30 pedestrian scale.

1 (ii) Weather protection, in the form of awnings or canopies, shall
2 be provided along a minimum of 50 percent of the length of the
3 ground floor building facade adjacent to a street. Awnings or
4 canopies shall have a minimum clearance height above the
5 sidewalk of 8 feet, and may encroach into the street right-of-way as
6 provided in SRC 76.160.

7 **(aa) Alternative Standard for Existing Buildings.**

8 Notwithstanding subsection (a)(2)(B)(ii) of this section,
9 where a building existing on November 23, 1998, does not
10 include weather protection, in the form of awnings or
11 canopies, along a minimum of 50 percent of the length of
12 the ground floor facade adjacent to a street, the percentage
13 of weather protection along the ground floor facade shall
14 not be reduced. Additional weather protection meeting the
15 sidewalk clearance requirements in subsection (a)(2)(B)(ii)
16 of this section may be added without meeting the minimum
17 weather protection standard of 50 percent.

18 **(b) Open Space.**

19 **(1) Private Open Space.**

20 **(A) Design Review Guidelines.**

21 (i) Private open space shall be provided for each dwelling unit that
22 provides a pleasant and private place for the enjoyment of the
23 occupants.

24 **(B) Design Review Standards.**

25 (i) A minimum of 48 square feet of private open space shall be
26 provided for each dwelling unit. The private open space shall have
27 no dimension less than 6 feet and shall be directly accessible from
28 the dwelling unit through a doorway.

29 **(c) Off-Street Parking and Loading.**

30 **(1) Off-Street Parking.**

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(A) Design Review Guidelines.

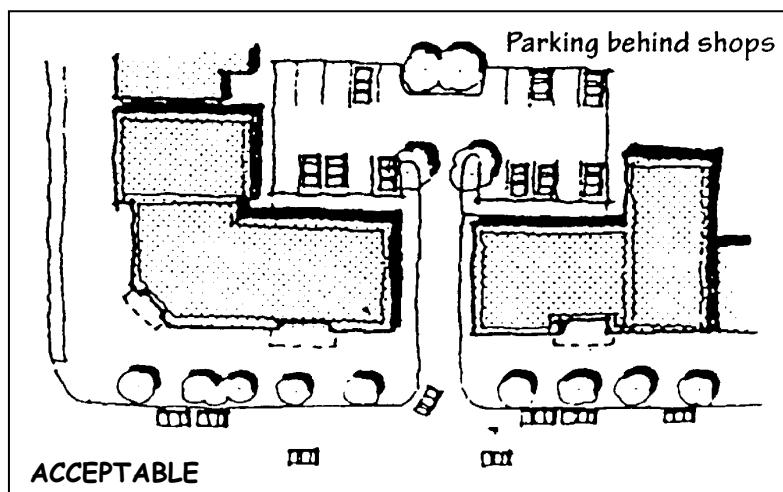
(i) Off-street surface parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district.

(ii) The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.

(B) Design Review Standards.

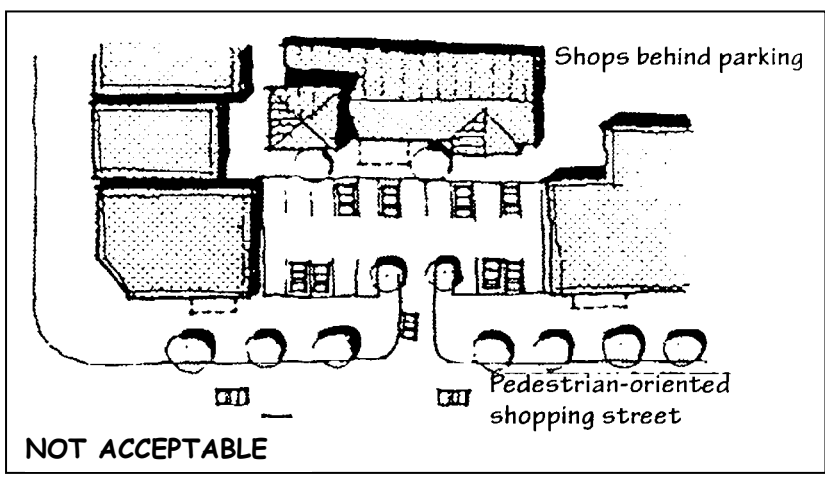
(i) Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street (see Figure 615-2 and Figure 615-3).

**FIGURE 615-2:
PARKING CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT**



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**FIGURE 615-3:
PARKING NOT CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT**



(2) Off-Street Loading.

(A) Design Review Guidelines.

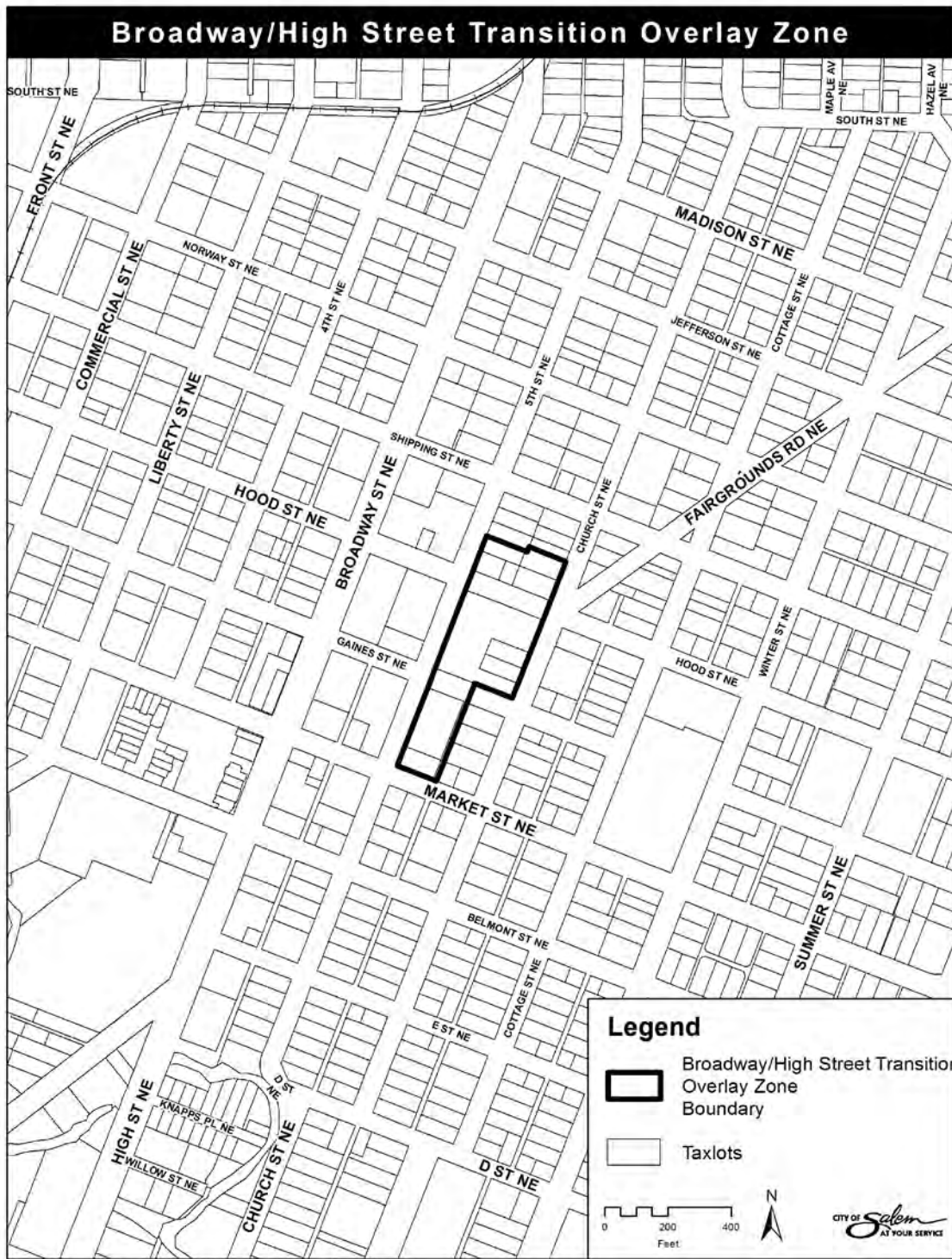
(i) Off-street loading areas shall be located so as to minimize their visibility from the street.

(B) Design Review Standards.

(i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

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FIGURE 615-4
BROADWAY/HIGH STREET TRANSITION OVERLAY ZONE



1 **Section 52.** The following SRC Chapter 616 is added to the Salem Revised Code:

2 **616.001. Purpose.** The purpose of the Riverfront High Density Residential Overlay Zone is to
3 identify allowed uses and to establish development standards to promote a mixed-use residential
4 and commercial district with an emphasis on high density residential development and pedestrian
5 access to and along the Willamette Riverfront, while affording existing buildings additional
6 flexibility until property is redeveloped for the uses set forth in this Chapter.

7 **616.005. Definitions.** Unless the context otherwise specifically requires, as used in this
8 Chapter, the following mean:

9 (a) Project: A single development built in a single phase. A project may involve a
10 single building or multiple buildings.

11 (b) Side street: Any public street that intersects Front Street.

12 **616.010. Riverfront High Density Residential Overlay Zone Boundary.** The boundaries of
13 the Riverfront High Density Residential Overlay Zone are shown in Figure 616-6.

14 **616.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
15 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
16 prohibited use in the Riverfront High Density Residential Overlay Zone.

17 (a) **Additional Permitted Uses.** The uses set forth in Table 616-1 are additional
18 permitted (P) uses in the Riverfront High Density Residential Overlay Zone.

19 **TABLE 616-1**

20 **ADDITIONAL PERMITTED USES**

21 **Table 616-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Retail Sales and Services		
Eating and Drinking Establishments	P	
Retail Sales	P	
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: ▪ Parking structures.

1 **(b) Additional Prohibited Uses.** In addition to the prohibited uses in the underlying
2 zone, any permitted, special, or conditional use within the Riverfront High Density
3 Residential Overlay Zone shall be a prohibited use within the overlay zone if developed
4 with the following:

5 **(1) Drive-through.**

6 **(c) Adaptive Reuse of Existing Buildings and Structures.** In order to allow for
7 greater flexibility in the use of existing buildings and structures within the Riverfront
8 High Density Residential Overlay Zone, the adaptive reuse of buildings and structures
9 existing on *[Insert Effective Date of UDC Ordinance]* is allowed as set forth in this
10 subsection.

11 **(1) Uses.** Any use within the Industrial use classification that is a permitted,
12 special, or conditional use within the Industrial Commercial (IC) zone shall be a
13 permitted, special, or conditional use within an existing building or structure
14 within the Riverfront High Density Residential Overlay Zone.

15 **(2) Development Standards; Design Review.** The exterior of the existing
16 building or structure may be altered, but shall not be enlarged. The exterior
17 alteration shall comply with all applicable standards of the Industrial Commercial
18 (IC) zone. The exterior alteration shall not be subject to the development
19 standards, or the design review guidelines or the design review standards, of this
20 Chapter.

21 **(3) Termination.** Adaptive reuse of an existing building or structure shall
22 terminate as provided in this paragraph. When the adaptive reuse of a building or
23 structure has terminated, the property shall thereafter only be used for uses
24 allowed in the Riverfront High-Density Residential Overlay Zone.

25 **(A)** Change of use to any use that is allowed in the Riverfront High-
26 Density Residential Overlay Zone shall terminate the adaptive reuse of the
27 building or structure.

28 **(B)** Determination by the Building Official that the building or structure is
29 derelict or dangerous, as defined in SRC 50.600 and 56.230, shall
30 terminate the adaptive reuse of the building or structure.

(C) Substantial damage or destruction of the building or structure by any cause, to the extent that the cost of repair or restoration would exceed 60 percent of the building or structure replacement cost using new materials and conforming to the current building codes, shall terminate the adaptive reuse of the building or structure. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. The Building Official’s determination is appealable as provided in SRC 20J.240-20J.430 for contested case proceedings.

616.020. Development Standards. Development within the Riverfront High Density Residential Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Dwelling Unit Density. Dwelling unit density within the Riverfront High Density Residential Overlay Zone shall conform to the standards set forth in Table 616-2.

**TABLE 616-2
DWELLING UNIT DENSITY**

Table 616-2: Dwelling Unit Density			
Use or Activity	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	20 dwelling units per acre	None	

(b) Height. Buildings and accessory structures within the Riverfront High Density Residential Overlay Zone shall conform to the height standards set forth in Table 616-3.

**TABLE 616-3
HEIGHT**

Table 616-3: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 70 ft.	
Accessory Structures		
Accessory to All Uses	Max. 70 ft.	

(c) **Additional Development Standards for Additional Permitted Uses in Table 616-1.** With the exception of parking structures, the additional permitted uses set forth in Table 616-1 shall conform to the following additional development standards:

- (1) **Location.** The uses shall be restricted to the ground floor of a building.
- (2) **Size.** The uses shall not exceed 50 percent of the gross floor area of a project; provided, however, grocery stores and other related food stores shall not contain more than 15,000 square feet of gross floor area per establishment.

616.025. Design Review. Design review under SRC Chapter 225 is required for development within the Riverfront High Density Residential Overlay Zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 616.030 is required for all development within the Riverfront High Density Residential Overlay Zone.
- (b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 616.030.

616.030. Design Review Guidelines and Design Review Standards.

(a) **Building Location, Orientation, and Design.**

(1) **Building Location.**

(A) **Design Review Guidelines.**

- (i) Building setbacks from the street shall be minimized.

(B) **Design Review Standards.**

- (i) **Setback Abutting Street.** Buildings shall have the following setbacks abutting a street:

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(aa) Minimum: 0 feet.

(bb) Maximum: 12 feet.

(ii) **Interior Side Setback.** Buildings shall have no minimum interior side setback.

(2) Building Orientation and Design.

(A) Design Review Guidelines.

(i) The riverfront and Mill Creek, where applicable, shall be incorporated into the proposed development as public amenities.

(ii) Building facades adjacent to the riverfront shall facilitate pedestrian interaction by incorporating pedestrian arcades and plazas.

(iii) Ground floor building facades facing the riverfront shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. (see Figure 616-1)

(iv) Ground floor building facades facing a street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

(v) Upper floors of buildings facing the riverfront shall incorporate decks and balconies. (see Figure 616-1)

(vi) New buildings shall be designed to minimize noise impacts from surrounding industrial uses and streets.

(B) Design Review Standards.

(i) Buildings adjacent to the riverfront shall include at least one primary building entrance facing the Willamette River.

(ii) A primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be

1 provided at the corner of the building where the streets intersect.
2 (see Figure 616-2)

3 **(aa) Alternative Standard for Existing Buildings.**

4 Notwithstanding subsection (a)(2)(B)(ii) of this section,
5 where a building existing on December 1, 1998, has a
6 primary building entrance facing a street, such entrance
7 may be relocated but not eliminated. The relocated
8 entrance must face a street.

9 **(iii)** Ground floor building facades facing the riverfront shall
10 include transparent windows on a minimum of 65 percent of the
11 ground floor facade. The windows shall not be mirrored or treated
12 in such a way as to block visibility into the building. The windows
13 shall have a minimum Visible Transmittance (VT) of 37 percent.

14 **(aa) Alternative Standard for Existing Buildings.**

15 Notwithstanding subsection (a)(2)(B)(iii) of this section,
16 where a building existing on December 1, 1998, does not
17 include transparent windows on a minimum of 65 percent
18 of the ground floor facade facing the riverfront, the
19 percentage of transparent windows existing on the ground
20 floor facade shall not be reduced. Additional windows
21 meeting the transparency requirements of subsection
22 (a)(2)(B)(iii) may be added without meeting the minimum
23 ground floor facade window percentage of 65 percent.

24 **(iv)** Ground floor building facades facing a street shall include
25 transparent windows on a minimum of 65 percent of the ground
26 floor facade. The windows shall not be mirrored or treated in such
27 a way as to block visibility into the building. The windows shall
28 have a minimum Visible Transmittance (VT) of 37 percent.

29 **(aa) Alternative Standard for Existing Buildings.**

30 Notwithstanding subsection (a)(2)(B)(iv) of this section,

1 where a building existing on December 1, 1998, does not
2 include transparent windows on a minimum of 65 percent
3 of the ground floor facade facing a street, the percentage of
4 transparent windows existing on the ground floor facade
5 shall not be reduced. Additional windows meeting the
6 transparency requirements of subsection (a)(2)(B)(iv) may
7 be added without meeting the minimum ground floor
8 facade window percentage of 65 percent.

9 (v) Building offsets and articulation shall be provided for building
10 frontages greater than 100 feet in length in order to create
11 pedestrian scale. Building offsets shall be a minimum of 4 feet in
12 depth and shall be provided at intervals of not more than 40 feet
13 along the building frontage.

14 (vi) Weather protection, in the form of awnings or canopies, shall
15 be provided along a minimum of 50 percent of the length of the
16 ground floor building facade adjacent to a street. Awnings or
17 canopies shall have a minimum clearance height above the
18 sidewalk of 8 feet, and may encroach into the street right-of-way as
19 provided in SRC 76.160.

20 **(aa) Alternative Standard for Existing Buildings.**

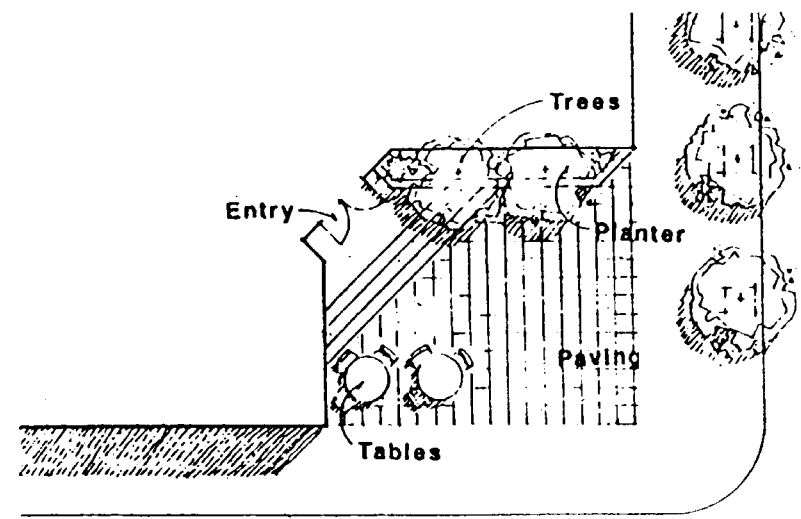
21 Notwithstanding subsection (a)(2)(B)(vi) of this section,
22 where a building existing on December 1, 1998, does not
23 include weather protection, in the form of awnings or
24 canopies, along a minimum of 50 percent of the length of
25 the ground floor facade adjacent to a street, the percentage
26 of weather protection along the ground floor facade shall
27 not be reduced. Additional weather protection meeting the
28 sidewalk clearance requirements in subsection (a)(2)(B)(vi)
29 of this section may be added without meeting the minimum
30 weather protection standard of 50 percent.

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FIGURE 616-1
BUILDING DESIGN ADJACENT TO THE WILLAMETTE RIVERFRONT



FIGURE 616-2
BUILDING CORNER ENTRY



- (b) Open Space.
- (1) Private Open Space
- (A) Design Review Guidelines.

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(i) Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.

(B) Design Review Standards.

(i) A minimum of 48 square feet of private open space shall be provided for each dwelling unit. The private open space shall have no dimension less than 6 feet and shall be directly accessible from the dwelling unit through a doorway.

(c) Site Access.

(1) Vehicle Access.

(A) Design Review Guidelines.

(i) Vehicle access and driveway approaches onto Front Street shall be minimized. Joint use driveways providing access to Front Street are preferred. (see Figure 616-3)

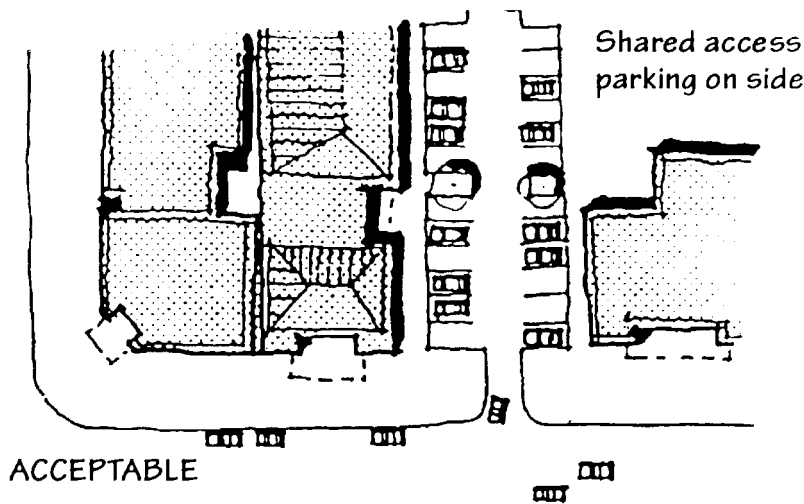
(ii) Public pedestrian access shall be provided between the river and Front Street to create an interconnected pedestrian circulation system.

(B) Design Review Standards.

(i) Public pedestrian access, in the form of a sidewalk, street, or alley, shall be provided between the river and Front Street at least every 400 feet. The public pedestrian access shall not be less than 12 feet in width.

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FIGURE 616-3
VEHICLE ACCESS MINIMIZED THROUGH JOINT USE DRIVEWAYS



(d) Off-Street Parking and Loading.

(1) Off-Street Parking

(A) Design Review Guidelines.

(i) Off-street parking areas shall have a scale, orientation, and location that support a pedestrian-oriented mixed-use residential and commercial district. (see Figure 616-4)

(ii) The amount of land needed to accommodate off-street parking shall be minimized through shared and structured parking where such parking is physically possible.

(B) Design Review Standards.

(i) Off-street surface parking areas shall be located behind or beside buildings and structures. (see Figures 616-4 and 616-5)

(ii) Off-street parking shall not be located within the Willamette Greenway riparian buffer set forth in SRC Chapter 600.

(iii) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:

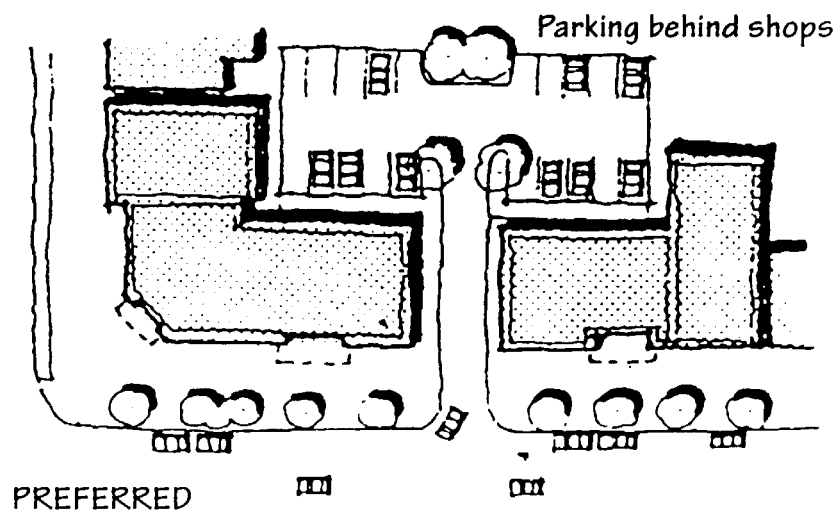
(aa) Where a lot has frontage on two public streets, including a side street, an off-street surface parking area

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may occupy more than 50 percent of the side street frontage.

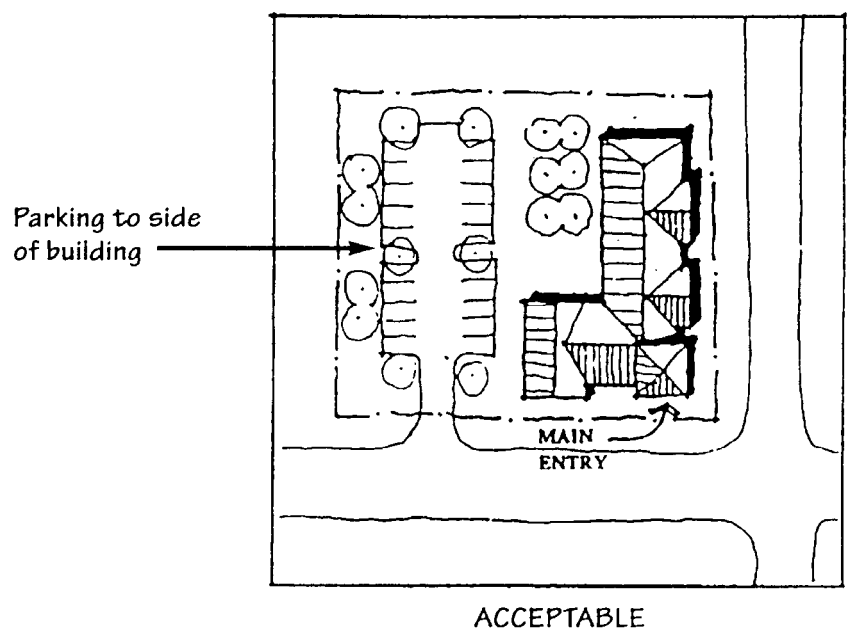
(bb) On lots abutting Front Street, multi-level parking structures may occupy more than 50 percent of the Front Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Front Street frontage.

**FIGURE 616-4
PARKING AREA SUPPORTIVE OF A PEDESTRIAN ORIENTED RETAIL AND
RESIDENTIAL DISTRICT**



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FIGURE 616-5
PARKING LOCATED TO SIDE OF BUILDING



(2) Off-Street Loading

(A) Design Review Guidelines.

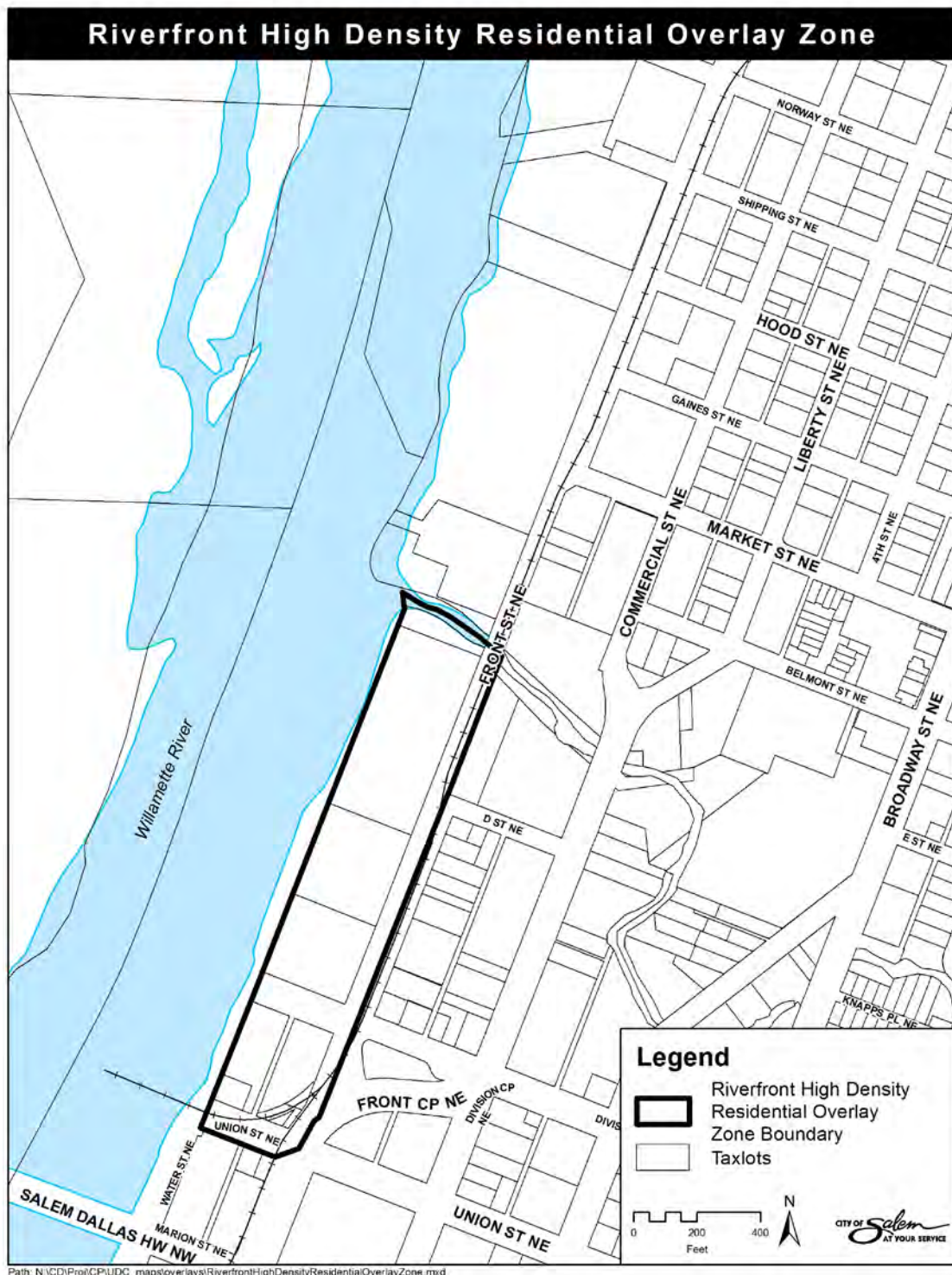
(i) Off-street loading areas shall be located so as to minimize their visibility from the street.

(B) Design Review Standards.

(i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

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FIGURE 616-6
RIVERFRONT HIGH DENSITY RESIDENTIAL OVERLAY ZONE



1 **Section 53.** The following SRC Chapter 617 is added to the Salem Revised Code:

2 **617.001. Purpose.** The purpose of the Riverfront Overlay Zone is to identify allowed uses and
3 to establish development standards to promote a mixed-use residential and commercial district
4 with an emphasis on office development and pedestrian access to and along the Willamette
5 River.

6 **617.005. Definitions.** Unless the context otherwise specifically requires, as used in this
7 Chapter, the following mean:

8 (a) Side street: Any public street that intersects Front Street.

9 **617.010. Riverfront Overlay Zone Boundary.** The boundaries of the Riverfront Overlay Zone
10 are shown in Figure 617-6.

11 **617.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
12 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
13 prohibited use in the Riverfront Overlay Zone.

14 (a) **Continued Uses.** Industrial uses, including but not limited to canned, frozen, and
15 preserved fruits, vegetables, and food specialties, existing within the Riverfront Overlay
16 Zone that were allowed as permitted, special, or conditional uses on December 1, 1998,
17 but which would otherwise be made non-conforming uses by this Chapter, are hereby
18 deemed continued uses. The owner shall have the burden to demonstrate continued use
19 status under this subsection.

20 (1) A continued use may be intensified, and buildings or structures housing a
21 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
22 such intensification, enlargement, rebuilding, or exterior alteration complies with
23 all applicable standards of the Industrial Commercial (IC) zone.

24 (2) A continued use may be extended onto vacant land. The extension of a
25 continued use onto vacant land must comply with all applicable standards for the
26 Industrial Commercial (IC) zone.

27 (3) Change of use to a non-industrial use shall terminate the continued use status
28 conferred by this subsection and the property must thereafter only be used for
29 uses allowed in the Riverfront Overlay Zone.
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1 (4) A determination by the Building Official that the building or structure
2 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
3 56.230, shall terminate the continued use status conferred by this subsection and
4 the property may thereafter only be used for uses allowed in the Riverfront
5 Overlay Zone.

6 (5) Continued uses are exempt from the development standards and the design
7 review guidelines and design review standards of this Chapter. Upon termination
8 of continued use status, the development standards and the design review
9 guidelines and design review standards of this Chapter shall apply.

10 (b) **Additional Permitted Uses.** The uses set forth in Table 617-1 are additional
11 permitted (P) uses in the Riverfront Overlay Zone.

12 **TABLE 617-1**
13 **ADDITIONAL PERMITTED USES**

14 **Table 617-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: <ul style="list-style-type: none">▪ Parking structures.

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19 (c) **Additional Prohibited Uses.** In addition to the uses prohibited in the underlying
20 zone, any permitted, special, or conditional use within the Riverfront Overlay Zone
21 shall be a prohibited use within the overlay zone if developed with the following:

22 (1) Drive-through.

23 (d) **Adaptive Reuse of Existing Industrial Buildings and Structures.** In order to
24 allow for greater flexibility in the use of existing industrial buildings and structures
25 within the Riverfront Overlay Zone, the adaptive reuse of industrial buildings and
26 structures existing on *[Insert Effective Date of UDC Ordinance]* is allowed as set forth
27 in this subsection.

28 (1) **Uses.** Any use within the Industrial use classification that is a permitted,
29 special, or conditional use within the Industrial Commercial (IC) zone shall be a
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1 permitted, special, or conditional use within an existing industrial building or
2 structure within the Riverfront High Density Residential Overlay Zone.

3 **(2) Development Standards; Design Review.** The exterior of the existing
4 industrial building or structure may be altered, but shall not be enlarged. The
5 exterior alteration shall comply with all applicable standards of the Industrial
6 Commercial (IC) zone. The exterior alteration shall not be subject to the
7 development standards, or the design review guidelines or the design review
8 standards, of this Chapter.

9 **(3) Termination.** Adaptive reuse of an existing industrial building or structure
10 shall terminate as provided in this paragraph. When the adaptive reuse of an
11 existing industrial building or structure has terminated, the property shall
12 thereafter only be used for uses allowed in the Riverfront Overlay Zone.

13 (A) Change of use to any use that is allowed in the Riverfront Overlay
14 Zone shall terminate the adaptive reuse of the building or structure.

15 (B) Determination by the Building Official that the building or structure is
16 derelict or dangerous, as defined in SRC 50.600 and 56.230, shall
17 terminate the adaptive reuse of the building or structure.

18 (C) Substantial damage or destruction of the building or structure by any
19 cause, to the extent that the cost of repair or restoration would exceed 60
20 percent of the building or structure replacement cost using new materials
21 and conforming to the current building codes, shall terminate the adaptive
22 reuse of the building or structure. Cost of repair or restoration, and
23 replacement cost, shall be determined by the Building Official. The
24 Building Official's determination is appealable as provided in SRC
25 20J.240-20J.430 for contested case proceedings.

26 **617.020. Development Standards.** Development within the Riverfront Overlay Zone must
27 comply with the development standards applicable in underlying zone and the development
28 standards set forth in this section. The development standards in this section are in addition to,
29 and not in lieu of, all other applicable development standards in the underlying zone. Where the
30 development standards in this section conflict with the development standards applicable in the

underlying zone, the development standards in this section shall be the applicable development standard.

(a) **Dwelling Unit Density.** Dwelling unit density within the Riverfront Overlay Zone shall conform to the standards set forth in Table 617-2.

**TABLE 617-2
DWELLING UNIT DENSITY**

Table 635-2: Dwelling Unit Density			
Use or Activity	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	20 dwelling units per acre	None	

(b) **Height.** Buildings and accessory structures within the Riverfront Overlay Zone shall conform to the height standards set forth in Table 617-3.

**TABLE 617-3
HEIGHT**

Table 617-3: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 70 ft.	
Accessory Structures		
Accessory to All Uses	Max. 70 ft.	

617.025. Design Review. Design review under SRC Chapter 225 is required for development within the Riverfront Overlay Zone as follows:

(a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 617.030 is required for all development within the Riverfront Overlay Zone.

(b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SR 617.030.

617.030. Design Review Guidelines and Design Review Standards.

(a) **Building Location, Orientation, and Design.**

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(1) Building Location.

(A) Design Review Guidelines.

(i) Building setbacks from the street shall be minimized.

(B) Design Review Standards.

(i) **Setback Abutting Street.** Buildings shall have the following setbacks abutting a street:

(aa) Minimum: 0 feet.

(bb) Maximum: 12 feet.

(ii) **Interior Side Setback.** Buildings shall have no minimum interior side setback.

(2) Building Orientation and Design.

(A) Design Review Guidelines.

(i) The riverfront and Mill Creek, where applicable, shall be incorporated into the proposed development as public amenities.

(ii) Building facades adjacent to the riverfront shall facilitate pedestrian interaction by incorporating pedestrian arcades and plazas.

(iii) Ground floor building facades facing the riverfront shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm. (see Figure 617-1)

(iv) Ground floor building facades facing a street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.

(v) Upper floors of buildings facing the riverfront shall incorporate decks and balconies. (see Figure 617-1)

(vi) New buildings shall be designed to minimize noise impacts from surrounding industrial uses and streets.

(B) Design Review Standards.

1 (i) Buildings adjacent to the riverfront shall include at least one
2 primary building entrance facing the Willamette River.

3 (ii) A primary building entrance shall be provided on each building
4 facade facing a street. If a building has frontage on more than one
5 street, a single primary building entrance may be provided at the
6 corner of the building where the streets intersect. (see Figure 617-
7 2)

8 **(aa) Alternative Standard for Existing Buildings.**

9 Notwithstanding subsection (a)(2)(B)(ii) of this section,
10 where a building existing on December 1, 1998, has a
11 primary building entrance facing a street, such entrance
12 may be relocated but not eliminated. The relocated
13 entrance must face a street.

14 (iii) Ground floor building facades facing the riverfront shall
15 include transparent windows on a minimum of 65 percent of the
16 ground floor facade. The windows shall not be mirrored or treated
17 in such a way as to block visibility into the building. The windows
18 shall have a minimum Visible Transmittance (VT) of 37 percent.

19 **(aa) Alternative Standard for Existing Buildings.**

20 Notwithstanding subsection (a)(2)(B)(iii) of this section,
21 where a building existing on December 1, 1998, does not
22 include transparent windows on a minimum of 65 percent
23 of the ground floor facade facing the riverfront, the
24 percentage of transparent windows existing on the ground
25 floor facade shall not be reduced. Additional windows
26 meeting the transparency requirements of subsection
27 (a)(2)(B)(iii) may be added without meeting the minimum
28 ground floor facade window percentage of 65 percent.

29 (iv) Ground floor building facades facing a street shall include
30 transparent windows on a minimum of 65 percent of the ground

1 floor facade. The windows shall not be mirrored or treated in such
2 a way as to block visibility into the building. The windows shall
3 have a minimum Visible Transmittance (VT) of 37 percent.

4 **(aa) Alternative Standard for Existing Buildings.**

5 Notwithstanding subsection (a)(2)(B)(iv) of this section,
6 where a building existing on December 1, 1998, does not
7 include transparent windows on a minimum of 65 percent
8 of the ground floor facade facing a street, the percentage of
9 transparent windows existing on the ground floor facade
10 shall not be reduced. Additional windows meeting the
11 transparency requirements of subsection (a)(2)(B)(iv) may
12 be added without meeting the minimum ground floor
13 facade window percentage of 65 percent.

14 **(v)** Building offsets and articulation shall be provided for building
15 frontages greater than 100 feet in length in order to create
16 pedestrian scale. Building offsets shall be a minimum of 4 feet in
17 depth and shall be provided at intervals of not more than 40 feet
18 along the building frontage.

19 **(vi)** Weather protection, in the form of awnings or canopies, shall
20 be provided along a minimum of 50 percent of the length of the
21 ground floor building facade adjacent to a street. Awnings or
22 canopies shall have a minimum clearance height above the
23 sidewalk of 8 feet, and may encroach into the street right-of-way as
24 provided in SRC 76.160.

25 **(aa) Alternative Standard for Existing Buildings.**

26 Notwithstanding subsection (a)(2)(B)(vi) of this section,
27 where a building existing on December 1, 1998, does not
28 include weather protection, in the form of awnings or
29 canopies, along a minimum of 50 percent of the length of a
30 ground floor facade adjacent to a street, the percentage of

1 weather protection along the ground floor facade shall not
2 be reduced. Additional weather protection meeting the
3 sidewalk clearance requirements in subsection (a)(2)(B)(vi)
4 of this section may be added without meeting the minimum
5 weather protection standard of 50 percent.

6 **FIGURE 617-1**

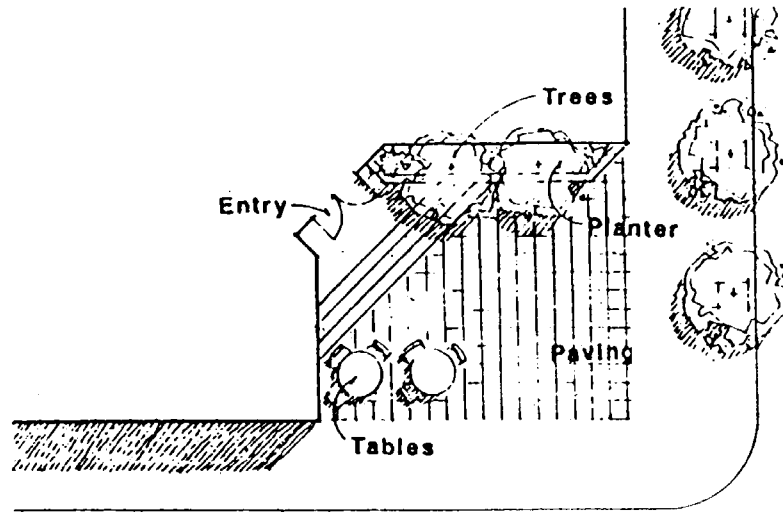
7 **BUILDING DESIGN ADJACENT TO THE WILLAMETTE RIVERFRONT**



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**FIGURE 617-2
BUILDING CORNER ENTRY**



(b) Open Space.

(1) Private Open Space

(A) Design Review Guidelines.

(i) Private open space shall be provided for each dwelling unit that provides a pleasant and private place for the enjoyment of the occupants.

(B) Design Review Standards.

(i) A minimum of 48 square feet of private open space shall be provided for each dwelling unit. The private open space shall have no dimension less than 6 feet and shall be directly accessible from the dwelling unit through a doorway.

(c) Site Access.

(1) Vehicle Access.

(A) Design Review Guidelines.

(i) Vehicle access and driveway approaches onto Front Street shall be minimized. Joint use driveways providing access to Front Street are preferred. (see Figure 617-3)

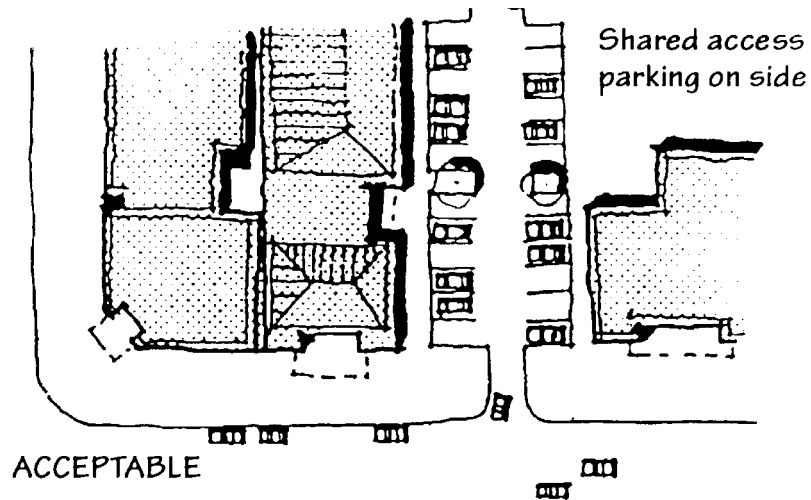
1 (ii) Public pedestrian access shall be provided between the river
2 and Front Street to create an interconnected pedestrian circulation
3 system.

4 **(B) Design Review Standards.**

5 (i) Public pedestrian access, in the form of a sidewalk, street, or
6 alley, shall be provided between the river and Front Street at least
7 every 400 feet. The public pedestrian access shall not be less than
8 12 feet in width.

9 **FIGURE 617-3**

10 **VEHICLE ACCESS MINIMIZED THROUGH JOINT USE DRIVEWAYS**



21 **(d) Off-Street Parking and Loading.**

22 **(1) Off-Street Parking**

23 **(A) Design Review Guidelines.**

24 (i) Off-street parking areas shall have a scale, orientation, and
25 location that support a pedestrian-oriented mixed-use residential
26 and commercial district. (see Figure 617-4)

27 (ii) The amount of land needed to accommodate off-street parking
28 shall be minimized through shared and structured parking where
29 such parking is physically possible.

30 **(B) Design Review Standards.**

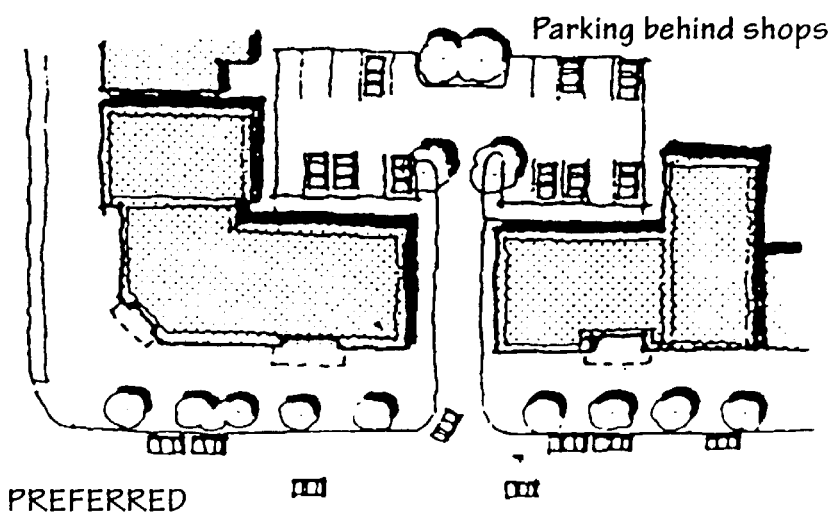
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- (i) Off-street surface parking areas shall be located behind or beside buildings and structures. (see Figures 617-4 and 617-5)
- (ii) Off-street parking shall not be located within the Willamette Greenway riparian buffer set forth in SRC Chapter 600.
- (iii) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that:

- (aa) Where a lot has frontage on two public streets, including a side street, an off-street surface parking area may occupy more than 50 percent of the side street frontage.

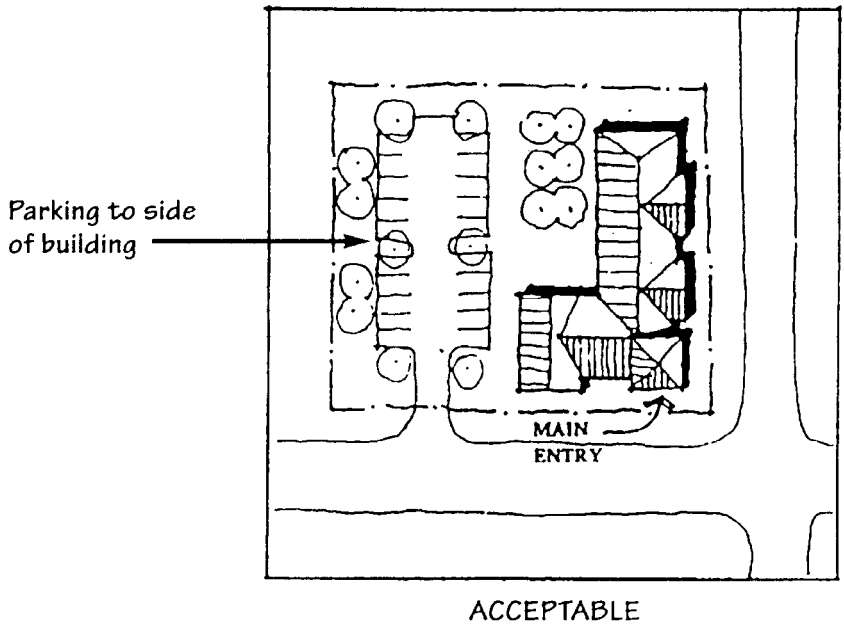
- (bb) On lots abutting Front Street, multi-level parking structures may occupy more than 50 percent of the Front Street frontage, provided the parking structures include space for ground floor commercial uses along their entire Front Street frontage.

**FIGURE 617-4
PARKING AREA SUPPORTIVE OF A PEDESTRIAN ORIENTED RETAIL AND
RESIDENTIAL DISTRICT**



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**FIGURE 617-5
PARKING LOCATED TO SIDE OF BUILDING**



(2) Off-Street Loading

(A) Design Review Guidelines.

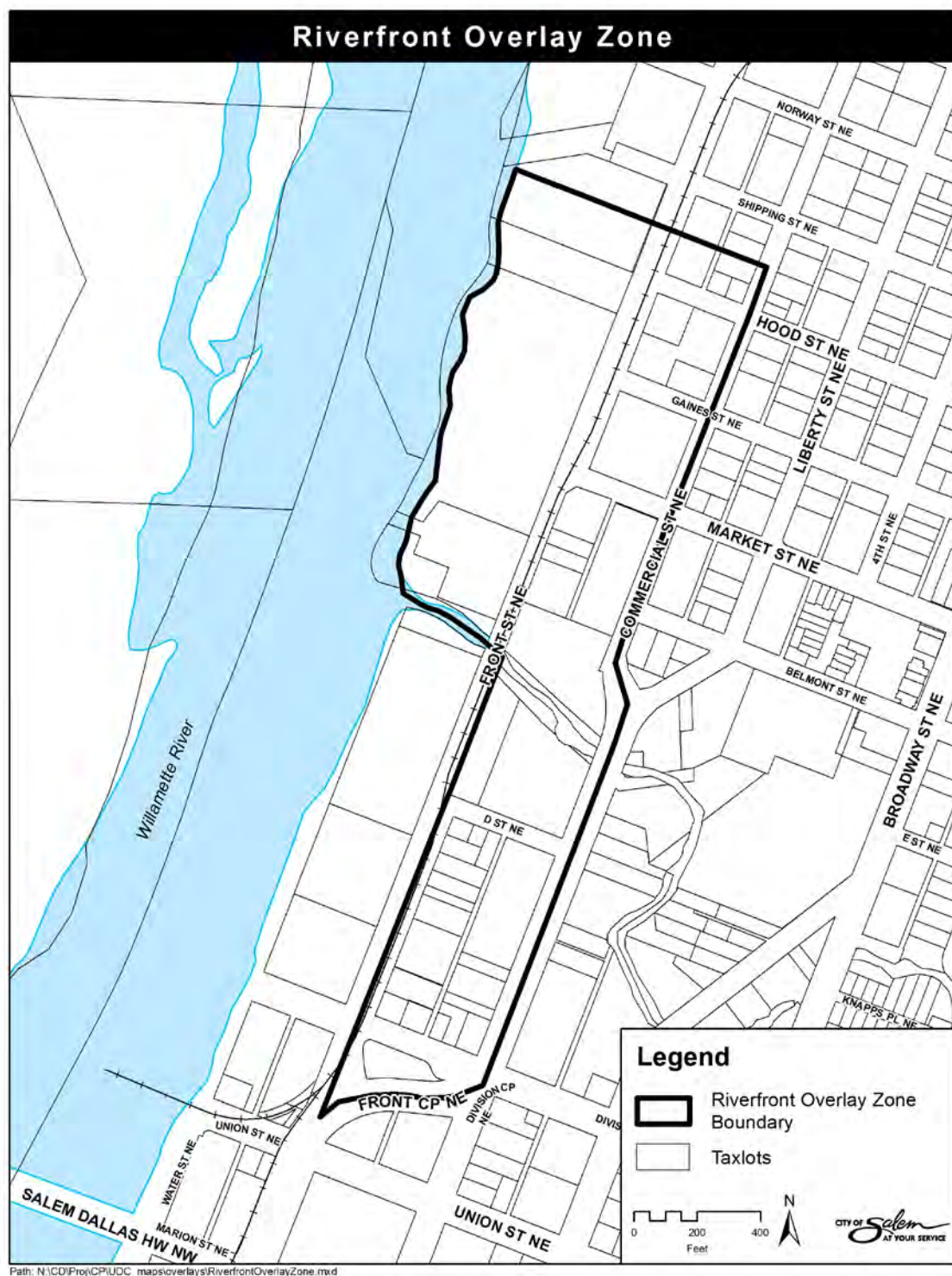
(i) Off-street loading areas shall be located so as to minimize their visibility from the street.

(B) Design Review Standards.

(i) Off-street loading areas shall be located behind or beside buildings and structures. Off-street loading areas shall not be located between a building or structure and a street.

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FIGURE 617-6
RIVERFRONT OVERLAY ZONE



1 **Section 54.** The following SRC Chapter 618 is added to the Salem Revised Code:

2 **618.001. Purpose.** The purpose of the Chemawa/I-5 Northeast Quadrant Gateway Overlay
3 Zone is to identify allowed uses and to establish development standards to provide a gateway to
4 Salem.

5 **618.005. Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone Boundary.** The
6 boundaries of the Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone are shown in Figure
7 618-2.

8 **618.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
9 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
10 prohibited use in the Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone.

11 (a) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying
12 zone, the uses set forth in Table 618-1 are additional prohibited (N) uses in the
13 Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone.

14 **TABLE 618-1**
15 **ADDITIONAL PROHIBITED USES**

16 **Table 618-1: Additional Prohibited Uses**

Use	Status	Limitations & Qualifications
Utilities		
Waste-Related Facilities	N	

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20 **618.015. Development Standards.** Development within the Chemawa/I-5 Northeast Quadrant
21 Gateway Overlay Zone must comply with the development standards applicable in the
22 underlying zone and the development standards set forth in this section. The development
23 standards in this section are in addition to, and not in lieu of, all other applicable development
24 standards in the underlying zone. Where the development standards in this section conflict with
25 the development standards applicable in the underlying zone, the development standards in this
26 section shall be the applicable development standard.

27 (a) **Declaration of Transportation and Public Infrastructure Demands.** If a use is
28 proposed for property, or any portion of a property, within the Chemawa/I-5 Northeast
29 Quadrant Gateway Overlay Zone that is different from that presented in the pre-
30 annexation analysis, the applicant shall provide the following information:

1 (1) A transportation impact analysis demonstrating that development for the
2 entire Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone can be completed
3 without exceeding the design capacity of the Chemawa/I-5 Interchange and the
4 local and regional transportation network; and

5 (2) An analysis demonstrating that development for the entire Chemawa/I-5
6 Northeast Quadrant Gateway Overlay Zone can be completed without exceeding
7 the water and sewer allocations in the Water System Master Plan and the Salem
8 Area Wastewater Management Master Plan.

9 (b) **Overlay Zone Boundary Setbacks.** Setbacks from the boundary of the
10 Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone shall be provided as set forth
11 in this subsection.

12 (1) A minimum 20-foot setback shall be provided from the boundary of the
13 Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone. For purposes of
14 establishing standards for designated areas within the minimum required overlay
15 zone boundary setback, the following overlay zone boundary setback areas are
16 established:

17 (A) **Area A.** Area A, as set forth in Figure 618-1, includes 1,600 feet of
18 frontage along Interstate-5 and 300 feet frontage along the north overlay
19 zone boundary.

20 (B) **Area B.** Area B, as set forth in Figure 618-1, includes 300 feet of
21 frontage along the north overlay zone boundary and 900 feet of frontage
22 along the railroad.

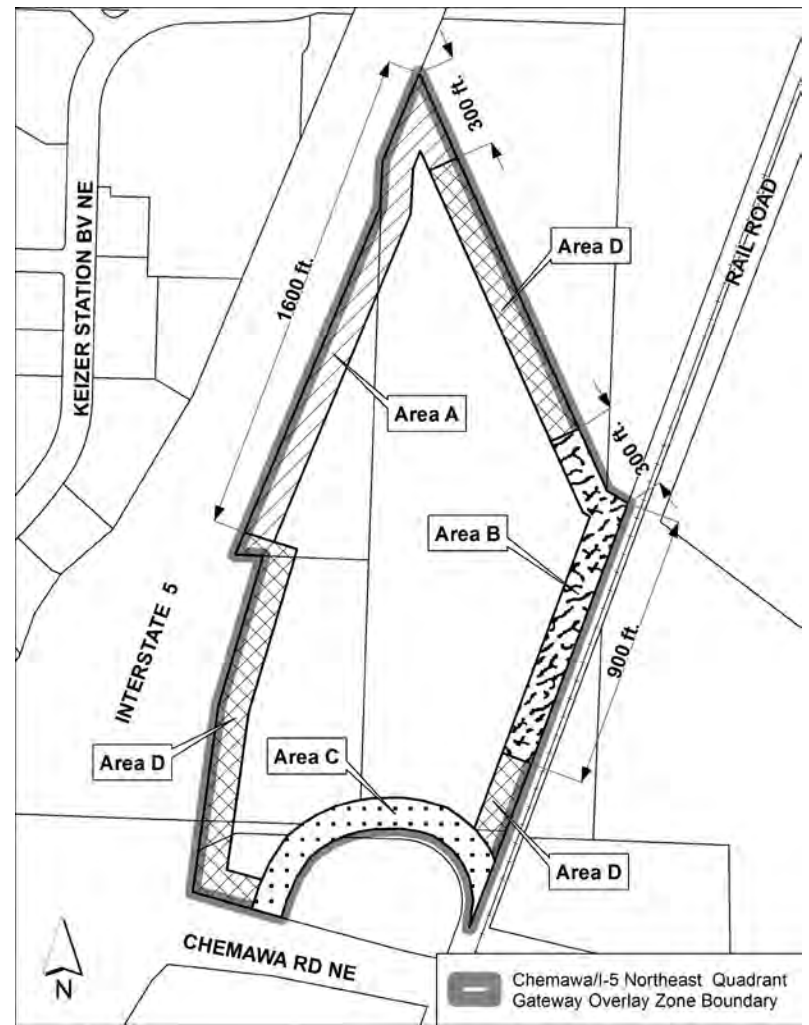
23 (C) **Area C.** Area C, as set forth in Figure 618-1, includes the road
24 frontage connecting Indian School Road NE and Chemawa Road NE.

25 (D) **Area D.** Area D, as set forth in Figure 618-1, includes those overlay
26 zone boundary setback areas not included within Areas A, B, or C.

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FIGURE 618-1
OVERLAY ZONE BOUNDARY SETBACK AREAS



(2) In addition to the minimum overlay zone boundary setback set forth in subsection (1) of this section, structures greater than 20 feet in height shall be set back from the minimum overlay zone boundary setback a minimum of one foot for each one foot of height greater than 20 feet.

(3) No structures, signs, vehicle use areas, or outdoor storage areas are allowed within the minimum overlay zone boundary setback; provided, however, parking areas may encroach not more than 10 feet into overlay zone boundary setback Area C (see Figure 618-1).

(4) Recreational equipment, furniture, sidewalks, and pedestrian connections are

1 allowed within the overlay zone boundary setback.

2 (5) Sight-obscuring fences, walls, hedges, or berms are not allowed within the
3 overlay zone boundary setback; provided, however, landscaped berms not more
4 than 4 feet in height are allowed within the overlay zone boundary setback.

5 (6) Non-sight-obscuring fences not more than 8 feet in height are allowed within
6 the overlay zone boundary setback. Such fences shall be integrated into the
7 landscaping so as to minimize the visual impact of the fence.

8 (c) **Open Space.** A minimum of 20 percent of the gross area of each lot, or the
9 Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone as a whole if developed as a
10 single project, shall be designated as open space. Required setbacks and other required
11 landscaped areas may be counted towards meeting the minimum open space
12 requirement.

13 (d) **Landscaping.** Landscaping shall conform to the standards set forth in SRC
14 Chapter 807, together with the standards set forth in this subsection.

15 (1) **Overlay Zone Boundary Setback Landscaping.** The overlay zone
16 boundary setback, excluding any portion of which is located within designated
17 wetlands, shall be landscaped with a mixture of trees, shrubs, hedges, turf, and
18 vegetative ground cover in conformance with the standards set forth in this
19 paragraph.

20 (A) Landscaping within the overlay zone boundary setback shall conform
21 to the plant unit (PU) densities set forth in Table 618-2.

22 **TABLE 618-2**

23 **OVERLAY ZONE BOUNDARY SETBACK LANDSCAPING**

24 **Table 618-2: Overlay Zone Boundary Setback Landscaping**

Overlay Zone Boundary Setback Area	Required Plant Units (PU)
Area A	Min. 1 PU per 14 sq. ft. of overlay zone boundary setback area.
Area B	Min. 1 PU per 16 sq. ft. of overlay zone boundary setback area.
Area C	Min. 1 PU per 14 sq. ft. of overlay zone boundary setback area; plus 1 street tree every 50 ft. along the street frontage.
Area D	Min. 1 PU per 25 sq. ft. of overlay zone boundary setback area.

29 (B) Plant units may be distributed or clustered within the overlay zone
30

1 boundary setback. If clustering of plant units is used to create visual
2 corridors within the overlay zone boundary setback, the visual corridors
3 shall be no wider than 150 feet. For purposes of this subparagraph,
4 “visual corridor” means an area with no landscaping, or landscaping with
5 a plant unit density of less than one plant unit per 49 square feet, that is
6 located between landscaped areas each consisting of at least 20 plant units
7 and a least one shade tree or two conifer trees.

8 (C) Within 15 years of planting, all new trees shall provide canopy
9 coverage to at least 35 percent of the overly zone boundary setback area.

10 **(2) Landscaping Abutting Non-Articulated Building Facades.** Where a
11 building facade exceeds 70 feet in length without openings or articulation, vertical
12 landscaping shall be provided in conformance with the standards set forth in this
13 paragraph to lessen the visual bulk of the building facade. For purposes of this
14 paragraph, “openings” do not include windows or doorways; and “articulation”
15 means a minimum 2-foot deep vertical or horizontal offset within the building
16 facade.

17 (A) Vertical landscaping shall be provided in the minimum amount of 10
18 plant units for every 70 linear feet of non-articulated building facade.

19 (B) A minimum of 75 percent of the vertical landscaping shall consist of
20 shade, conifer, evergreen, or ornamental trees.

21 (C) Vertical landscaping shall be located abutting, and centered within,
22 the non-articulated portion of the building facade.

23 **(3) Off-Street Parking Area Landscaping.** A minimum of 10 percent of the
24 interior of each parking area shall be landscaped. The landscaping shall be
25 distributed throughout the parking area within landscape islands in conformance
26 with the standards set forth in this paragraph.

27 (A) Landscape islands shall have a minimum planting area of 25 square
28 feet, and shall have no dimension less than 5 feet.

29 (B) Shade trees shall be distributed throughout the parking area so that no
30 parking space is more than 35 feet from the trunk of a shade tree.

1 (C) Turf, vegetative ground cover, or decorative bricks must completely
2 cover the remaining area of any landscape island not covered by shrubs.

3 (D) Landscape islands shall be protected from vehicular damage by a
4 minimum 6-inch-high curb.

5 **(4) Open Space Landscaping.**

6 (A) Designated open space, excluding any portions of which are located
7 within designated wetlands, where living vegetation has been removed or
8 damaged, or where earth has been disturbed by the development process,
9 shall be landscaped with a mixture of trees, shrubs, hedges, turf, and
10 vegetative ground cover.

11 (B) No single tree species shall comprise more than 34 percent of new
12 trees planted.

13 **(5) Off-Street Loading Area Screening.** All loading spaces, docks, doors, and
14 bays shall be screened from the overlay zone boundary setback and adjacent
15 property by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm.

16 **(e) Outdoor Storage.** Outdoor storage areas shall comply with the following:

17 (1) Outdoor storage areas shall not be located within 20 feet of overlay zone
18 boundary setback Areas A, B, or C.

19 (2) Outdoor storage areas larger than one acre in size shall include a minimum of
20 6 permanent interior landscape islands, plus one additional permanent interior
21 landscape island for each one-half acre of outdoor storage area size over one acre.

22 The permanent interior landscape islands shall:

23 (A) Have a minimum planting area of 25 square feet, with no dimension
24 less than 5 feet;

25 (B) Be planted with a minimum of 15 plant units; and

26 (C) Be protected from vehicular damage by a minimum 6-inch-high curb
27 or barrier.

28 (3) Vehicle access and maneuvering areas within outdoor storage areas shall be
29 dust free.

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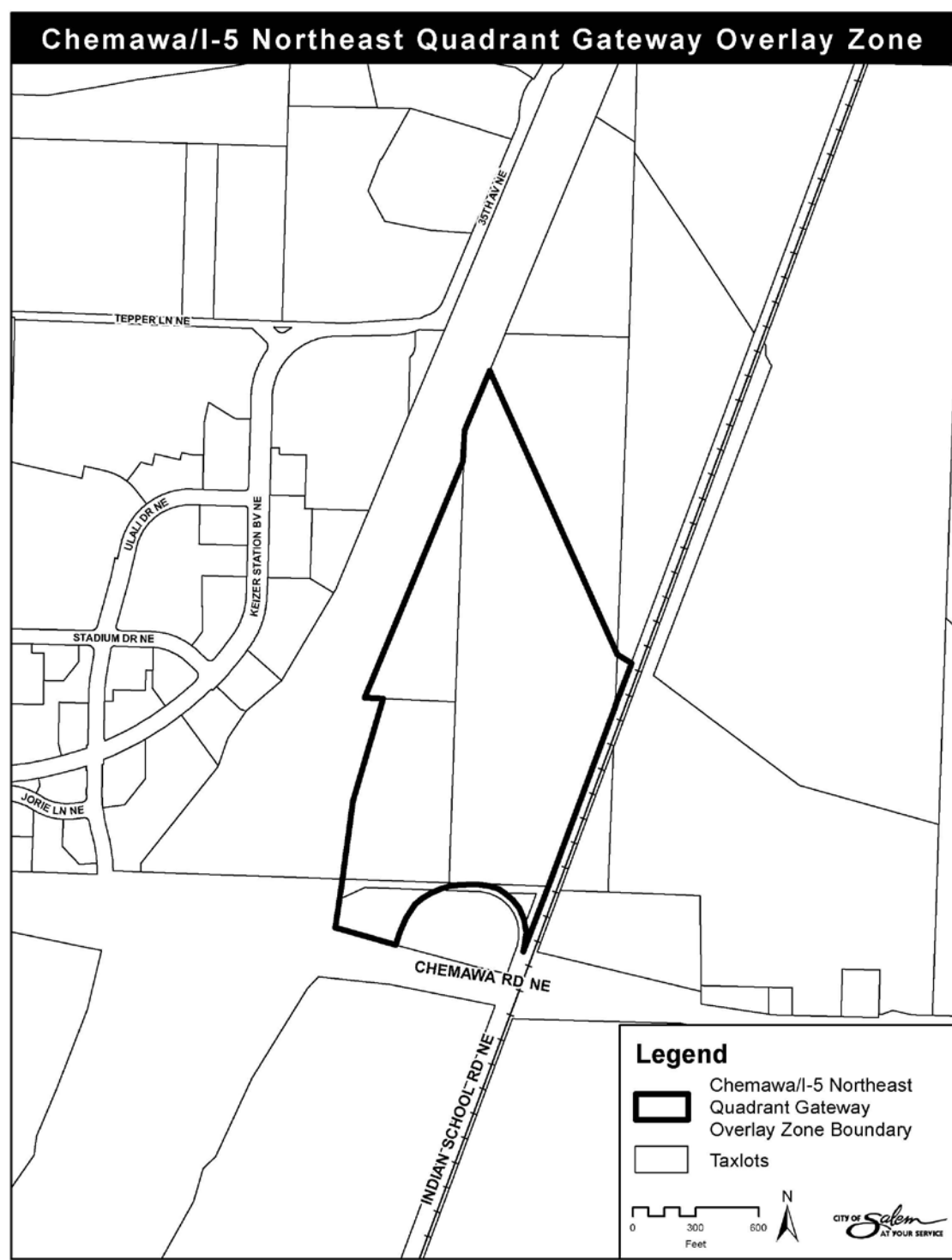
(f) Transportation.

- (1) An internal pedestrian network shall be provided within the Chemawa/I-5 Northeast Quadrant Gateway Overlay zone that:
 - (A) Provides connectivity between primary buildings, parking areas, and designated open space; and
 - (B) Provides connectivity to transit on Chemawa Road NE and to Indian School Road NE.
- (2) Development of a transit stop on Chemawa Road NE shall be addressed in the transportation impact analysis for development.
- (3) The internal transportation network of the Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone shall encourage and accommodate freight movement by truck and rail.

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FIGURE 618-2

CHEMAWA I-5 NORTHEAST QUADRANT GATEWAY OVERLAY ZONE



Section 55. The following SRC Chapter 619 is added to the Salem Revised Code:

619.001. Purpose. The purpose of the Mixed Use Overlay Zone is to implement the mixed-use land use concepts in the Salem Area Comprehensive Plan by providing residential uses along with commercial, office, and neighborhood service uses.

619.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter, the following mean:

(a) Mixed-use development: A combination of residential and non-residential uses within a single building, or within separate buildings on the same lot or contiguous lots.

619.010. Mixed-Use Overlay Zone Boundary. The boundaries of the Mixed-Use Overlay Zone are shown in Figure 619-1.

619.015. Uses. Except as otherwise provided in this section, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Mixed-Use Overlay Zone.

(a) **Additional Permitted Uses.** The uses set forth in Table 619-1 are additional permitted (P) uses in the Mixed-Use Overlay Zone.

**TABLE 619-1
ADDITIONAL PERMITTED USES**

Table 619-1: Additional Permitted Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Only the following Single Family activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Townhouse. ▪ Residential Home, as defined under ORS 197.660.
Two Family	P	Only the following Two Family activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Duplex.
Multiple Family	P	
Group Living		
Room and Board	P	Only the following Room and Board activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Room and Board serving 5 or fewer persons.
Recreation, Entertainment, and Cultural Services and Facilities		
Recreation and Cultural Community Services	P	
Parks and Open Space	P	
Public Safety		
Emergency Services	P	Only the following Emergency Services activities are allowed as additional permitted uses:

Table 619-1: Additional Permitted Uses

Use	Status	Limitations & Qualifications
		▪ Fire Stations.

619.020. Development Standards. Development within the Mixed-Use Overlay Zone must comply with the development standards applicable in underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Dwelling Unit Density. Dwelling unit density within the Mixed-Use Overlay Zone shall conform to the standards set forth in Table 619-2.

**TABLE 619-2
DWELLING UNIT DENSITY**

Table 619-2: Dwelling Unit Density

Use or Activity	Standard	Limitations & Qualifications
Single Family, Two Family, and Multiple Family	Min. 12 dwelling units per acre	
	None	Applicable to mixed-use buildings.

(b) Height. Buildings and accessory structures within the Mixed-Use Overlay Zone shall conform to the height standards set forth in Table 619-3.

**TABLE 619-3
HEIGHT**

Table 619-3: Height

Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings and Accessory Structures		
All Uses	Max. 75 ft.	Applicable when developed as part of a mixed-use development.
Accessory Structures		
Accessory to All Uses	Max. 75 ft.	Applicable when developed as part of a mixed-use development.

1 (c) **Off-Street Parking.** Off-street parking for dwelling units within the Mixed-Use
2 Overlay Zone shall be as follows:

3 (1) **Minimum Off-Street Parking.** The minimum off-street parking requirement
4 for dwelling units within the Mixed-Use Overlay Zone shall be 1 space per
5 dwelling unit.

6 (2) **Maximum Off-Street Parking.** The maximum off-street parking
7 requirement for dwelling units within the Mixed-use Overlay Zone shall be 2.5
8 spaces per dwelling unit.

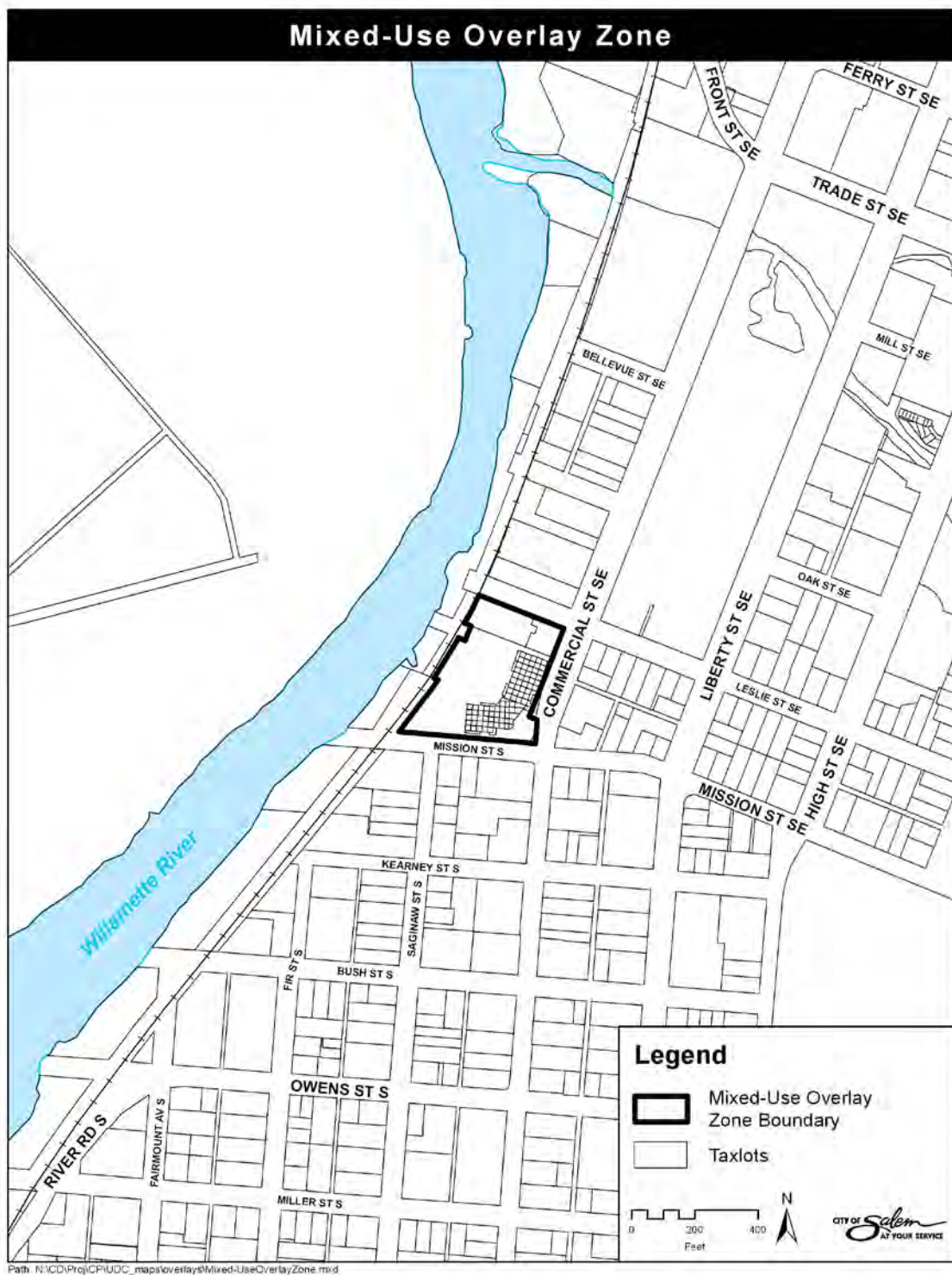
9 **619.025. Design Review.** Design review under SRC Chapter 225 is required for development
10 within the Mixed-Use Overlay Zone as follows:

11 (a) Multiple family development, other than multiple family development within a
12 mixed-use building, shall be subject to design review according to the multiple family
13 design review guidelines or the multiple family design review standards set forth in
14 SRC Chapter 702.

15 (b) Multiple family development within a mixed-use building shall not be subject to
16 design review according to the multiple family design review guidelines or the multiple
17 family design review standards set forth in SRC Chapter 702.

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FIGURE 619-1
MIXED-USE OVERLAY ZONE



1 **Section 56.** The following SRC Chapter 620 is added to the Salem Revised Code:

2 **620.001. Purpose.** The purpose of the Salem Hospital Overlay Zone is to allow Medical
3 Centers/Hospitals to exceed the maximum height limit of the underlying zone.

4 **620.005. Salem Hospital Overlay Zone Boundary.** The boundaries of the Salem Hospital
5 Overlay Zone are shown in Figure 620-1.

6 **620.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
7 underlying zone is a permitted, special, conditional, or prohibited use in the Salem Hospital
8 Overlay Zone.

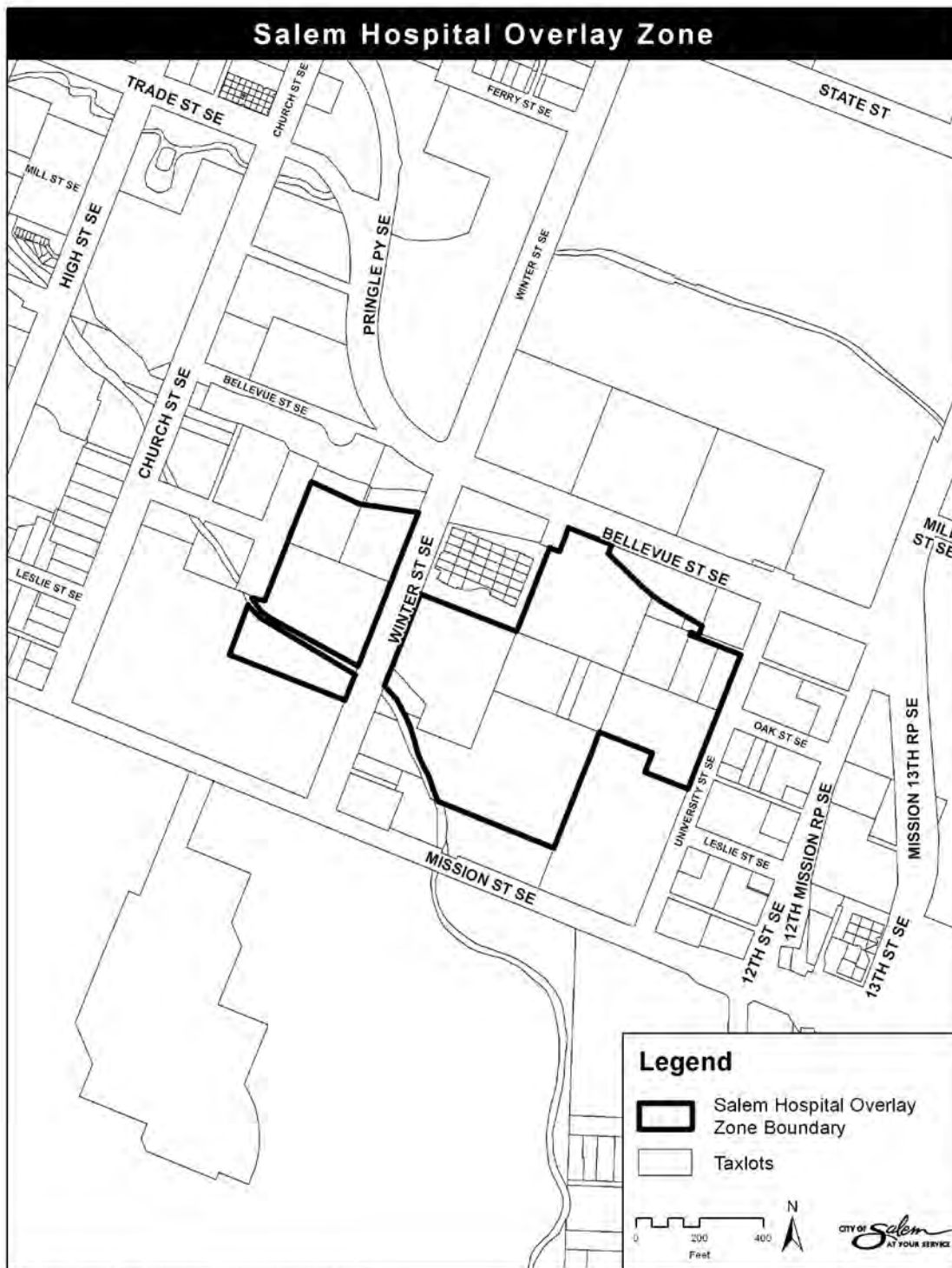
9 **620.015. Development Standards.** Development within the Salem Hospital Overlay Zone
10 must comply with the development standards applicable in underlying zone and the development
11 standards set forth in this section. The development standards in this section are in addition to,
12 and not in lieu of, all other applicable development standards in the underlying zone. Where the
13 development standards in this section conflict with the development standards applicable in the
14 underlying zone, the development standards in this section shall be the applicable development
15 standard.

16 (a) **Height.** Unless located within the Airport Overlay Zone, Medical
17 Centers/Hospitals in the Salem Hospital Overlay Zone shall not exceed 120 feet in
18 height. Medical Centers/Hospitals located within the Airport Overlay Zone shall not
19 exceed the height limits set forth in SRC Chapter 602.

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FIGURE 620-1
SALEM HOSPITAL OVERLAY ZONE



1 **Section 57.** The following SRC Chapter 621 is added to the Salem Revised Code:

2 **621.001. Purpose.** The purpose of the Superior/Rural Overlay Zone is to establish development
3 standards that minimize the impacts of non-residential development on existing residential uses.

4 **621.005. Superior/Rural Overlay Zone Boundary.** The boundaries of the Superior/Rural
5 Overlay Zone are shown in Figure 621-1.

6 **621.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
7 underlying zone is a permitted, special, conditional, or prohibited use in the Superior/Rural
8 Overlay Zone.

9 **621.015. Development Standards.** Change of use or development within the Superior/Rural
10 Overlay Zone must comply with the development standards applicable in the underlying zone
11 and the development standards set forth in this section. The development standards in this
12 section are in addition to, and not in lieu of, all other applicable development standards in the
13 underlying zone. Where the development standards in this section conflict with the development
14 standards applicable in the underlying zone, the development standards in this section shall be
15 the applicable development standard.

16 (a) **Setbacks.** Setbacks within the Superior/Rural Overlay Zone shall be provided as
17 set forth in Table 621-1.

18 **TABLE 621-1**
19 **SETBACKS**

20

Table 621-1: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Uses other than Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.; provided, however, not more than 20 ft. is required.	
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.; provided, however, not more than 20 ft. is required.	
Vehicle Use Areas		

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Table 621-1: Setbacks		
Requirement	Standard	Limitations & Qualifications
Uses other than Single Family and Two Family	Min. 12 ft.	
ABUTTING ALLEY		
Buildings		
Uses other than Single Family and Two Family	Min. 38 ft.	
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Min. 38 ft.	
Vehicle Use Areas		
Uses other than Single Family and Two Family	Min. 10 ft.	

(b) **Height.** Buildings and accessory structures within the Superior/Rural Overlay Zone shall conform to the height standards set forth in Table 621-2.

**TABLE 621-2
HEIGHT**

Table 621-2: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
Uses other than Single Family and Two Family	Max. 35 ft.	
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Max. 35 ft.	

(c) **Landscaping.** Landscaping shall be provided for uses other than Single Family and Two Family as set forth in this subsection.

(1) **Generally.** All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC Chapter 807.

(2) **Landscaping Abutting Alley.**

(A) A minimum 10-foot-wide landscape strip shall be provided abutting the alley.

(B) Plant materials within the 10-foot-wide landscape strip shall conform to the plant unit (PU) values set forth in Table 621-3, and the number of

1 required plant units set forth in Table 621-4.

2 (C) The required plant units within the 10-foot-wide landscape strip shall
3 be distributed at a density of not less than 3 plant units per each 20 linear
4 feet of boundary or lot line.

5 (D) Landscaping shall conform to the vision clearance requirements set
6 forth in SRC Chapter 805.

7 **TABLE 621-3**
8 **PLANT UNIT VALUES**

9 **Table 621-3: Plant Unit Values**

Plant Material	Plant Unit (PU) Value
1 Canopy Tree	1 PU
1 Understory Tree	1 PU
1 Evergreen /Conifer Tree	1 PU
1 Shrub	1 PU

16 **TABLE 621-4**
17 **REQUIRED PLANT UNITS**

18 **Table 621-4: Required Plant Units**

Plant Material	Required Plant Units (PU)
Canopy Trees	Min. 2 PU per 100 linear feet of boundary or lot line.
Understory Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Evergreen /Conifer Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Shrubs	Min. 9 PU per 100 linear feet of boundary or lot line.

25 **(d) Screening.** Screening shall be provided for uses other than Single Family and
26 Two Family as set forth in this subsection.

27 **(1) Screening Abutting Alley.** A 4-foot high sight-obscuring fence, wall, or
28 berm shall be provided abutting the alley. The sight-obscuring fence, wall, or
29 berm shall stop 25 feet from either end of the alley. Screening shall conform to
30 the vision clearance requirements set forth in SRC Chapter 805.

1 **(2) Parking and Loading Areas.** Parking and loading areas shall be screened
2 from adjacent residential uses and from abutting streets by a sight-obscuring
3 fence, wall, or berm. Screening shall conform to the vision clearance
4 requirements set forth in SRC Chapter 805.

5 **(e) Access.** Access to properties within the Superior/Rural Overlay Zone shall be
6 limited as follows:

7 **(1)** Not more than 3 permanent driveway approaches may be provided onto
8 Commercial Street SE. The specific locations of the driveway approaches shall
9 be approved by the Director as properties develop.

10 **(2)** Not more than one permanent driveway approach may be provided onto
11 Superior Street SE, and not more than one permanent driveway approach may be
12 provided onto Rural Street SE. The driveway approaches shall be located no
13 closer than 100 feet west of Commercial Street SE.

14 **(3)** Driveways serving uses other than Single Family and Two Family shall not
15 be allowed onto the alley between Rural Street SE and Superior Street SE.

16 **(4)** If lots are developed individually, temporary access from Commercial Street
17 SE to the individually developed lots may be provided until the permanent
18 driveway approaches allowed under paragraphs (1) and (2) of this subsection are
19 developed.

20 **(5)** As development or change of use of property occurs, reciprocal and
21 irrevocable easements for access shall be provided by the appropriate property
22 owners to accommodate joint access from each property to a public street. The
23 easements shall be recorded with the County.

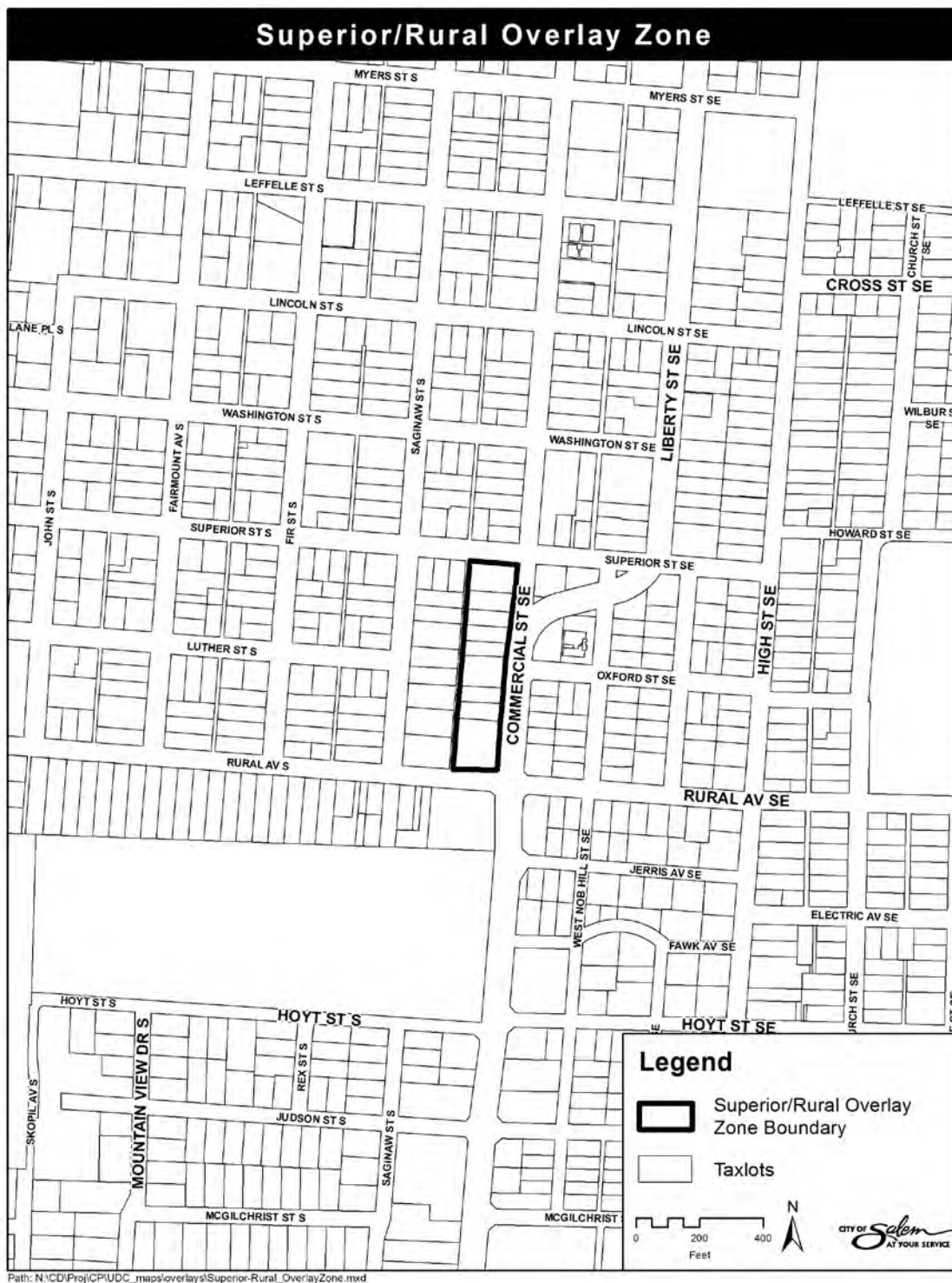
24 **(f) Trees.** Trees with a dbh of 10 inches or greater shall be preserved wherever
25 possible.

26 **(g) Existing buildings.** Existing residential buildings shall be maintained wherever
27 possible and, if converted to non-residential use, shall maintain their residential
28 character.

29 **(h) Location of Off-Street Parking.** Off-street parking serving uses within the
30 overlay zone shall not be located outside of the overlay zone.

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FIGURE 621-1
SUPERIOR/RURAL OVERLAY ZONE



1 **Section 58.** The following SRC Chapter 622 is added to the Salem Revised Code:

2 **622.001. Purpose.** The purpose of the Oxford/West Nob Hill Overlay Zone is to establish
3 development standards that minimize the impacts of non-residential development on existing
4 residential uses.

5 **622.005. Oxford/West Nob Hill Overlay Zone Boundary.** The boundaries of the
6 Oxford/West Nob Hill Overlay Zone are shown in Figure 622-1.

7 **622.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
8 underlying zone is a permitted, special, conditional, or prohibited use in the Oxford/West Nob
9 Hill Overlay Zone.

10 **622.015. Development Standards.** Change of use or development within the Oxford/West Nob
11 Hill Overlay Zone must comply with the development standards applicable in the underlying
12 zone and the development standards set forth in this section. The development standards in this
13 section are in addition to, and not in lieu of, all other applicable development standards in the
14 underlying zone. Where the development standards in this section conflict with the development
15 standards applicable in the underlying zone, the development standards in this section shall be
16 the applicable development standard.

17 (a) **Setbacks.** Setbacks within the Oxford/West Nob Hill Overlay Zone shall be
18 provided as set forth in Table 622-1.

19 **TABLE 622-1**
20 **SETBACKS**

21 **Table 622-1: Setbacks**

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Uses other than Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over 12 ft.; provided, however, not more than 20 ft. is required.	Applicable abutting Commercial Street SE, Liberty Street SE, and Oxford Street SE.
	Min. 20 ft.	Applicable abutting West Nob Hill Street SE.
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Min. 12 ft., plus one foot for each one-foot of height over	Applicable abutting Commercial Street SE, Liberty Street SE, and Oxford Street SE.

Table 622-1: Setbacks		
Requirement	Standard	Limitations & Qualifications
	12 ft.; provided, however, not more than 20 ft. is required.	
	Min. 20 ft.	Applicable abutting West Nob Hill Street SE.
Vehicle Use Areas		
Uses other than Single Family and Two Family	Min. 12 ft.	

(b) **Height.** Buildings and accessory structures within the Oxford/West Nob Hill Overlay Zone shall conform to the height standards set forth in Table 622-2.

**TABLE 622-2
HEIGHT**

Table 622-2: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
Uses other than Single Family and Two Family	Max. 35 ft.	
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Max. 35 ft.	

(c) **Landscaping.** Landscaping shall be provided for uses other than Single Family and Two Family as set forth in this subsection.

(1) **Generally.** All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC Chapter 807.

(2) **Landscaping Abutting West Nob Hill Street.**

(A) A continuous minimum 12-foot-wide landscape strip shall be provided abutting West Nob Hill Street SE. Sidewalks running perpendicular to the street and utility structures may be located within the 12-foot-wide landscape strip.

(B) Plant materials within the 12-foot-wide landscape strip shall conform to the plant unit (PU) values set forth in Table 622-3, and the number of

1 required plant units set forth in Table 622-4.

2 (C) The required plant units within the 12-foot-wide landscape strip shall
3 be distributed at a density of not less than 3 plant units per each 20 linear
4 feet of boundary or lot line.

5 (D) Landscaping shall conform to the vision clearance requirements set
6 forth in SRC Chapter 805.

7 **TABLE 622-3**
8 **PLANT UNIT VALUES**

9 **Table 622-3: Plant Unit Values**

Plant Material	Plant Unit (PU) Value
1 Canopy Tree	1 PU
1 Understory Tree	1 PU
1 Evergreen /Conifer Tree	1 PU
1 Shrub	1 PU

16 **TABLE 622-4**
17 **REQUIRED PLANT UNITS**

18 **Table 622-4: Required Plant Units**

Plant Material	Required Plant Units (PU)
Canopy Trees	Min. 2 PU per 100 linear feet of boundary or lot line.
Understory Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Evergreen /Conifer Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Shrubs	Min. 9 PU per 100 linear feet of boundary or lot line.

25 **(d) Screening.**

26 **(1) Screening Abutting West Nob Hill Street.** A 4-foot high sight-obscuring
27 fence, wall, or berm shall be provided abutting West Nob Hill Street SE as
28 follows:

29 **(A)** The sight-obscuring fence or wall shall be setback 12 feet from West
30 Nob Hill Street.

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(B) The sight-obscuring berm shall be located within the landscape strip required under subsection (c) of this section.

(C) The sight-obscuring fence, wall, or berm shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(2) Parking and Loading Areas. Parking and loading areas shall be screened from adjacent residential uses by a 4-foot high sight-obscuring fence, wall, or hedge. Screening shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(e) Access. Access to properties within the Oxford/West Nob Hill Overlay Zone shall be limited as follows:

(1) Not more than one driveway approach may be provided onto West Nob Hill Street SE.

(2) Not more than one driveway approach may be provided onto Oxford Street SE.

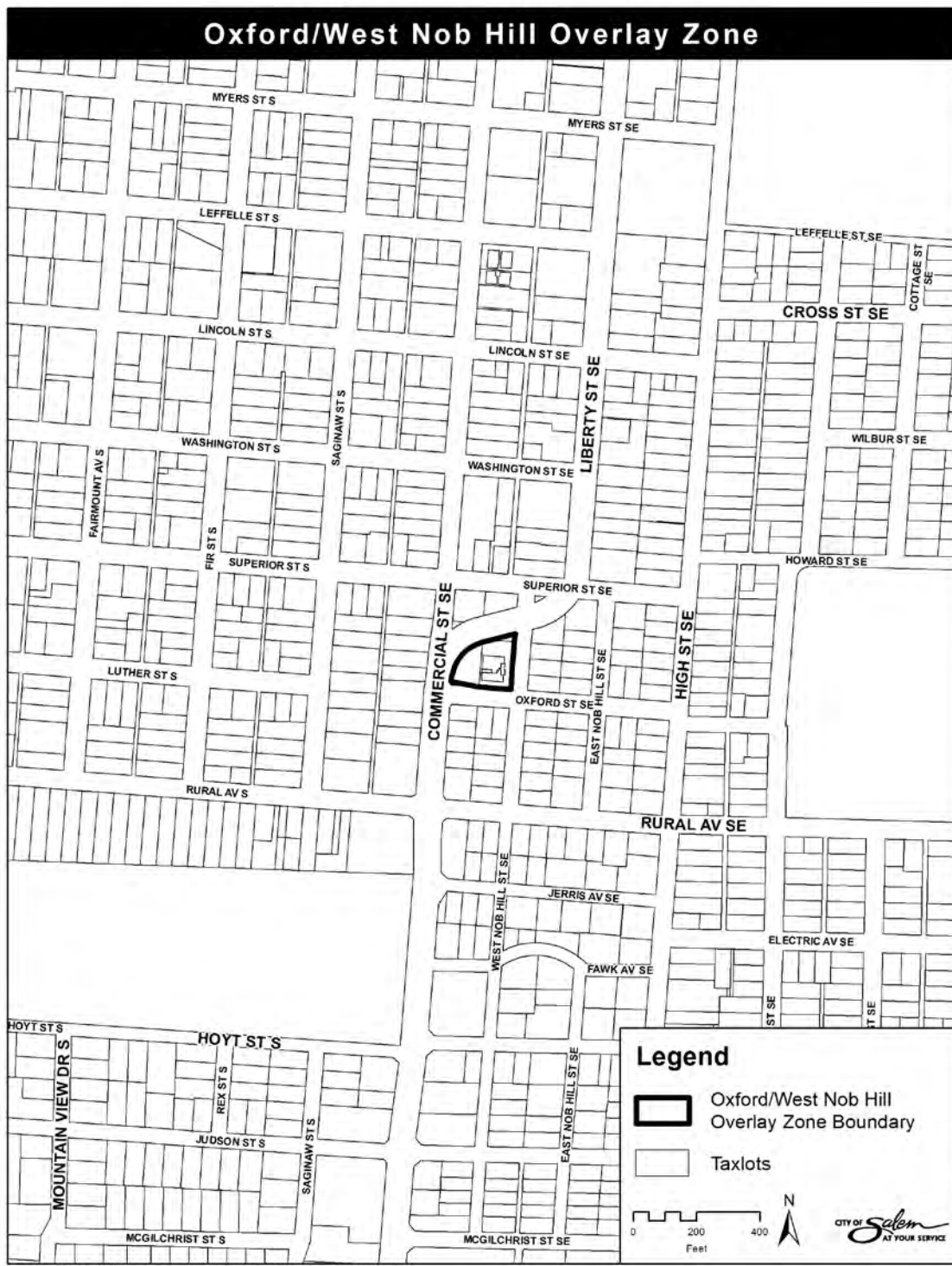
(3) Driveway approaches shall not be allowed onto Commercial Street SE.

(f) Trees. Trees with a dbh of 10 inches or greater shall be preserved wherever possible.

(g) Location of Off-Street Parking. Off-street parking serving uses within the overlay zone shall not be located outside of the overlay zone.

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FIGURE 622-1
OXFORD/WEST NOB HILL OVERLAY ZONE



1 **Section 59.** The following SRC Chapter 623 is added to the Salem Revised Code:

2 **623.001. Purpose.** The purpose of the Oxford/Hoyt Overlay Zone is to establish development
3 standards that minimize the impacts of non-residential development on existing residential uses.

4 **623.005. Oxford/Hoyt Overlay Zone Boundary.** The boundaries of the Oxford/Hoyt Overlay
5 Zone are shown in Figure 623-1.

6 **623.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
7 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
8 prohibited use in the Oxford/Hoyt Overlay Zone.

9 (a) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying
10 zone, any permitted, special, or conditional use within the Oxford/Hoyt Overlay Zone
11 shall be a prohibited use within the overlay zone if developed with the following:

12 (1) Drive-through.

13 **623.015. Development Standards.** Change of use or development within the Oxford/Hoyt
14 Overlay Zone must comply with the development standards applicable in the underlying zone
15 and the development standards set forth in this section. The development standards in this
16 section are in addition to, and not in lieu of, all other applicable development standards in the
17 underlying zone. Where the development standards in this section conflict with the development
18 standards applicable in the underlying zone, the development standards in this section shall be
19 the applicable development standard.

20 (a) **Orientation.** All activities shall be oriented away from West Nob Hill Street.

21 (b) **Hours of Operation.** Hours of operation shall be limited to 6:00 a.m. to 12:00
22 midnight.

23 (c) **Setbacks.** Setbacks within the Oxford/Hoyt Overlay Zone shall be provided as set
24 forth in Table 623-1.

25 **TABLE 623-1**

26 **SETBACKS**

27 **Table 623-1: Setbacks**

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Uses other than Single Family and Two Family	Min. 20 ft.	Applicable abutting West Nob Hill Street SE.

Table 623-1: Setbacks		
Requirement	Standard	Limitations & Qualifications
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Min. 20 ft.	Applicable abutting West Nob Hill Street SE.
Vehicle Use Areas		
Uses other than Single Family and Two Family	Min. 12 ft.	Applicable abutting West Nob Hill Street SE.

(d) **Height.** Buildings and accessory structures within the Oxford/Hoyt Overlay Zone shall conform to the height standards set forth in Table 623-2.

**TABLE 623-2
HEIGHT**

Table 623-2: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
Uses other than Single Family and Two Family	Max. 35 ft.	
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Max. 35 ft.	

(e) **Landscaping.** Landscaping shall be provided for uses other than Single Family and Two Family as set forth in this subsection.

(1) **Generally.** All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC Chapter 807.

(2) **Landscaping Abutting West Nob Hill Street.**

(A) A continuous minimum 12-foot-wide landscape strip shall be provided abutting West Nob Hill Street SE. Sidewalks running perpendicular to the street and utility structures may be located within the 12-foot-wide landscape strip.

(B) Plant materials within the 12-foot-wide landscape strip shall conform to the plant unit (PU) values set forth in Table 623-3, and the number of required plant units set forth in Table 623-4.

1 (C) The required plant units within the 12-foot-wide landscape strip shall
2 be distributed at a density of not less than 3 plant units per each 20 linear
3 feet of boundary or lot line.

4 (D) Landscaping shall conform to the vision clearance requirements set
5 forth in SRC Chapter 805.

6 **TABLE 623-3**
7 **PLANT UNIT VALUES**

8 **Table 623-3: Plant Unit Values**

Plant Material	Plant Unit (PU) Value
1 Canopy Tree	1 PU
1 Understory Tree	1 PU
1 Evergreen /Conifer Tree	1 PU
1 Shrub	1 PU

14
15 **TABLE 623-4**
16 **REQUIRED PLANT UNITS**

17 **Table 623-4: Required Plant Units**

Plant Material	Required Plant Units (PU)
Canopy Trees	Min. 2 PU per 100 linear feet of boundary or lot line.
Understory Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Evergreen /Conifer Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Shrubs	Min. 9 PU per 100 linear feet of boundary or lot line.

23
24 **(f) Screening.**

25 **(1) Screening Abutting West Nob Hill Street.** A 4-foot high sight-obscuring
26 fence, wall, or berm shall be provided abutting West Nob Hill Street SE as
27 follows:

28 **(A)** The sight-obscuring fence or wall shall be setback 12 feet from West
29 Nob Hill Street.

30 **(B)** The sight-obscuring berm shall be located within the landscape strip

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required under subsection (e) of this section.

(C) The sight-obscuring fence, wall, or berm shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(2) Parking and Loading Areas. Parking and loading areas shall be screened from adjacent residential uses by a sight-obscuring fence, wall, or berm, in combination with living plant material. Screening shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(g) Access. Access to properties within the Oxford/Hoyt Overlay Zone shall be limited as follows:

(1) Driveways serving uses other than Single Family and Two Family shall not be allowed onto West Nob Hill Street SE.

(2) Access to Commercial Street SE shall be limited to the following:

(A) Between Oxford Street SE and Rural Avenue SE. On the block between Oxford Street SE and Rural Avenue SE, access onto Commercial Street SE shall be limited to the two existing driveway approaches.

(B) Between Hoyt Street SE and Fawk Avenue SE. On the block between Hoyt Street SE and Fawk Avenue SE, access to Commercial Street SE shall be limited to one entrance-only driveway approach.

(C) Between Rural Avenue SE and Fawk Avenue SE. On the blocks between Rural Avenue SE and Fawk Avenue SE, no driveway approaches shall be allowed onto Commercial Street SE; provided, however, if lots are developed individually, temporary access from Commercial Street SE to the individually developed lots may be allowed until permanent access to Rural Avenue SE, Jerris Avenue SE, or Fawk Avenue SE is secured.

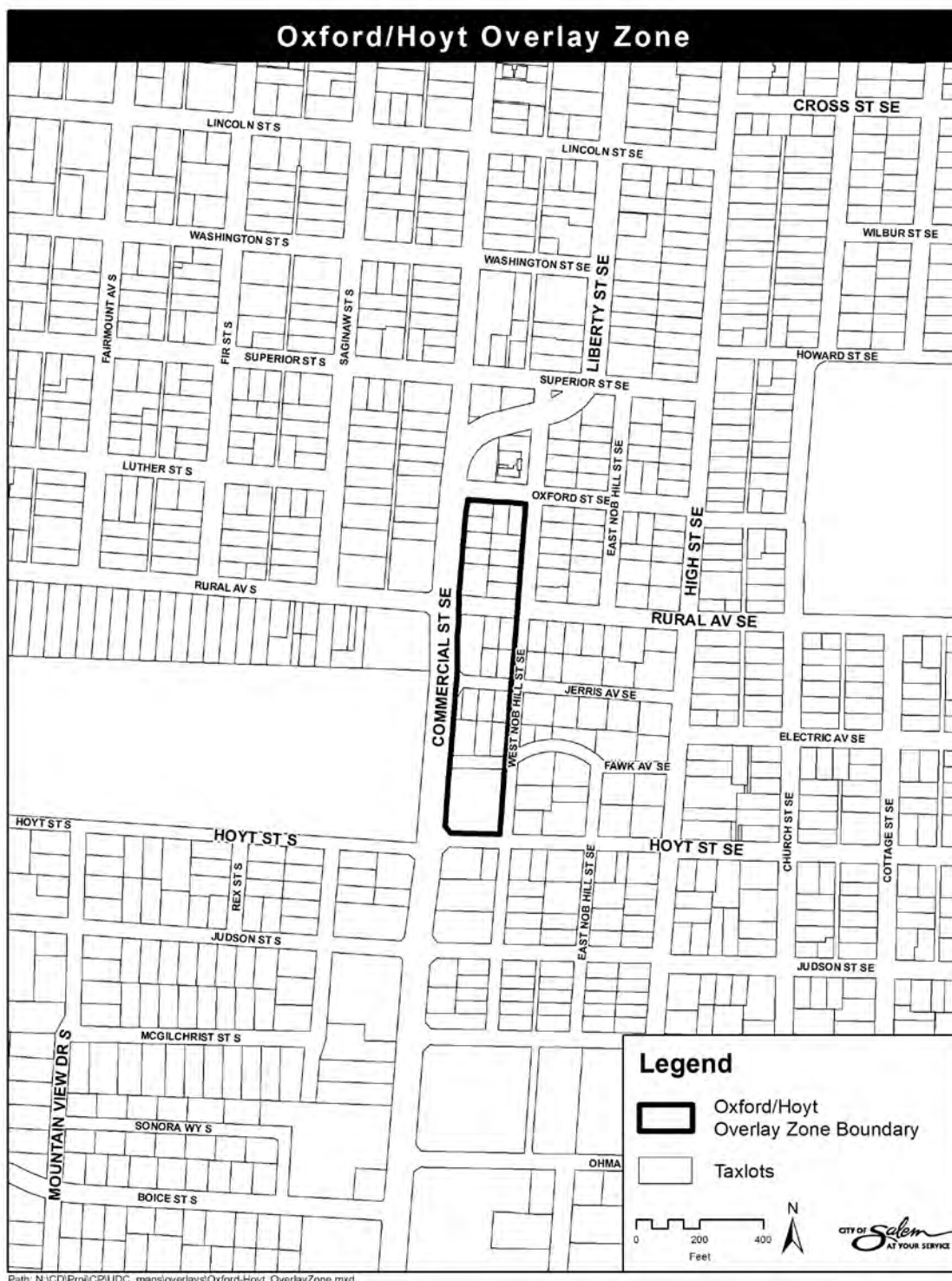
As development or change of use of property occurs, reciprocal and irrevocable easements for access shall be provided by the appropriate property owners to accommodate joint access from each property to Rural Avenue SE, Jerris Avenue SE, or Fawk Avenue SE. The easements shall be recorded with the County.

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(h) Location of Off-Street Parking. Off-street parking serving uses within the overlay zone shall not be located outside of the overlay zone.

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FIGURE 623-1
OXFORD/HOYT OVERLAY ZONE



1 **Section 60.** The following SRC Chapter 624 is added to the Salem Revised Code:

2 **624.001. Purpose.** The purpose of the Hoyt/McGilchrist Overlay Zone is to establish
3 development standards that minimize the impacts of non-residential development on existing
4 residential uses.

5 **624.005. Hoyt/McGilchrist Overlay Zone Boundary.** The boundaries of the
6 Hoyt/McGilchrist Overlay Zone are shown in Figure 624-1.

7 **624.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
8 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
9 prohibited use in the Hoyt/McGilchrist Overlay Zone.

10 (a) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying
11 zone, any permitted, special, or conditional use within the Hoyt/McGilchrist Overlay
12 Zone shall be a prohibited use within the overlay zone if developed with the following:

13 (1) Drive-through.

14 **624.015. Development Standards.** Change of use or development within the Hoyt/McGilchrist
15 Overlay Zone must comply with the development standards applicable in the underlying zone
16 and the development standards set forth in this section. The development standards in this
17 section are in addition to, and not in lieu of, all other applicable development standards in the
18 underlying zone. Where the development standards in this section conflict with the development
19 standards applicable in the underlying zone, the development standards in this section shall be
20 the applicable development standard.

21 (a) **Orientation.** All activities shall be oriented away from West Nob Hill Street.

22 (b) **Hours of Operation.** Hours of operation shall be limited to 6:00 a.m. to 12:00
23 midnight.

24 (c) **Setbacks.** Setbacks within the Hoyt/McGilchrist Overlay Zone shall be provided
25 as set forth in Table 624-1.

26 **TABLE 624-1**
27 **SETBACKS**

28 **Table 624-1: Setbacks**

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		

Table 624-1: Setbacks		
Requirement	Standard	Limitations & Qualifications
Uses other than Single Family and Two Family	Min. 20 ft.	Applicable abutting West Nob Hill Street SE.
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Min. 20 ft.	Applicable abutting West Nob Hill Street SE.
Vehicle Use Areas		
Uses other than Single Family and Two Family	Min. 12 ft.	Applicable abutting West Nob Hill Street SE.

(d) Height. Buildings and accessory structures within the Hoyt/McGilchrist Overlay Zone shall conform to the height standards set forth in Table 624-2.

**TABLE 624-2
HEIGHT**

Table 624-2: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
Uses other than Single Family and Two Family	Max. 35 ft.	
Accessory Structures		
Accessory to uses other than Single Family and Two Family	Max. 35 ft.	

(e) Landscaping. Landscaping shall be provided for uses other than Single Family and Two Family as set forth in this subsection.

(1) Generally. All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC Chapter 807.

(2) Landscaping Abutting West Nob Hill Street.

(A) A continuous minimum 12-foot-wide landscape strip shall be provided abutting West Nob Hill Street SE. Sidewalks running perpendicular to the street and utility structures may be located within the 12-foot-wide landscape strip.

(B) Plant materials within the 12-foot-wide landscape strip shall conform to the plant unit (PU) values set forth in Table 624-3, and the number of

1 required plant units set forth in Table 624-4.

2 (C) The required plant units within the 12-foot-wide landscape strip shall
3 be distributed at a density of not less than 3 plant units per each 20 linear
4 feet of boundary or lot line.

5 (D) Landscaping shall conform to the vision clearance requirements set
6 forth in SRC Chapter 805.

7 **TABLE 624-3**

8 **PLANT UNIT VALUES**

9 **Table 624-3: Plant Unit Values**

Plant Material	Plant Unit (PU) Value
1 Canopy Tree	1 PU
1 Understory Tree	1 PU
1 Evergreen /Conifer Tree	1 PU
1 Shrub	1 PU

16 **TABLE 624-4**

17 **REQUIRED PLANT UNITS**

18 **Table 624-4: Required Plant Units**

Plant Material	Required Plant Units (PU)
Canopy Trees	Min. 2 PU per 100 linear feet of boundary or lot line.
Understory Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Evergreen /Conifer Trees	Min. 6 PU per 100 linear feet of boundary or lot line.
Shrubs	Min. 9 PU per 100 linear feet of boundary or lot line.

25 **(f) Screening.**

26 **(1) Screening Abutting West Nob Hill Street.** A 4-foot high sight-obscuring
27 fence, wall, or berm shall be provided abutting West Nob Hill Street SE as
28 follows:

29 **(A)** The sight-obscuring fence or wall shall be setback 12 feet from West
30 Nob Hill Street.

(B) The sight-obscuring berm shall be located within the landscape strip

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required under subsection (e) of this section.

(C) The sight-obscuring fence, wall, or berm shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(2) Parking and Loading Areas. Parking and loading areas shall be screened from adjacent residential uses by a sight-obscuring fence, wall, or berm, in combination with living plant material. Screening shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(g) Access. Access to properties within the Hoyt/McGilchrist Overlay Zone shall be limited as follows:

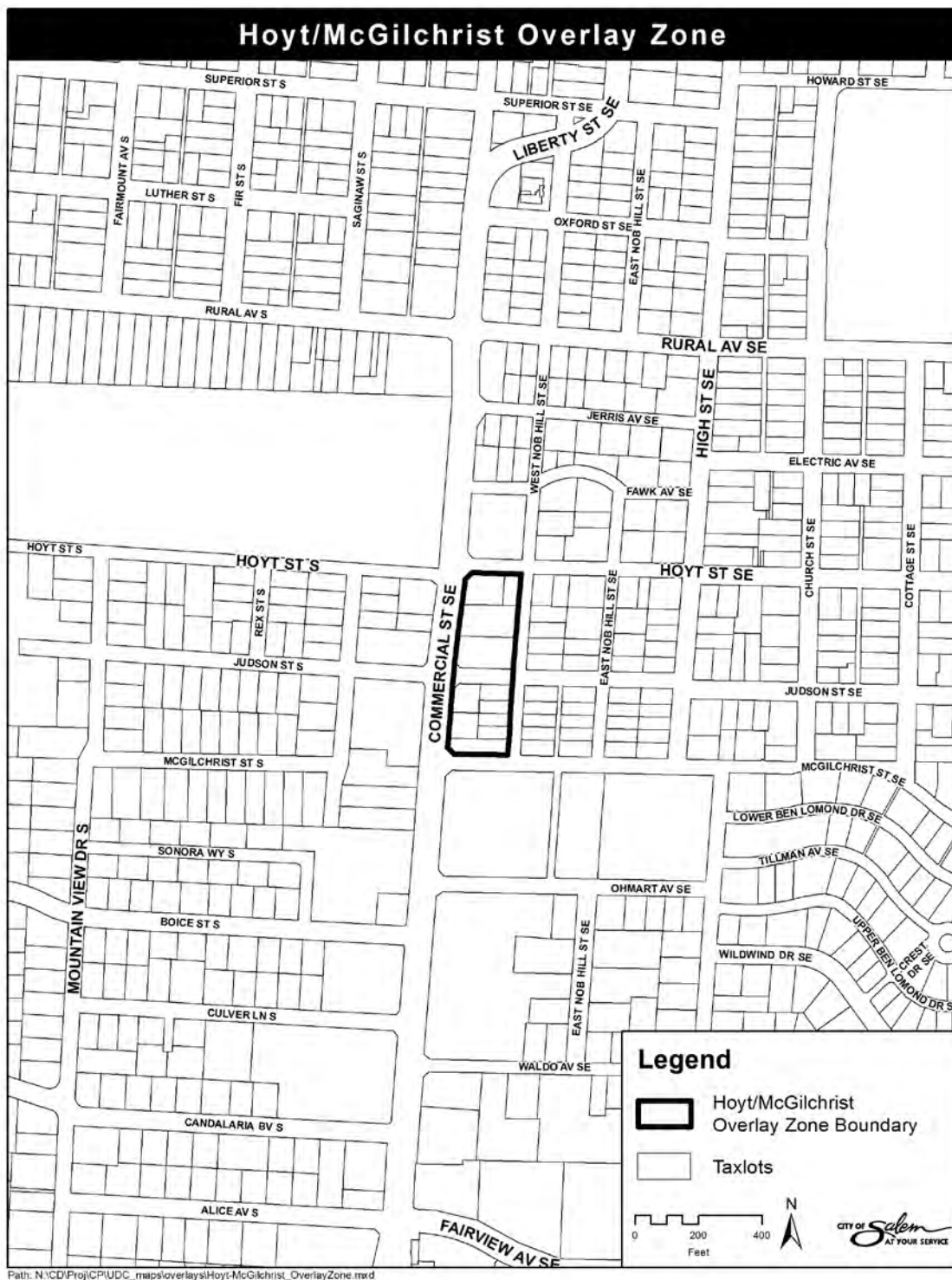
(1) All properties with frontage on Commercial Street SE shall be allowed one driveway approach onto Commercial Street SE.

(2) No new driveway approaches shall be allowed onto West Nob Hill Street SE.

(h) Location of Off-Street Parking. Off-street parking serving uses within the overlay zone shall not be located outside of the overlay zone.

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FIGURE 624-1
HOYT/MCGILCHRIST OVERLAY ZONE



1 **Section 61.** The following SRC Chapter 625 is added to the Salem Revised Code:

2 **625.001. Purpose.** The purpose of the Saginaw Street Overlay Zone is to establish development
3 standards that minimize impacts on residential uses.

4 **625.005. Saginaw Street Overlay Zone Boundary.** The boundaries of the Saginaw Street
5 Overlay Zone are shown in Figure 625-1.

6 **625.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
7 underlying zone is a permitted, special, conditional, or prohibited use in the Saginaw Street
8 Overlay Zone.

9 **625.015. Development Standards.** Change of use or development within the Saginaw Street
10 Overlay Zone must comply with the development standards applicable in the underlying zone
11 and the development standards set forth in this section. The development standards in this
12 section are in addition to, and not in lieu of, all other applicable development standards in the
13 underlying zone. Where the development standards in this section conflict with the development
14 standards applicable in the underlying zone, the development standards in this section shall be
15 the applicable development standard.

16 (a) **Setbacks.** Setbacks within the Saginaw Street Overlay Zone shall be provided as
17 set forth in Table 625-1.

18 **TABLE 625-1**
19 **SETBACKS**

Table 625-1: Setbacks		
Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	Min. 30 ft.	
Accessory Structures		
Accessory to all uses	Min. 30 ft.	
Vehicle Use Areas		
All uses	Min. 5 ft.	Applicable abutting Kearney Street SE and Bush Street SE.
	Min. 12 ft.	Applicable abutting all other streets.
ABUTTING ALLEY		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		

Table 625-1: Setbacks		
Requirements	Standards	Limitations & Qualifications
All uses	None	

(b) **Height.** Buildings and accessory structures within the Saginaw Street Overlay Zone shall conform to the height standards set forth in Table 625-2.

**TABLE 625-2
HEIGHT**

Table 625-2: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All uses	Max. 35 ft.	
Accessory Structures		
Accessory to all uses	Max. 35 ft.	

(c) **Landscaping.** All areas of the lot not developed shall be landscaped. Landscaping shall meet the requirements set forth in SRC Chapter 807.

(d) **Screening.**

(1) Non-residential uses shall be screened along Saginaw Street by a minimum 6-foot high sight-obscuring hedge. The sight-obscuring hedge shall be of a species capable of attaining a height of 8 feet within 2 years after planting. The sight-obscuring hedge shall conform to the vision clearance requirements set forth in SRC Chapter 805.

(2) Non-residential uses shall be screened from abutting residentially zoned lots, and residential uses on abutting lots, by a minimum 6-foot high sight-obscuring hedge. The sight-obscuring hedge shall be of a species capable of attaining a height of 8 feet within 2 years after planting.

(e) **Access.**

(1) Access may be provided directly from an alley.

(2) No driveway serving a non-residential use shall be permitted onto Saginaw Street.

(3) No driveway serving a non-residential use shall be permitted onto Bush Street

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if alley access to serve the non-residential use is available.

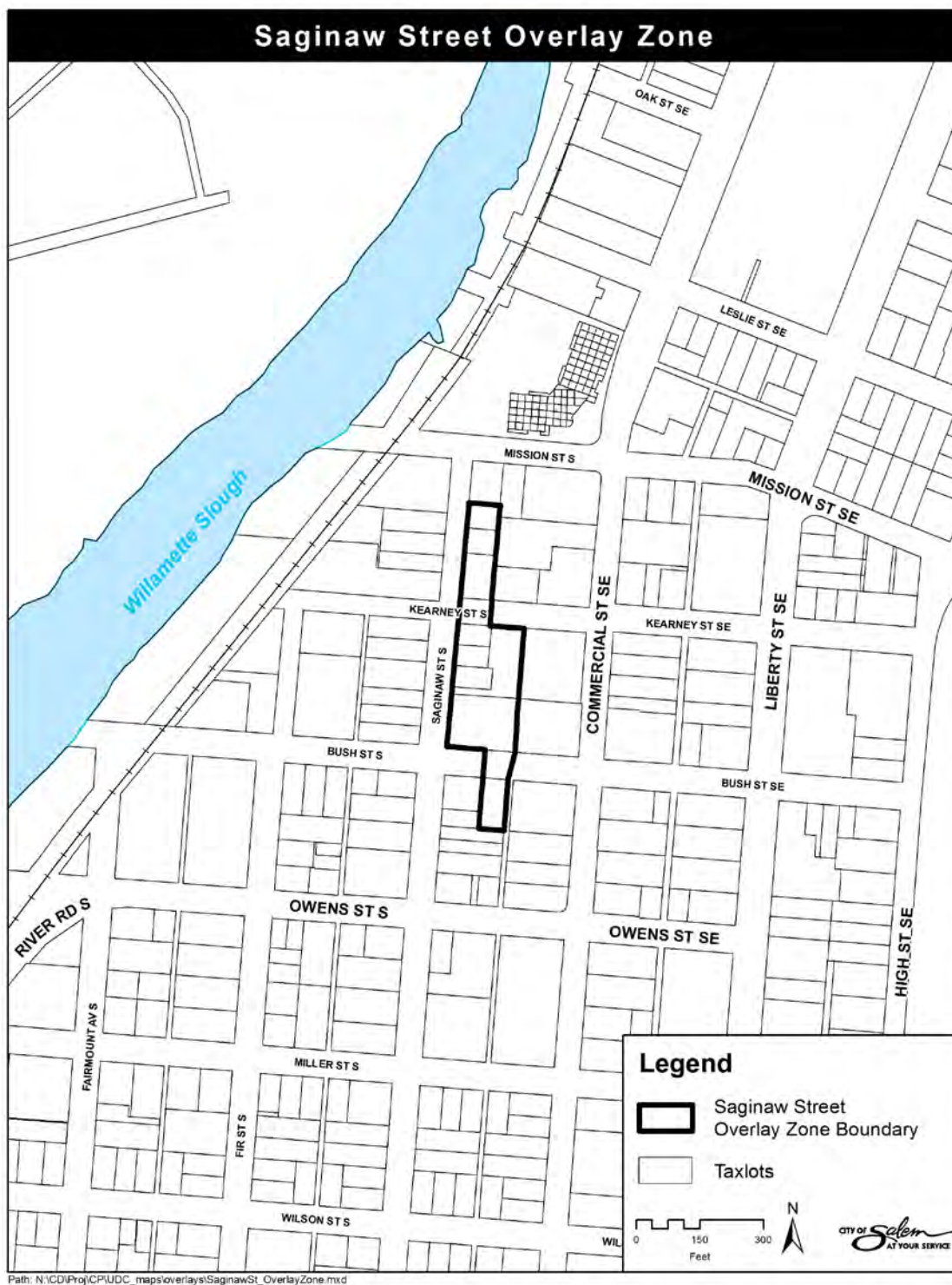
(4) No driveway approach serving a non-residential use shall be located within 100 feet of the intersection of Bush Street and Saginaw Street.

(5) No driveway approach serving a non-residential use shall be located within 100 feet of the intersection of Kearney Street and Saginaw Street.

(f) **Trees.** Trees with a dbh of 10 inches or greater shall be preserved wherever possible.

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FIGURE 625-1
SAGINAW STREET OVERLAY ZONE



1 **Section 62.** The following SRC Chapter 626 is added to the Salem Revised Code:

2 **626.001. Purpose.** The purpose of the Commercial/High Density Residential Overlay Zone is
3 to identify allowed uses and to establish development standards that accommodate commercial,
4 office, and small warehouse uses, while promoting high density residential development.

5 **626.005. Definitions.** Unless the context otherwise specifically requires, as used in this
6 Chapter, the following mean:

7 (a) Mixed-use development: A combination of uses in two or more of the following
8 Use Categories within a single building, or within separate buildings on the same lot or
9 contiguous lots:

- 10 (1) Household Living;
- 11 (2) Lodging;
- 12 (3) Retail Sales and Service;
- 13 (4) Business and Professional Services;
- 14 (5) Health Services; or
- 15 (6) Civic Services.

16 **626.010. Commercial/High Density Residential Overlay Zone Boundary.** The boundaries of
17 the Commercial/High Density Residential Overlay Zone are shown in Figure 626-1.

18 **626.015. Uses.**

19 (a) Except as otherwise provide in this section, the uses set forth in Table 626-1 shall
20 be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the
21 Commercial/High Density Residential Overlay Zone.

22 **TABLE 626-1**
23 **USES**

24 **Table 626-1: Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	Residential Home, as defined under ORS 197.660.
	N	All other Single Family.
Two Family	N	
Multiple Family	P	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	N	All other Room and Board.
Residential Care	P	

Table 626-1: Uses

Use	Status	Limitations & Qualifications
Nursing Care	SC	<u>Nursing Care, subject to SRC 700.040.</u>
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	P	
Non-Profit Shelters	P	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	N	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ Lumber and building materials dealers. ▪ Hardware stores. ▪ Lawn and garden supply stores. ▪ Auto supply stores. ▪ Meat and seafood markets, where live animals are sold or processed. ▪ Used merchandise stores, where sales and storage of merchandise and equipment is not conducted entirely within a building.
	P	All other Retail Sales.
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	N	
Laboratory Research and Testing	N	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	Gas stations.
	C	All other Motor Vehicle Services.
Commercial Parking	P	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	P	
Major Event Entertainment	N	
Recreational and Cultural Community Services	P	
Parks and Open Space	P	
Non-Profit Membership Assembly	P	
Religious Assembly	P	

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Table 626-1: Uses

Use	Status	Limitations & Qualifications
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Educational Services		
Day Care	P	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care home. ▪ Adult day care home.
	C	The following Day Care activities: <ul style="list-style-type: none"> ▪ Child day care center. ▪ Adult day care center.
	N	All other Day Care.
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Whole Sales, Storage, and Distribution		
General Wholesaling	N	The following General Wholesaling activities: <ul style="list-style-type: none"> ▪ Automobile, and other motor vehicle, and trailer wholesalers. ▪ Manufactured dwelling wholesalers. ▪ Motor vehicle supplies and parts wholesalers. ▪ Non-consumer electronics and electrical supplies wholesalers. ▪ Heating and cooling equipment and supplies wholesalers. ▪ Industrial and commercial supplies wholesalers. ▪ Toys and sporting goods wholesalers. ▪ Meat, fish, and poultry product wholesalers. ▪ Farm supplies wholesalers. ▪ Paint and varnish wholesalers. ▪ Tobacco product wholesalers.
	P	All other General Wholesaling.
Heavy Wholesaling	N	

Table 626-1: Uses		
Use	Status	Limitations & Qualifications
Warehousing and Distribution	P	
Self-Service Storage	P	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed subject to SRC Chapter 703.
Drinking Water Treatment Facilities	N	
Power Generation Facilities	N	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	P	Replacement single family dwelling is permitted, subject to SRC 701.025.
Home Occupations	S	Home Occupations are allowed, subject to SRC 700.020
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant SRC Chapter 230 is allowed, subject to SRC 230.085

(b) Additional Conditional Uses. In addition to the uses set forth in Table 626-1, any permitted, special, or conditional use within the Commercial/High Density Residential Overlay Zone shall be a conditional use within the overlay zone if developed with the following:

- (1) Drive-through.

1 (c) **Continued Uses.** Uses existing within the Commercial/High Density Residential
2 Overlay Zone that were allowed as permitted, special, or conditional uses on November
3 30, 1998, but which would otherwise be made non-conforming uses by this Chapter,
4 are hereby deemed continued uses. The owner shall have the burden to demonstrate
5 continued use status under this subsection.

6 (1) A continued use may be intensified, and buildings or structures housing a
7 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
8 such intensification, enlargement, rebuilding, or exterior alteration complies with
9 all applicable standards in the underlying zone.

10 (2) A continued use may be extended onto other properties within the
11 Commercial/High Density Residential Overlay Zone. The extension of a
12 continued use onto other properties within the Commercial/High Density
13 Residential Overlay Zone must comply with all applicable standards in the
14 underlying zone.

15 (3) A continued use may be changed to any use that is allowed in the
16 Commercial/High Density Residential Overlay Zone. Such change of use shall
17 terminate the continued use status conferred by this subsection and the property
18 must thereafter only be used for uses allowed in the Commercial/High Density
19 Residential Overlay Zone.

20 (4) A determination by the Building Official that the building or structure
21 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
22 56.230, shall terminate continued use status conferred by this subsection and the
23 property may thereafter only be used for uses allowed in the Commercial/High
24 Density Residential Overlay Zone.

25 **626.020. Development Standards.** Development with the Commercial/High Density
26 Residential Overlay Zone must comply with the development standards applicable in underlying
27 zone and the development standards set forth in this section. The development standards in this
28 section are in addition to, and not in lieu of, all other applicable development standards in the
29 underlying zone. Where the development standards in this section conflict with the development
30

standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Continued Development. Buildings and structures existing within the Commercial/High Density Residential Overlay Zone that conformed to the development standards existing on November 30, 1998, but which would otherwise be made non-conforming development by this Chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

(2) Continued development may be extended onto other properties within the Commercial/High Density Residential Overlay Zone. The extension of continued development onto other properties within the Commercial/High Density Residential Overlay Zone must comply with all applicable standards in the underlying zone.

(3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued development status conferred by this subsection and the building or structure shall thereafter be deemed non-conforming development.

(b) Development Density. Development within the Commercial/High Density Residential Overlay Zone shall conform to the density standards set forth in Table 626-2. Dwelling unit density cannot be varied or adjusted.

TABLE 626-2

DEVELOPMENT DENSITY

Table 626-2: Development Density

Requirements	Standard	Limitations & Qualifications
DEVELOPMENT DENSITY		
Multiple Family	Min. 14 dwelling units per acre	
All Other Uses	Min. 0.6 FAR	Applicable to lots less than 32,000 sq. ft. in size.
	Min. 0.75 FAR	Applicable to lots 32,000 sq. ft. or greater in size.

(c) **Dwelling Units Required.** Development on lots with frontage on Fourth Street NE shall provide residential dwelling units meeting the residential density requirements of Table 626-2 if:

- (1) The lot is greater than 32,000 square feet in size;
- (2) The lot is vacant; or
- (3) A use is expanded by more than 50 percent of the ground floor area.

(d) **Setbacks.** Setbacks within the Commercial/High Density Residential Overlay Zone shall be provided as set forth in Table 626-3.

TABLE 626-3

SETBACKS

Table 626-3: Setbacks		
Requirements	Standards	Limitations & Qualifications
ABUTTING STREET		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR FRONT		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR SIDE		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
INTERIOR REAR		
Buildings		
All uses	Min. 5 ft.	
Accessory Structures		
Accessory to all uses	Min. 5 ft.	

(e) **Height.** Buildings and accessory structures within the Commercial/High Density Residential Overlay Zone shall conform to the height standards set forth in Table 626-4.

**TABLE 626-4
HEIGHT**

Table 626-4: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
Multiple Family	No Max.	
All Other Uses	Max. 50 ft	
	No Max.	Applicable to mixed-use developments.
Accessory Structures		
Accessory to Multiple Family	No Max.	
Accessory to All Other Uses	Max. 50 ft.	
	No Max.	Applicable to mixed-use developments.

(f) Screening.

(1) Uses shall be screened from abutting residentially zoned lots, and residential uses on abutting lots, by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

(2) Concertina or barbed wire fencing shall be screened from adjacent properties and abutting streets by sight-obscuring landscaping.

(g) Outdoor storage. Outdoor storage of materials and equipment is prohibited.

626.025. Design Review. Design review under SRC Chapter 225 is required for development within the Commercial/High Density Residential Overlay Zone as follows:

(a) Multiple family development, other than multiple family development within a mixed-use building, shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

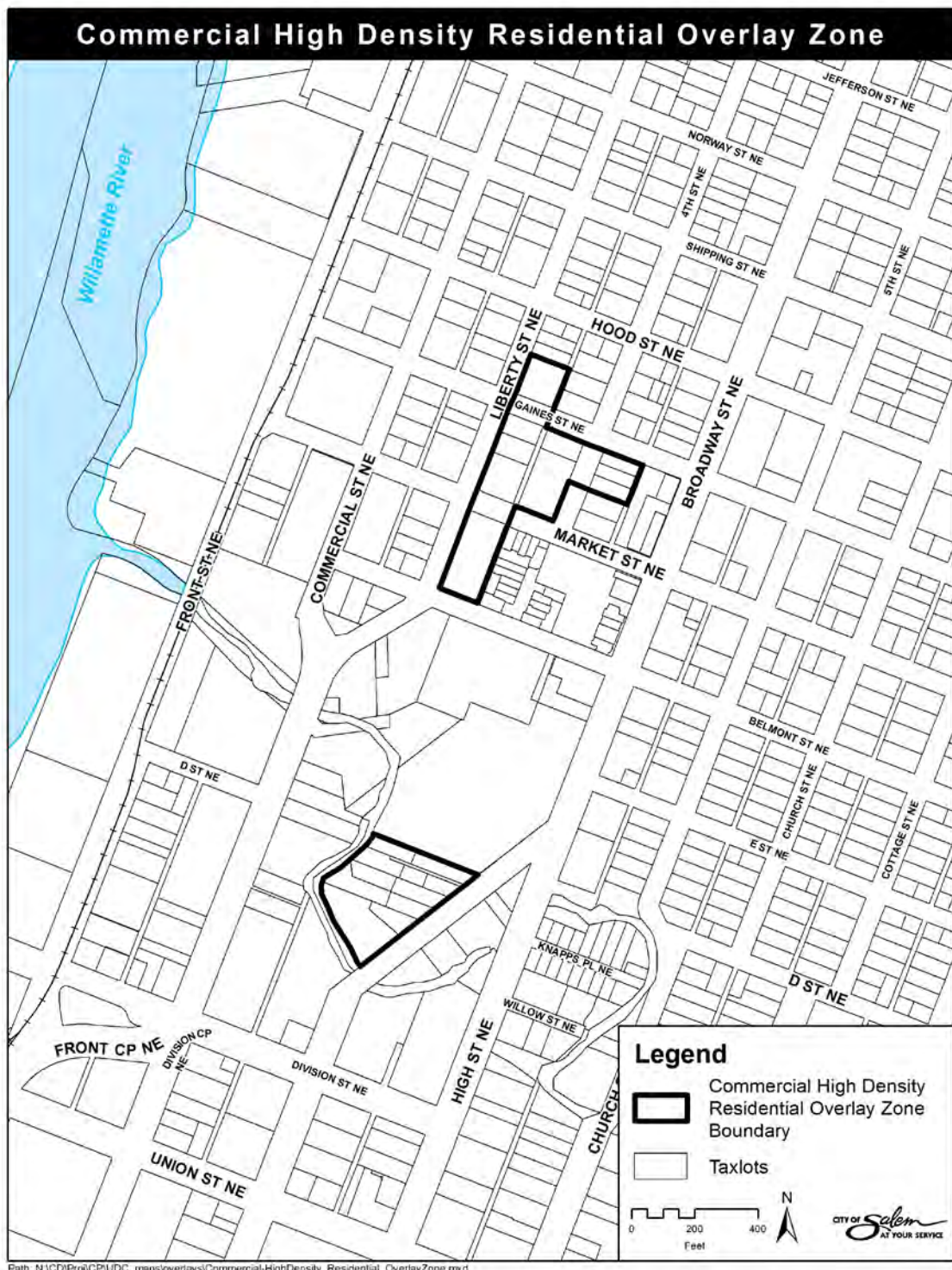
(b) Multiple family development within a mixed-use building shall not be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

(c) Residential Care with three or more self-contained dwelling units shall be subject to design review according to the multiple family design review guidelines or the multiple family design review standards set forth in SRC Chapter 702.

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FIGURE 626-1

COMMERCIAL/HIGH DENSITY RESIDENTIAL OVERLAY ZONE



1 **Section 63.** The following SRC Chapter 627 is added to the Salem Revised Code:

2 **627.001. Purpose.** The purpose of the 22nd and Electric Overlay Zone is to allow the
3 continuation of existing Single Family and Two Family uses on IG zoned properties within the
4 vicinity of 22nd Street SE and Electric Street SE until such time those uses are converted to uses
5 other than Single Family and Two Family.

6 **627.005. 22nd and Electric Overlay Zone Boundary.** The boundaries of the 22nd and Electric
7 Overlay Zone are shown in Figure 627-1.

8 **627.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
9 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
10 prohibited use in the 22nd and Electric Overlay Zone.

11 (a) **Continued Uses.** Single Family and Two Family uses, specifically single family
12 detached dwellings, manufactured dwellings, and duplexes, existing within the 22nd and
13 Electric Overlay Zone on January 1, 1988, but which would otherwise be made non-
14 conforming uses in the General Industrial (IG) zone, are hereby deemed continued uses.
15 The owner shall have the burden to demonstrate continued use status under this
16 subsection.

17 (1) Buildings or structures housing a continued use may be structurally altered,
18 enlarged, or rebuilt following damage or destruction, provided such alteration,
19 enlargement, or rebuilding complies with all applicable standards in this Chapter
20 and with all applicable standards of the UDC.

21 (2) Cease of occupancy of a building or structure for a continued use shall not
22 preclude future use of the building or structure for that use; provided, however,
23 conversion of the building or structure to another use shall thereafter prevent
24 conversion back to that use.

25 **627.015. Development Standards.** Except as otherwise provided in this section, development
26 within the 22nd and Electric Overlay Zone must comply with the development standards
27 applicable in the underlying zone.

28 (a) **Development Standards for Continued Uses.** In-lieu of complying with the
29 development standards applicable in the underlying zone, continued uses shall comply
30 with the development standards set forth in this subsection.

(1) **Lot Standards.** Lots for continued uses within the 22nd and Electric Overlay Zone shall conform to the standards set forth in Table 627-2.

**TABLE 627-2
LOT STANDARDS**

Table 627-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 4,000 sq. ft.	
Two Family	Min. 7,000 sq. ft.	
LOT WIDTH		
Single Family and Two Family	Min. 40 ft.	
LOT DEPTH		
Single Family and Two Family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
STREET FRONTAGE		
Single Family and Two Family	Min. 40 ft.	

(2) **Setbacks.** Setbacks for continued uses within the 22nd and Electric Overlay Zone shall be provided as set forth in Table 627-3.

**TABLE 627-3
SETBACKS**

Table 627-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		
Single Family and Two Family	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height when located in a yard adjacent to a collector or arterial street.
INTERIOR FRONT		
Buildings		
Single Family and Two Family	Min. 12 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.

Table 627-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
INTERIOR SIDE		
Buildings		
Single Family	Min. 3 ft.	Applicable to existing buildings.
Two Family	Min. 5 ft.	Applicable to replacement buildings.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
Single Family and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(3) **Lot Coverage; Height.** Continued uses within the 22nd and Electric Overlay Zone shall conform to the lot coverage and height standards set forth in Table 627-4.

**TABLE 627-4
LOT COVERAGE; HEIGHT**

Table 627-4: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
Single Family and Two Family	Max. 60%	
REAR YARD COVERAGE		
Buildings		
Single Family and Two Family	N/A	
Accessory Structures		
Accessory to Single Family and	Max. 25%	

Table 627-4: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
Two Family		
HEIGHT		
Buildings		
Single Family and Two Family	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
	Max. 35 ft.	Applicable to replacement buildings.
Accessory Structures		
Accessory to Single Family and Two Family	Max. 15 ft.	

(4) Maximum Square Footage for All Accessory Structures. In addition to the maximum coverage requirements established under Table 627-4, accessory structures for continued uses within the 22nd and Electric Overlay Zone shall conform to the maximum aggregate total square footage forth in Table 627-5.

TABLE 627-5

MAXIMUM SQAURE FOOTAGE FOR ALL ACCESSORY STRUCTURES

Table 627-5: Maximum Square Footage for All Accessory Structures	
Main Building Gross Area	Maximum Aggregate Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

(5) Garages Required.

(A) Except as otherwise provided in SRC 627.015(a)(6)(F) for manufactured dwellings, each dwelling constructed after February 8, 2006 within the 22nd and Electric Overlay Zone shall have, at the time of original construction, a garage that is constructed of like materials and color as the dwelling. The garage may be attached to or detached from the dwelling. Nothing in this section shall prevent subsequent removal or conversion of a garage, so long as the minimum number of required off-street parking spaces is provided.

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

10 (6) **Additional Standards for Manufactured Dwellings.** In addition to the
11 other standards applicable to continued uses set forth in this Chapter,
12 manufactured dwellings shall conform to the following:

13 (A) Manufactured dwellings shall be multi-sectional and enclose a space
14 of not less than 860 square feet.

15 (B) Manufactured dwellings shall be placed on an excavated and back-
16 filled foundation, and enclosed continuously at the perimeter with material
17 comparable to the predominant materials used in foundations of
18 surrounding dwellings.

19 (C) Manufactured dwellings shall have a pitched roof, with a slope not
20 less than a nominal 3 feet in height for each 12 feet in width.

21 (D) Manufactured dwellings shall have exterior siding and roofing which
22 in color, material, and appearance is similar to the exterior siding and
23 roofing commonly used on residential dwellings within the community, or
24 which is comparable to the predominant materials used on surrounding
25 dwellings.

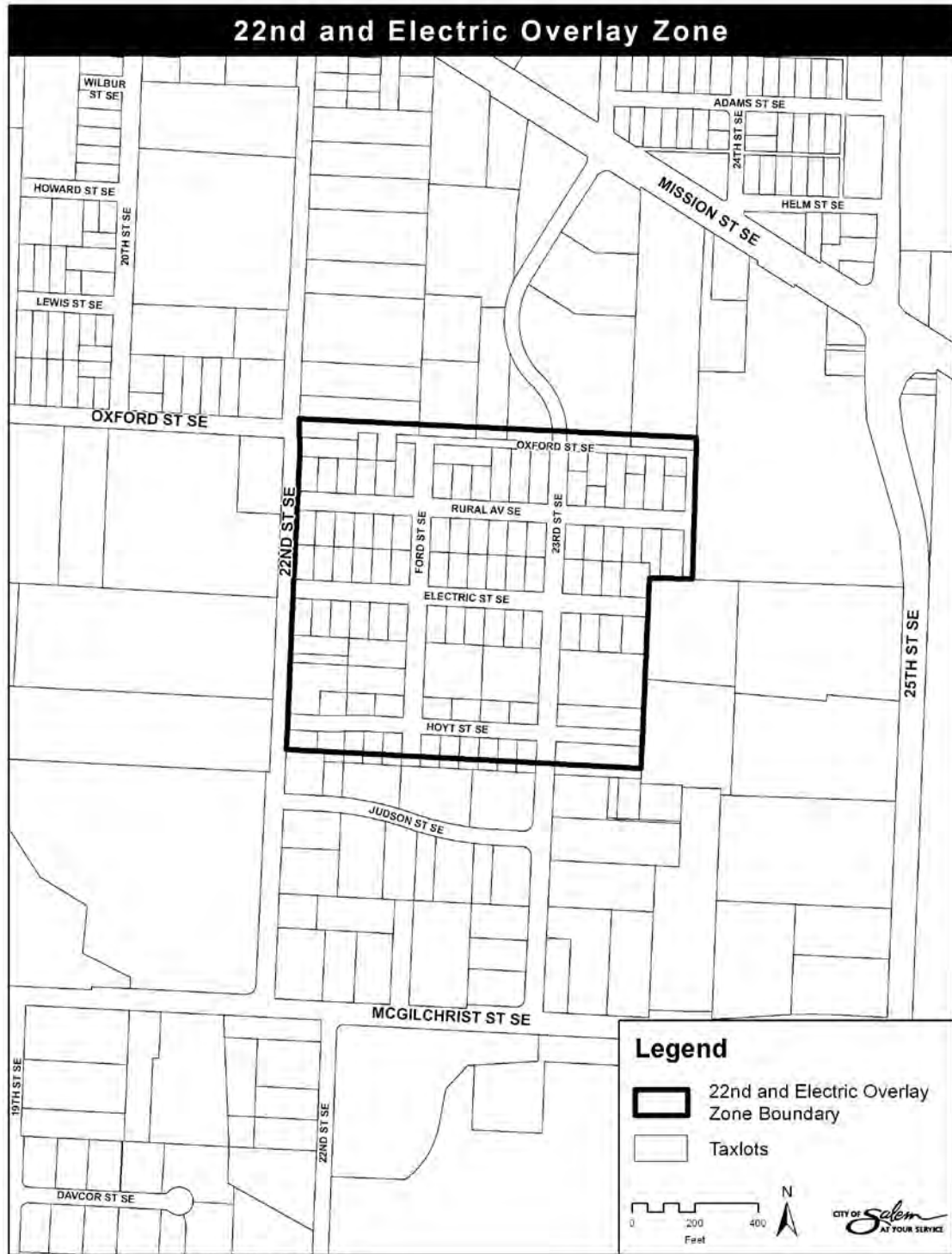
26 (E) Manufactured dwellings shall be certified by the manufacturer to have
27 an exterior thermal envelope meeting performance standards equivalent to
28 the performance standards required of single-family dwellings constructed
29 under the State Building Code as defined in ORS 455.010.

30 (F) Manufactured dwellings shall have a garage or carport constructed of

like materials.

FIGURE 627-1

22ND AND ELECTRIC OVERLAY ZONE



1 **Section 64.** The following SRC Chapter 628 is added to the Salem Revised Code:

2 **628.001. Purpose.** The purpose of the State Street Overlay Zone is to establish additional
3 permitted office and specialty service uses that are compatible with the uses in the surrounding
4 corridor.

5 **628.005. State Street Overlay Zone Boundary.** The boundaries of the State Street Overlay
6 Zone are shown in Figure 628-1.

7 **628.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
8 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
9 prohibited use in the State Street Overlay Zone.

10 (a) **Additional Permitted Uses.** The uses set forth in Table 628-1 are additional
11 permitted (P) uses in the State Street Overlay Zone.

12 **TABLE 628-1**
13 **ADDITIONAL PERMITTED USES**

14 **Table 628-1: Additional Permitted Uses**

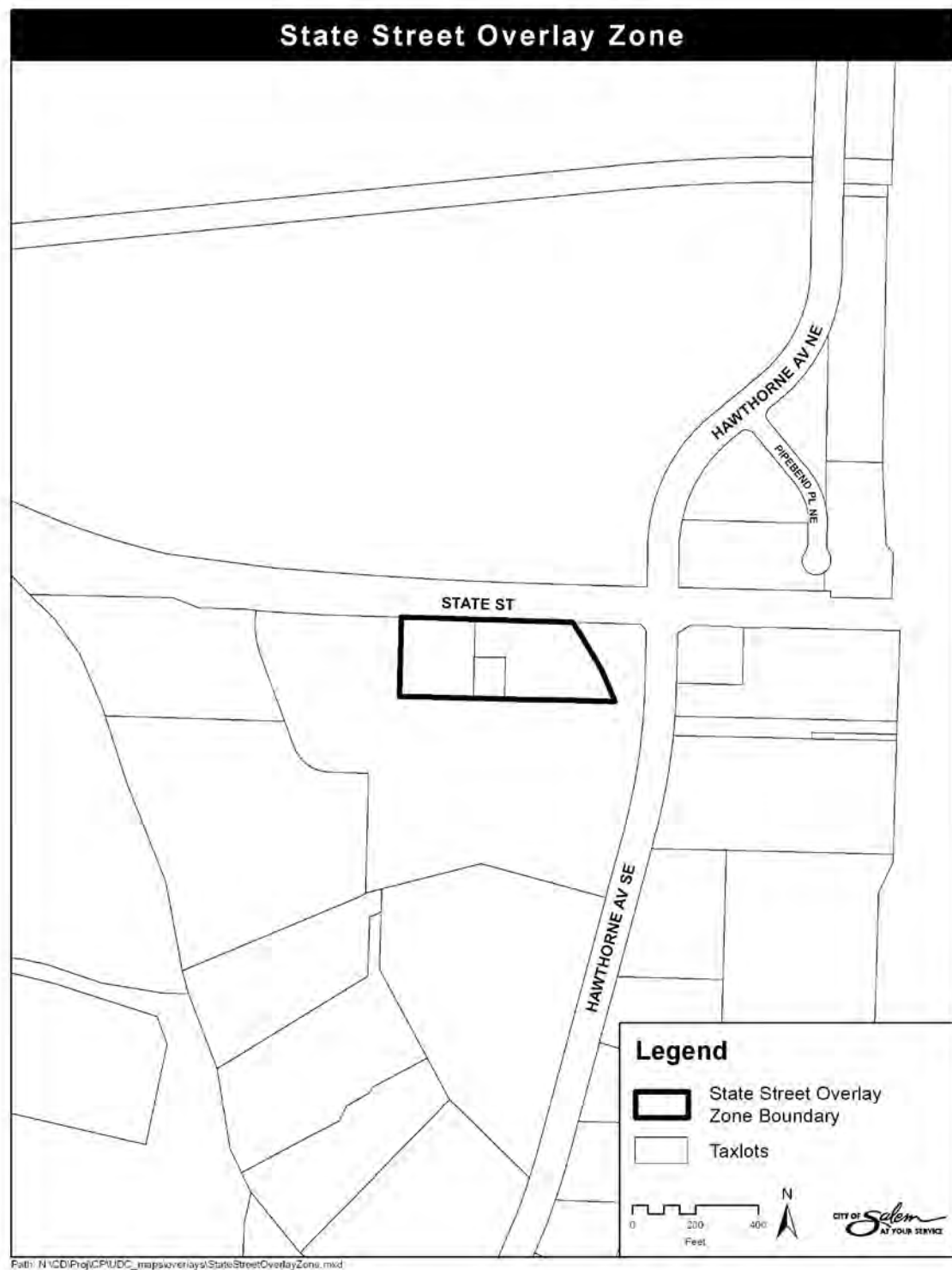
Use	Status	Limitations & Qualifications
Business and Professional Services		
Office	P	
Health Services		
Outpatient Medical Services and Laboratories	P	
Educational Services		
Basic Education	P	
Post-Secondary and Adult Education	P	
Civic Services		
Governmental Services	P	
Social Services	P	Only the following Social Services activities are allowed as additional permitted uses: ▪ Job training and vocational rehabilitation services.

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25 **628.015. Development Standards.** Development within the State Street Overlay Zone must
26 comply with the development standards applicable in the underlying zone.

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FIGURE 628-1
STATE STREET OVERLAY ZONE



Section 65. The following SRC Chapter 629 is added to the Salem Revised Code:

629.001. Purpose. The purpose of the McNary Field Overlay Zone is to identify additional permitted uses that are compatible with the McNary Field Airport Master Plan.

629.005. McNary Field Overlay Zone Boundary. The boundaries of the McNary Field Overlay zone are shown in Figure 629-1.

629.010. Uses. Except as otherwise provided in this section, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the McNary Field Overlay Zone.

(a) Additional Permitted Uses. The uses set forth in Table 629-1 are additional permitted (P) uses in the McNary Field Overlay Zone.

**TABLE 629-1
ADDITIONAL PERMITTED USES**

Table 629-1: Additional Permitted Uses		
Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	P	
Retail Sales and Service		
Personal Services	P	
Postal Services and Retail Financial Services	P	Only the following Postal Services and Retail Financial Services activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Banks, credit unions, and other customer-oriented facilities for financial institutions.
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	P	Only the following Motor Vehicle and Manufactured Dwelling and Trailer Sales activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Automotive rental and leasing.
Heavy Vehicle and Trailer Sales	P	Only the following Heavy Vehicle and Trailer Sales activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Truck rental and leasing.
Recreation, Entertainment, and Cultural Services and Facilities		
Non-Profit Membership Assembly	P	
Religious Assembly	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and Grounds Services and Construction Contracting	P	
Cleaning Plants	P	
Whole Sales, Storage, and Distribution		

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Table 629-1: Additional Permitted Uses

Use	Status	Limitations & Qualifications
Heavy Wholesaling	P	Only the following Heavy Wholesaling activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Petroleum and petroleum products.
Warehousing and Distribution	P	Only the following Warehousing and Distribution activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Services related to freight movement.
Manufacturing		
General Manufacturing	P	Only the following General Manufacturing activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Motor vehicles and motor vehicle parts and equipment. ▪ Aircraft and aircraft parts and equipment. ▪ Computers and computer equipment. ▪ Office machines and equipment. ▪ Household appliances. ▪ Consumer electronics. ▪ Electronic equipment, components, and accessories. ▪ Navigation equipment. ▪ Audio and video equipment. ▪ Electric lighting and wiring equipment.
Transportation Facilities		
Aviation Facilities	P	

629.015. Development Standards. Development within the McNary Field Overlay Zone must comply with the development standards applicable in the underlying zone.

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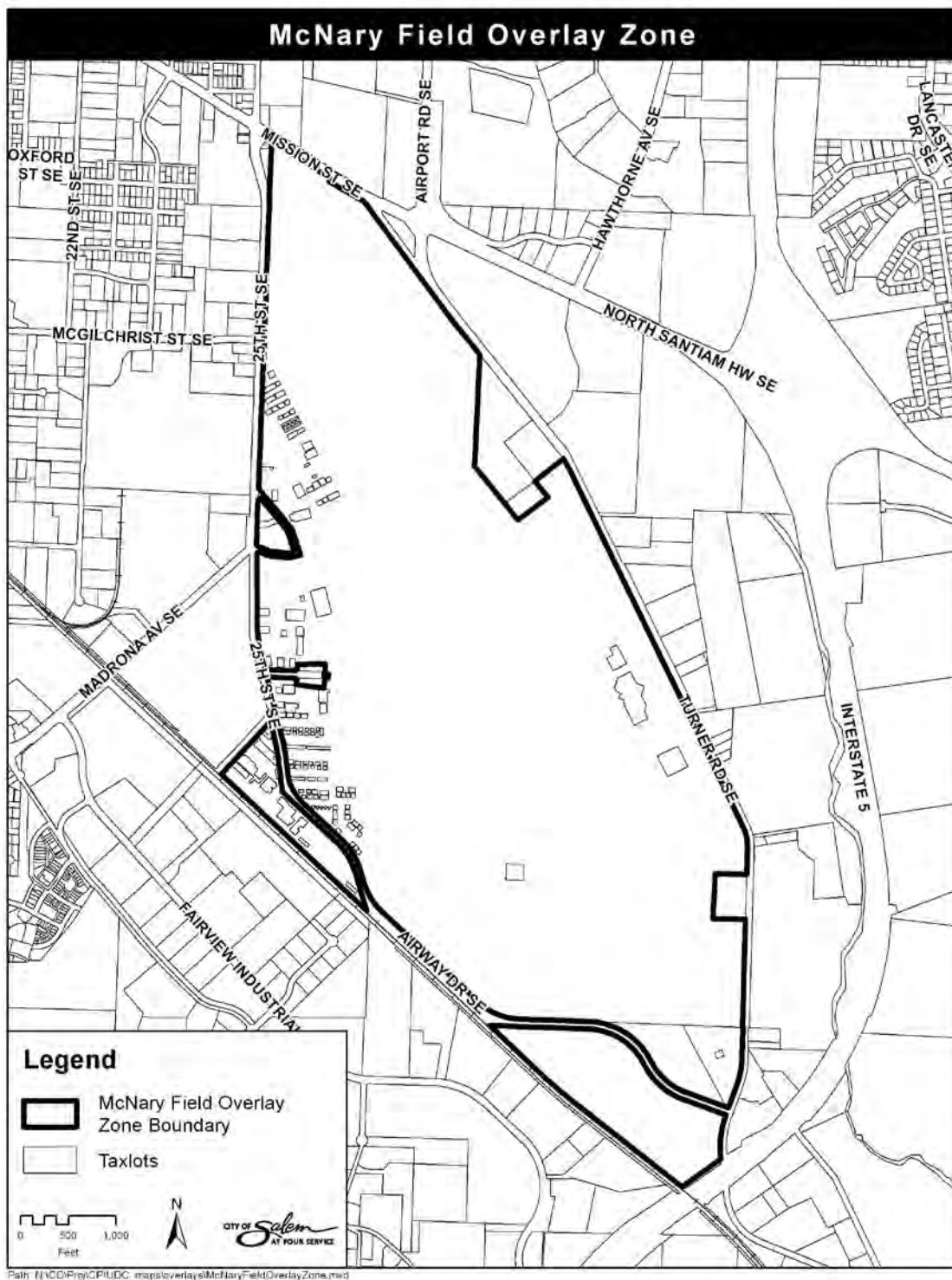
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FIGURE 629-1
MCNARY FIELD OVERLAY ZONE



1 **Section 66.** The following SRC Chapter 630 is added to the Salem Revised Code:

2 **630.001. Purpose.** The purpose of the South Gateway Overlay Zone is to identify allowed uses
3 and to establish development standards to enhance the area’s role as the southern gateway into
4 the City.

5 **630.005. South Gateway Overlay Zone Boundary.** The boundaries of the South Gateway
6 Overlay Zone are shown in Figure 630-1. The requirements set forth in this Chapter shall apply
7 only to development on lots within the boundaries of the South Gateway Overlay Zone that are
8 adjacent to Commercial Street SE, or that have access to Commercial Street SE through one or
9 more lots adjacent to Commercial Street SE.

10 **630.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
11 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
12 prohibited use in the South Gateway Overlay Zone.

13 (a) **Continued Uses.** Uses existing within the South Gateway Overlay Zone that were
14 allowed as permitted, special, or conditional uses on December 16, 2002, but which
15 would otherwise be made non-conforming uses by this Chapter, are hereby deemed
16 continued uses. The owner shall have the burden to demonstrate continued use status
17 under this subsection.

18 (1) A continued use may be intensified, and buildings or structures housing a
19 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
20 such intensification, enlargement, rebuilding, or exterior alteration complies with
21 all applicable standards in this Chapter and with all applicable standards of the
22 UDC.

23 (2) A continued use may be extended onto any contiguous vacant land under the
24 same ownership if such land was held under the same ownership on December 16,
25 2002, and has been maintained under the same ownership continuously thereafter.
26 The extension of a continued use onto any contiguous vacant land under the same
27 ownership must comply with all applicable standards in this Chapter and with all
28 applicable standards of the UDC.

29 (3) A continued use may be changed to any use that is allowed in the South
30 Gateway Overlay Zone. Such change of use shall terminate the continued use

1 status conferred by this subsection and the property must thereafter only be used
2 for uses allowed in the South Gateway Overlay Zone.

3 (4) A determination by the Building Official that a building or structure housing a
4 continued use is derelict or dangerous, as defined in SRC 50.600 and SRC 56.230,
5 shall terminate the continued use status conferred by this subsection and the
6 property may thereafter only be used for uses allowed in the South Gateway
7 Overlay Zone.

8 **(b) Additional Conditional Uses.**

9 (1) The uses set forth in Table 630-1, when allowed in the underlying zone, shall
10 be additional conditional (C) uses within the South Gateway Overlay Zone.

11 **TABLE 630-1**
12 **ADDITIONAL CONDITIONAL USES**

13 **Table 630-1: Additional Conditional Uses**

Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle Services	C	
Commercial Parking	C	
Park-and-Ride Facilities	C	
Heavy Vehicle and Trailer Service and Storage	C	

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19 (2) In addition to the uses set forth in Table 630-1, any permitted, special, or
20 conditional use within the South Gateway Overlay Zone shall be a conditional use
21 within the overlay zone if developed with the following:

22 (A) Outside storage and parking for professional and commercial
23 equipment.

24 (c) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying
25 zone, the uses set forth in Table 630-2 are additional prohibited (N) uses in the South
26 Gateway Overlay Zone.

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**TABLE 630-2
ADDITIONAL PROHIBITED USES**

Table 630-2: Additional Prohibited Uses		
Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	

630.015. Development Standards. Development within the South Gateway Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) Continued Development. Buildings and structures existing within the South Gateway Overlay Zone that conformed to the development standards existing on December 16, 2002, but which would otherwise be made non-conforming development by this Chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in this Chapter and with all applicable standards of the UDC.

(2) Continued development may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on December 16, 2002, and has been maintained under the same ownership continuously thereafter. The extension of continued development onto contiguous vacant land under the same ownership must comply with all applicable standards in this Chapter and with all applicable standards of the UDC.

(3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and SRC 56.230, shall terminate the continued development status conferred by this subsection and the building or

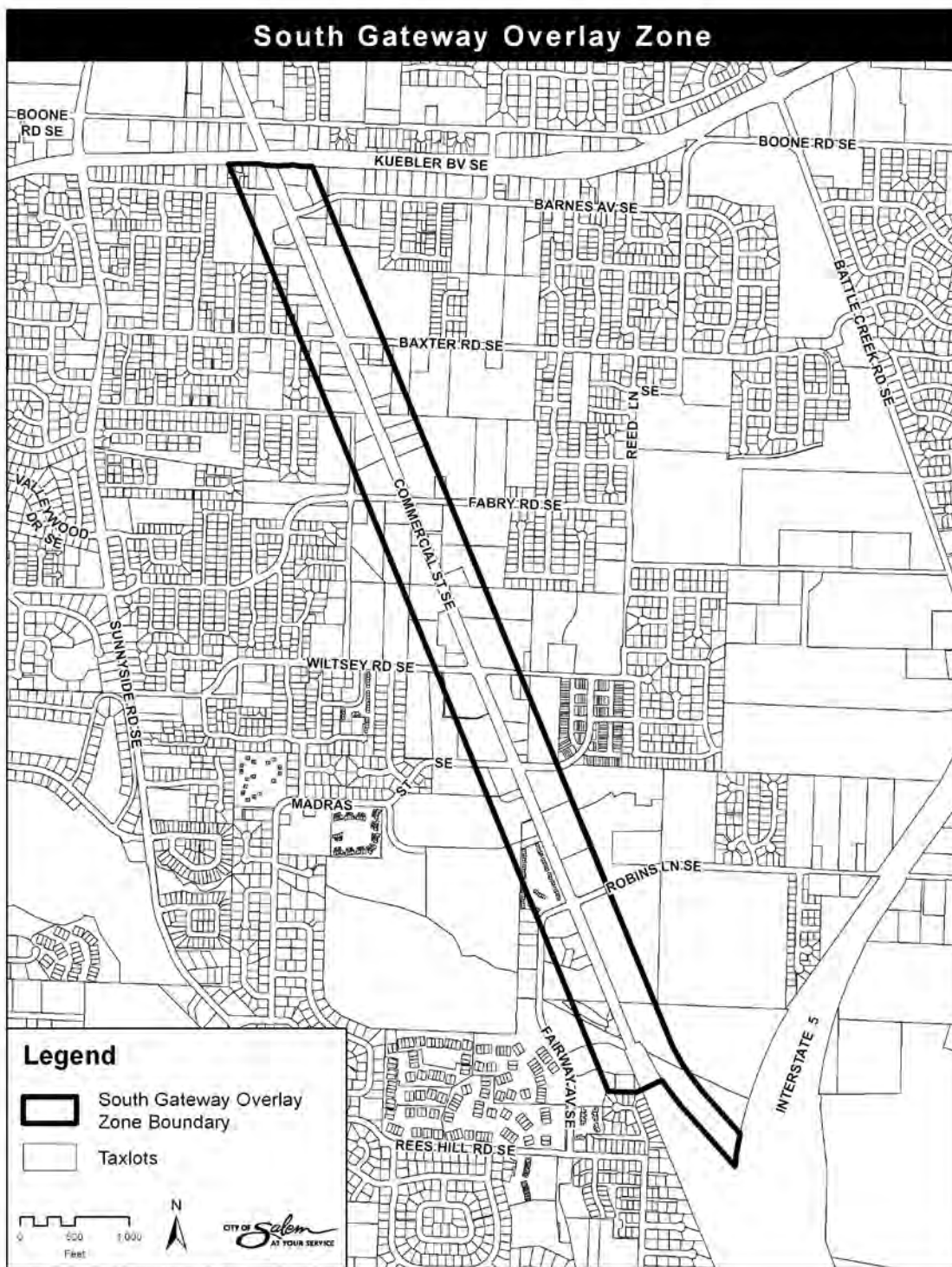
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structure shall thereafter be deemed non-conforming development.

(b) Outdoor Display and Storage of Merchandise. Outdoor display and storage of merchandise shall not be located within 50 feet of the right-of-way of Commercial Street SE.

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FIGURE 630-1
SOUTH GATEWAY OVERLAY ZONE



1 **Section 67.** The following SRC Chapter 631 is added to the Salem Revised Code:

2 **631.001. Purpose.** The purpose of the Compact Development Overlay Zone is to identify
3 allowed uses and to establish development standards to promote increased density infill
4 development on vacant and underutilized Single Family Residential (RS) zoned land, in the form
5 of a variety of housing types and in a manner that is consistent with, and conforms to, the
6 established character of existing neighborhoods.

7 **631.005. Requirements for Application of Compact Development Overlay Zone.** The
8 Compact Development Overlay Zone shall be applied to property through a zone change.
9 Proposals to zone property for compact development shall, in addition to the approval criteria for
10 zone changes set forth in SRC Chapter 265, meet the following criteria:

- 11 (a) The underlying zoning of the property shall be Single Family Residential (RS);
- 12 (b) The property shall be located along an arterial or collector street, or shall be located
13 in an area identified as appropriate for compact development in an urban renewal plan,
14 residential infill study, or neighborhood plan; and
- 15 (c) The property shall not exceed 5 acres in size.

16 **631.010. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
17 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
18 prohibited use in the Compact Development Overlay Zone.

19 (a) **Continued Uses.** Multiple Family uses existing within the Compact Development
20 Overlay Zone on January 1, 1999, but which would otherwise be made non-conforming
21 uses by this Chapter, are hereby deemed continued uses. The owner shall have the
22 burden to demonstrate continued use status under this subsection.

23 (1) A continued use may be intensified or expanded, and buildings or structures
24 housing a continued use may be may be enlarged, rebuilt, or the exterior altered,
25 provided such intensification, expansion, enlargement, rebuilding, or exterior
26 alteration complies with all applicable standards of the Multiple Family
27 Residential-I (RM-I) zone.

28 (2) Abandonment shall terminate the continued use status conferred by this
29 subsection and the property may thereafter only be used for uses allowed in the
30 Compact Development Overlay Zone. For purposes of this paragraph,

1 “abandonment” means the cessation of the use or structure for a continuous period
2 of one year.

3 (3) A determination by the Building Official that the building or structure
4 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
5 56.230, shall terminate the continued use status conferred by this subsection and
6 the property may thereafter only be used for uses allowed in the Compact
7 Development Overlay Zone.

8 (4) Continued uses are exempt from the development standards and the design
9 review guidelines and design review standards of this Chapter. Upon termination
10 of continued use status, the development standards and the design review
11 guidelines and design review standards of this Chapter shall apply.

12 (b) **Additional Permitted Uses.** The uses set forth in Table 631-1 are additional
13 Permitted (P) uses in the Compact Development Overlay Zone.

14 **TABLE 631-1**
15 **ADDITIONAL PERMITTED USES**

16 **Table 631-1: Additional Permitted Uses**

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	
Two Family	P	
Multiple Family	P	

21 **631.015. Development Standards.** Development within the Compact Development Overlay
22 Zone must comply with the development standards applicable in underlying zone and the
23 development standards set forth in this section. The development standards in this section are in
24 addition to, and not in lieu of, all other applicable development standards in the underlying zone.
25 Where the development standards in this section conflict with the development standards
26 applicable in the underlying zone, the development standards in this section shall be the
27 applicable development standard.

28 (a) **Lot Standards.** Lots within the Compact Development Overlay Zone shall
29 conform to the standards set forth in Table 631-2.
30

**TABLE 631-2
LOT STANDARDS**

Table 631-2: Lot Standards

Requirement	Standard	Limitations & Qualifications
LOT AREA		
Single Family	Min. 1,500 sq. ft.	Applicable to townhouses.
	Min. 3,000 sq. ft.	Applicable to all other Single Family.
Two Family and Multiple Family	Min. 3,000 sq. ft. per dwelling unit	
LOT WIDTH		
Single Family, Two Family, and Multiple Family	Min. 20 ft.	
LOT DEPTH		
Single Family, Two Family, and Multiple Family	Min. 65 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
STREET FRONTAGE		
Single Family, Two Family, and Multiple Family	Min. 20 ft.	

(b) Dwelling Unit Density. Dwelling unit density within the Compact Development Overlay zone shall conform to the standards set forth in this subsection. Dwelling unit density cannot be varied or adjusted.

(1) Minimum Density. There is no minimum dwelling unit density.

(2) Maximum Density. The maximum dwelling unit density shall be 14 dwelling units per acre; provided, however:

(A) Not more than 3 dwelling units shall be permitted on an individual lot; and

(B) Not more than 5 townhouse dwelling units shall be attached in a single structure.

(c) Setbacks. Setbacks within the Compact Development Overlay zone shall be provided as set forth in Table 631-3.

**TABLE 631-3
SETBACKS**

Table 631-3: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings		

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Table 631-3: Setbacks

Requirement	Standard	Limitations & Qualifications
Single Family (other than townhouses) and Two Family	Min. 12 ft.	Applicable along collector or arterial streets.
	Min. 20 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height when located in a yard adjacent to a collector or arterial street.
INTERIOR FRONT		
Buildings		
Single Family (other than townhouses) and Two Family	Min. 12 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height
INTERIOR SIDE		
Buildings		
Single Family (other than townhouses)	Min. 3 ft.	Applicable to existing buildings.
	Min. 5 ft.	Applicable to new building.
Two Family	Min. 5 ft.	
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures having at least one wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
INTERIOR REAR		
Buildings		
Single Family (other than townhouses) and Two Family	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.
Accessory Structures		
Accessory to Single Family and Two Family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. one foot for each one-foot of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

(d) **Lot Coverage; Height.** Buildings and accessory structures within the Compact Development Overlay Zone shall conform to the lot coverage and height standards set forth in Table 631-4.

**TABLE 631-4
LOT COVERAGE; HEIGHT**

Table 631-4: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
Single Family, Two Family, and Multiple Family	Max. 60%	
REAR YARD COVERAGE		
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	Max. 25%	
HEIGHT		
Buildings		
Single Family, Two Family, and Multiple Family	Max. 28 ft. or existing building height, whichever is greater	Applicable to existing buildings.
	Max. 35 ft.	Applicable to new buildings.
Accessory Structures		
Accessory to Single Family, Two Family, and Multiple Family	Max. 15 ft.	

(e) **Building Separation.** A minimum 10-foot separation shall be provided between individual buildings containing dwelling units located on the same lot.

(f) **Access.**

(1) Where a property abuts an alley, access to parking for Single Family, Two Family, and Multiple Family uses shall be taken from the alley.

(2) Within front yards abutting streets, no driveway serving Single Family, Two Family, or Multiple Family uses shall be more than one-half the width of the property frontage on the street or 20 feet, whichever is less. Flag lot accessways shall comply with the standards set forth in SRC 800.025.

631.020. Design Review. Design review under SRC Chapter 225 is required for development within the Compact Development Overlay Zone as follows:

1 (a) Townhouses shall be subject to design review according to the design review
2 guidelines or the design review standards set forth in SRC 631.025.

3 (b) Multiple family development shall be subject to design review according to the
4 multiple family design review guidelines or the multiple family design review standards
5 set forth in SRC Chapter 702, and the design review guidelines or the design review
6 standards set forth in SRC 631.025.

7 **631.025. Design Review Guidelines and Design Review Standards.**

8 (a) **Building Setbacks, Location, Size, and Articulation.**

9 (1) **Setbacks.**

10 (A) **Design Review Guidelines.**

11 (i) Buildings shall be setback from abutting properties in a manner
12 that provides an appropriate transition which encourages
13 compatibility with the neighborhood.

14 (B) **Design Review Standards.**

15 (i) Buildings shall comply with the setbacks set forth in Table
16 631-5.

17 **TABLE 631-5**
18 **BUILDING SETBACKS**

19 **Table 631-5: Building Setbacks**

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings 28 feet or less in height	Min. 12 ft.	Applicable along collector or arterial streets.
	Min. 20 ft.	
Buildings greater than 28 feet in height	Min. 12 ft., plus one foot for each one foot of height over 28 ft.	Applicable along collector or arterial streets.
	Min. 20 ft., plus one foot for each one foot of height over 28 ft.	
INTERIOR FRONT		
Buildings 28 feet or less in height	Min. 12 ft.	
Buildings greater than 28 feet in height	Min. 12 ft., plus one foot for each one foot of height over 28 ft.	
INTERIOR SIDE		

Table 631-5: Building Setbacks		
Requirement	Standard	Limitations & Qualifications
Buildings 28 feet or less in height	Min. 5 ft.	Applicable to buildings, other than townhouses.
	None	Applicable to townhouses where they abut at the interior side lot line.
	Min. 5 ft.	Applicable to townhouses where they do not abut at the interior side lot line.
Buildings greater than 28 feet in height	Min 5 ft., plus one foot for each one foot of height over 28 ft.	Applicable to buildings, other than townhouses.
	None	Applicable to townhouses where they abut at the interior side lot line.
	Min. 5 ft., plus one foot for each one foot of height over 28 ft.	Applicable to townhouses where they do not abut at the interior side lot line.
INTERIOR REAR		
Buildings	Min. 14 ft.	Applicable to any portion of a building not more than one-story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than one-story in height.

(2) Building Location, Size, and Orientation.

(A) Design Review Guidelines.

- (i) A majority of the dwelling units shall be constructed within close proximity to the street right-of-way.
- (ii) Buildings shall be located to reinforce the residential character of the neighborhood.
- (iii) Where possible, dwelling unit entries shall be visible from the street and shall incorporate weather protection into their design.
- (iv) The appearance of building bulk shall be minimized by:
 - (aa) Establishing a building offset interval along building facades; and
 - (bb) Dispersing windows throughout building facades.

(B) Design Review Standards.

- (i) Dwelling units within 28 feet of a street right-of-way shall provide entrances that face the street. (see Figure 631-1)
- (ii) Buildings shall have no dimension greater than 100 feet.

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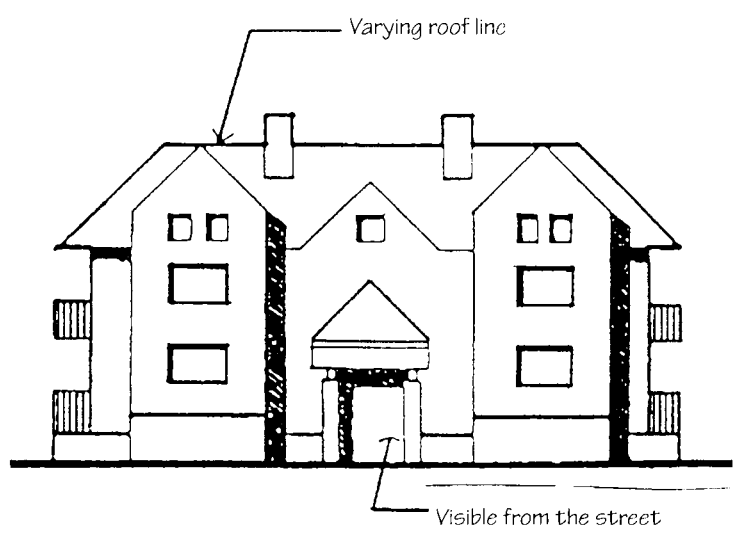
(iii) On sites with 75 feet or more of buildable width, a minimum of 50 percent of the buildable width shall be occupied by building(s) placed at the setback line. Accessory structures shall not apply towards meeting the required percentage.

(iv) Every two attached dwelling units shall be offset from the next dwelling unit by at least 4 feet in depth. (see Figure 631-2)

(v) Individual and common entryways shall be articulated with a differentiated roof, awning, or portico. (see Figure 631-1)

(vi) Windows shall be provided in all habitable rooms, other than bathrooms, that face a street.

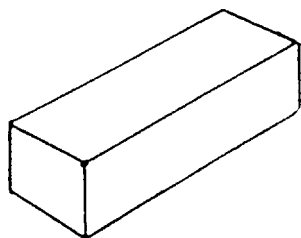
FIGURE 631-1
ARTICULATED BUILDING ENTRANCES FACING A STREET



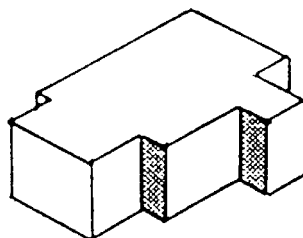
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FIGURE 631-2

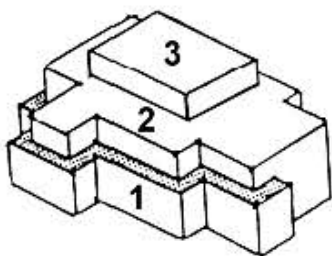
BUILDING OFFSETS AND ARTICULATION



Undesirable Architectural Treatment



Horizontal Articulation Added



**Vertical Articulation Added
(1-3 as examples)**



**Multi-Planned Roofs and Awnings Add
Desirable Articulation
(1-4 as examples)**

(b) Open Space.

(1) Private Open Space.

(A) Design Review Guidelines.

- (i) Individual private open space shall be provided for each dwelling unit.
- (ii) Private open space shall be easily accessible from the dwelling unit.
- (iii) If private open space is located adjacent to common open space, a buffer between the two open space areas shall be provided.

(B) Design Review Standards.

- (i) Private open space, meeting the size and dimension standards set forth in Table 631-5, shall be provided for each dwelling unit.

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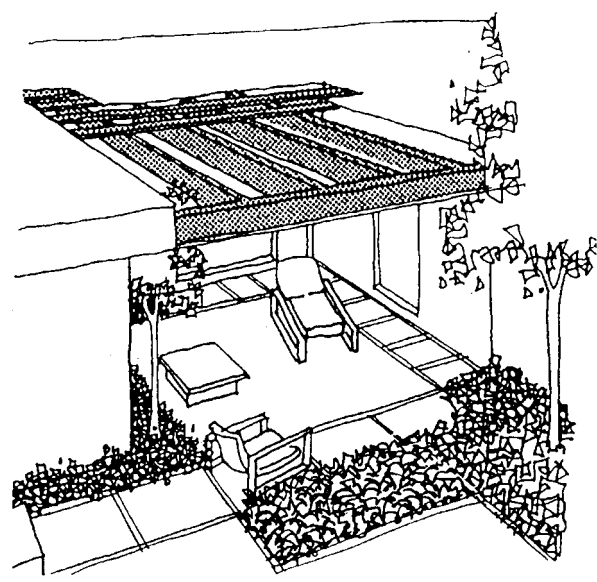
TABLE 631-5
PRIVATE OPEN SPACE SIZE AND DIMENSIONS

Table 631-5: Private Open Space Size and Dimensions		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft
More than 5 feet above finished grade	48 sq. ft.	6 ft.

(ii) Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway. (see Figure 631-3)

(iii) Private open space shall be visually separated from common open space through the use of perimeter landscaping or fencing. (see Figure 631-3)

FIGURE 631-3
PRIVATE OPEN SPACE



1 **(c) Parking, Access, and Circulation.**

2 **(1) General Parking and Site Access.**

3 **(A) Design Review Guidelines.**

4 (i) Parking areas and driveways shall be located and designed to
5 minimize impacts to abutting properties and promote human scale
6 within the development.

7 **(B) Design Review Standards.**

8 (i) Not more than one driveway approach shall be provided to an
9 individual lot.

10 (ii) Parking areas shall not occupy more than 50 percent of any
11 street frontage.

12 (iii) Parking areas shall be setback a minimum of 20 feet from the
13 public right-of-way.

14 (iv) Garages shall be setback from the street at least 4 feet further
15 than the front wall of the main building.

16 (v) The design and materials of garages and carports shall be
17 compatible with the design and materials of the dwelling units.

18 **(d) Landscaping.**

19 **(1) General Landscaping.**

20 **(A) Design Review Guidelines.**

21 (i) Landscaping shall be provided to buffer the development from
22 abutting uses.

23 (ii) A variety of trees and other plant materials shall be distributed
24 throughout the site and located adjacent to buildings and parking
25 areas.

26 (iii) Trees shall be planted within the street right of way to
27 enhance the residential character of the development.

28 **(B) Design Review Standards.**

29 (i) A minimum of one tree shall be planted or retained for every
30 2,000 square feet of gross site area.

1 (ii) Trees shall be planted to provide canopy coverage for at least
2 one-third of the open space and setbacks within 15 years of
3 planting. Existing trees that are retained may be counted towards
4 meeting this requirement.

5 (iii) Within the street right-of-way, trees shall be planted at one of
6 the following ratios:

7 (aa) **Canopy Trees.** One canopy tree shall be planted for
8 every 50 feet of street frontage; or

9 (bb) **Columnar Trees.** One columnar tree shall be
10 planted for every 30 feet of street frontage.

11 (iv) A minimum of two plant units shall be provided adjacent to
12 the primary entrance of each dwelling unit, or combination of
13 dwelling units.

14 (v) Landscaping shall be distributed around the perimeter of
15 buildings as follows:

16 (aa) **Trees.** Trees shall be provided in the minimum
17 amount of 10 plant units per 60 linear feet of exterior
18 building wall. The trees shall be distributed around the
19 perimeter of the building and located not more than 25 feet
20 from the exterior wall. Existing trees that are retained may
21 be counted towards meeting this requirement.

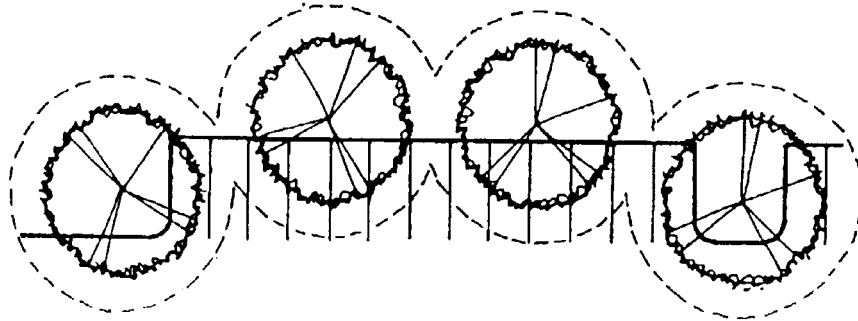
22 (bb) **Shrubs.** Shrubs shall be provided in the minimum
23 amount of one plant unit per 15 linear feet of exterior
24 building wall. The shrubs shall be distributed around the
25 perimeter of the building and located not more than 25 feet
26 from the exterior wall.

27 (vi) Landscaping shall be distributed around the perimeter of
28 parking areas as follows:

29 (aa) **Trees.** A minimum of one canopy tree shall be
30 planted every 50 feet along the perimeter the parking area.

1 The canopy trees shall be located within 15 feet of the edge
2 of the parking area (see Figure 631-4). Existing canopy
3 trees that are retained may be counted towards meeting this
4 requirement.

5 **FIGURE 631-4**
6 **PARKING AREA PERIMTER CANOPY TREES**



14 **(e) Crime Prevention Through Environmental Design.**

15 **(1) Safety Features for Residents.**

16 **(A) Design Review Guidelines.**

- 17 (i) Developments shall be designed in a manner that considers
18 crime prevention and resident safety.
19 (ii) Landscaping and fencing shall be provided in a manner that
20 does not obscure visual surveillance of common open space,
21 parking areas, or dwelling unit entryways.

22 **(B) Design Review Standards.**

- 23 (i) Fences, walls, and plant materials shall not be installed
24 between street-facing dwelling units and public or private streets in
25 locations that obstruct the visibility of dwelling unit entrances from
26 the street. For purposes of this standard, “obstructed visibility”
27 means the entry is not in view from the street along one-half or
28 more of the dwelling unit's frontage.
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1 (ii) Lighting shall be provided that illuminates all exterior
2 dwelling unit entrances, pedestrian walkways, and parking areas
3 within the development.

4 (iii) A completed "Enhanced Safety Assessment Report for Multi-
5 Family Construction" shall be submitted. Compliance with the
6 provisions of the assessment is advisable but not mandatory.

7 **Section 68.** The following SRC Chapter 632 is added to the Salem Revised Code:

8 **632.001. Purpose.** The purpose of the General Retail/Office Overlay Zone is to establish
9 standards that promote an active and inviting urban and pedestrian-oriented district within the
10 core of the downtown.

11 **632.005. General Retail/Office Overlay Zone Boundary.** The boundaries of the General
12 Retail/Office Overlay Zone are shown in Figure 632-4.

13 **632.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
14 underlying zone is a permitted, special, conditional, or prohibited use in the General
15 Retail/Office Overlay Zone.

16 **632.015. Development Standards.** Development within the General Retail/Office Overlay
17 Zone must comply with the development standards applicable in underlying zone.

18 **632.020. Design Review.** Design review under SRC Chapter 225 is required for development
19 within the General Retail/Office Overlay Zone as follows:

20 (a) Except as otherwise provided in this section, design review according to the design
21 review guidelines or the design review standards set forth in SRC 632.025 is required
22 for all development within the General Retail/Office Overlay Zone.

23 (b) Multiple family development shall only be subject to design review according to
24 the design review guidelines or the design review standards set forth in SRC 632.025.

25 **632.025. Design Review Guidelines and Design Review Standards.**

26 (a) **Building Location, Orientation, and Design.**

27 (1) **Building Setbacks.**

28 (A) **Design Review Guidelines**

29 (i) Building setbacks from the street shall be minimized (see
30 Figure 632-1). Buildings constructed contiguous to the street

1 right-of-way are preferred.

2 **(B) Design Review Standards.**

3 **(i) Setback Abutting Street.** New buildings shall have the
4 following setbacks from a street:

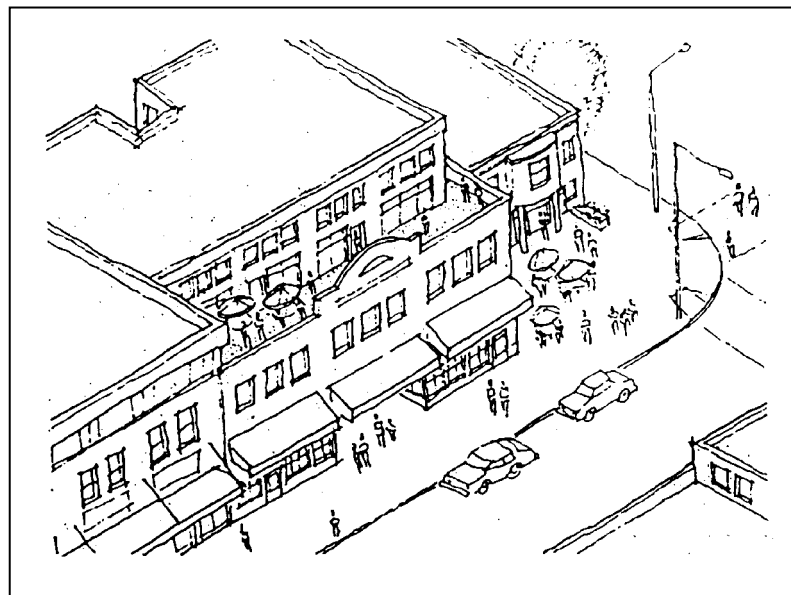
5 **(aa)** Contiguous to the street right-of-way; or

6 **(bb)** Maximum 10 feet from the street right-of-way, for
7 those portions of a building where a plaza or other outdoor
8 space open to the public is provided between the building
9 and the street right-of-way.

10 **(cc)** Portions of buildings greater than 25 feet in height
11 may setback up to 10 additional feet from the street right-
12 of-way.

13 **FIGURE 632-1**

14 **BUILDING SETBACKS MINIMIZED FROM STREET**



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27 **(2) Building Orientation and Design.**

28 **(A) Design Review Guidelines.**

29 **(i)** Buildings shall create safe, pleasant, and active pedestrian
30 environments.

(ii) Weather protection, in the form of awnings or canopies

1 appropriate to the design of the building, shall be provided along
2 ground floor building facades adjacent to a street in order to create
3 a comfortable and inviting pedestrian environment.

4 (iii) Above grade pedestrian walkways shall not be provided to
5 property located within the Salem Downtown Historic District.

6 **(B) Design Review Standards.**

7 (i) A primary building entrance shall be provided for each
8 building facade facing a street. If a building has frontage on more
9 than one street, a single primary building entrance may be
10 provided at the corner of the building where the streets intersect.

11 (see Figure 632-2)

12 (ii) Ground floor building facades facing a street shall include
13 transparent windows on a minimum of 65 percent of the ground
14 floor facade. The windows shall not be mirrored or treated in such
15 a way as to block visibility into the building. The windows shall
16 have a minimum Visible Transmittance (VT) of 37 percent.

17 **(aa) Alternative Standard for Existing Buildings.**

18 Notwithstanding subsection (a)(2)(B)(ii) of this section,
19 where a building existing on November 23, 1998, does not
20 include transparent windows on a minimum of 65 percent
21 of the ground floor facade facing a street, the percentage of
22 transparent windows existing on the ground floor facade
23 shall not be reduced. Additional windows meeting the
24 transparency requirements of subsection (a)(2)(B)(ii) may
25 be added without meeting the minimum ground floor
26 facade window percentage of 65 percent.

27 (iii) Upper floors of buildings shall incorporate vertical windows.

28 (iv) Weather protection, in the form of awnings or canopies, shall
29 be provided along a minimum of 90 percent of the length of the
30 ground floor building facade adjacent to a street. Awnings or

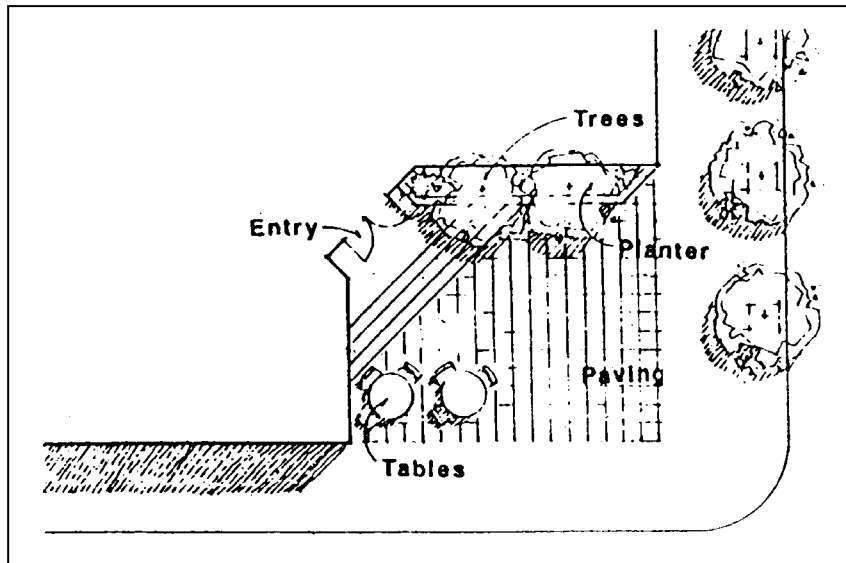
1 canopies shall have a minimum clearance height above the
2 sidewalk of 8 feet, and may encroach into the street right-of-way as
3 provided in SRC 76.160.

4 **(aa) Alternative Standard for Existing Buildings.**

5 Notwithstanding subsection (a)(2)(B)(iv) of this section,
6 where a building existing on November 23, 1998, does not
7 include weather protection, in the form of awnings or
8 canopies, along a minimum of 90 percent of the length of a
9 ground floor facade adjacent to a street, the percentage of
10 weather protection along the ground floor facade shall not
11 be reduced. Additional weather protection meeting the
12 sidewalk clearance requirements in subsection
13 (a)(2)(B)(iv) of this section may be added without meeting
14 the minimum weather protection standard of 90 percent.

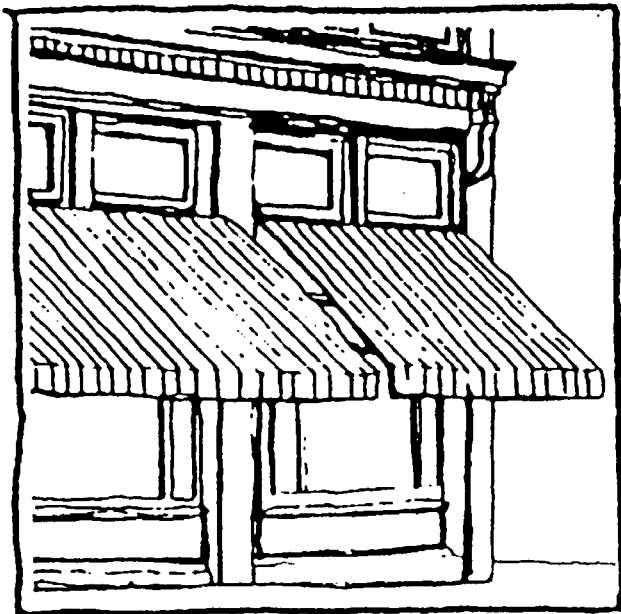
15 (v) Above grade pedestrian walkways may be provided, except
16 that no above grade pedestrian walkway shall be provided to
17 property located within the Salem Downtown Historic District.

18 **FIGURE 632-2**
19 **BUILDING CORNER ENTRY**



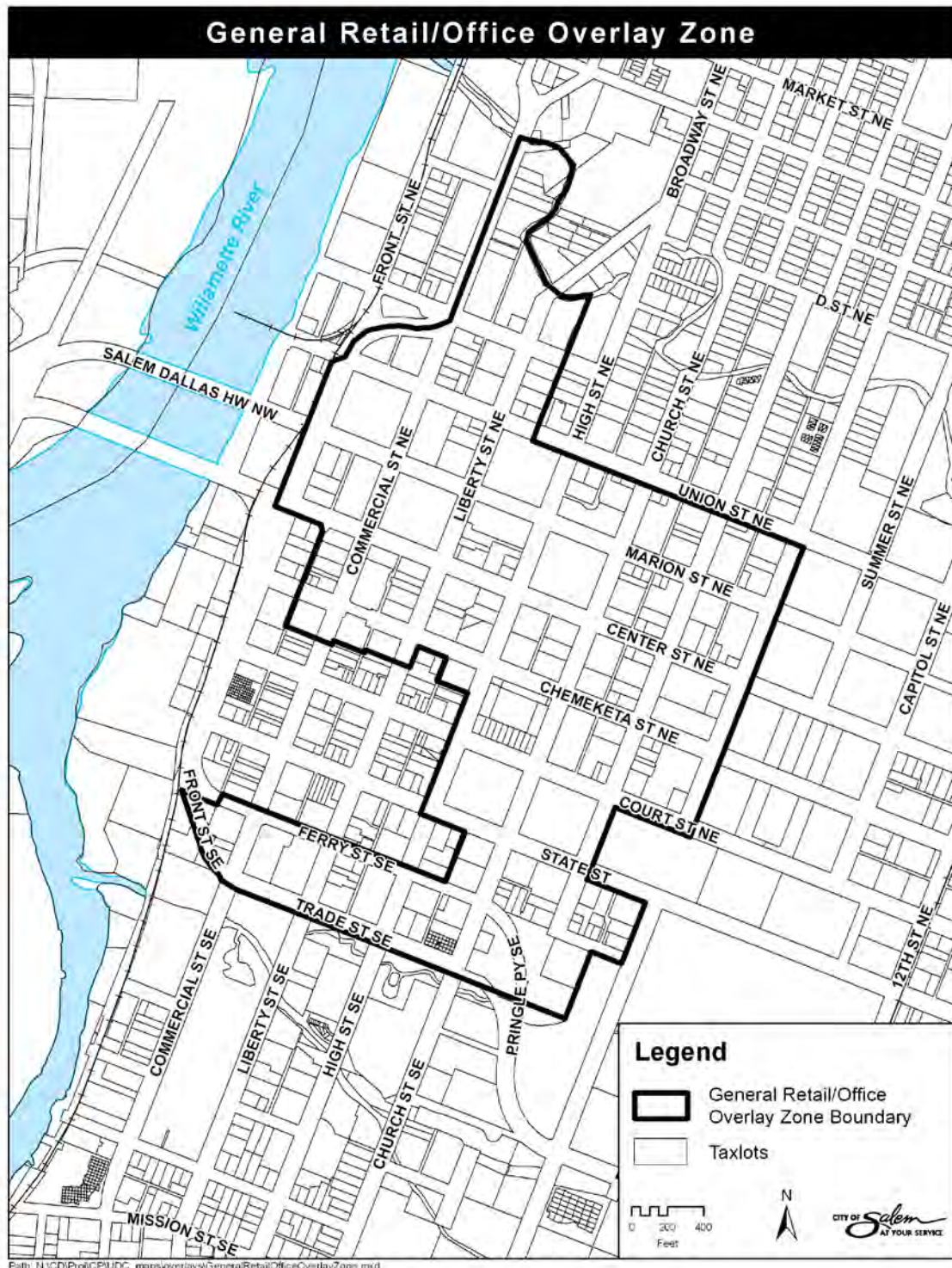
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FIGURE 632-3
WEATHER PROTECTION ON GROUND FLOOR



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FIGURE 632-4
GENERAL RETAIL/OFFICE OVERLAY ZONE



1 **Section 69.** The following SRC Chapter 633 is added to the Salem Revised Code:

2 **633.001. Purpose.** The purpose of the Front Street Overlay Zone is to establish standards that
3 promote an active and inviting urban and pedestrian-oriented district within the core of the
4 downtown that takes advantage of its proximity to Riverfront Park and the Willamette River.

5 **633.005. Front Street Overlay Zone Boundary.** The boundaries of the Front Street Overlay
6 Zone are shown in Figure 633-3.

7 **633.010. Uses.** Any use that is a permitted, special, conditional, or prohibited use in the
8 underlying zone is a permitted, special, conditional, or prohibited use in the Front Street Overlay
9 Zone.

10 **633.015. Development Standards.** Development within the Front Street Overlay Zone must
11 comply with the development standards applicable in underlying zone.

12 **633.020. Design Review.** Design review under SRC Chapter 225 is required for development
13 within the Front Street Overlay Zone as follows:

14 (a) Except as otherwise provided in this section, design review according to the design
15 review guidelines or the design review standards set forth in SRC 633.025 is required
16 for all development with the Front Street Overlay Zone.

17 (b) Multiple family development shall only be subject to design review according to
18 the design review guidelines or the design review standards set forth in SRC 633.025.

19 **633.025. Design Review Guidelines and Design Review Standards.**

20 (a) **Building Location, Orientation and Design.**

21 (1) **Building Location.**

22 (A) **Design Review Guidelines.**

23 (i) Buildings shall be located to reinforce pedestrian orientation.

24 (B) **Design Review Standards.**

25 (i) New buildings with frontage on Front Street shall be
26 constructed contiguous to the right-of-way of Front Street.

27 (2) **Building Orientation and Design.**

28 (A) **Design Review Guidelines.**

29 (i) Buildings adjacent to Front Street shall take advantage of views
30 to Riverfront Park and the Willamette River by providing building

1 facades with windows. Bay windows are preferred on upper
2 floors.

3 **(ii)** The height of the ground floor of a building shall be greater
4 than the height of any upper floors. (see Figure 633-1)

5 **(iii)** Architectural detailing shall be provided that horizontally
6 divides the ground floor and second floor facades of a building.

7 **(iv)** Weather protection, in the form of awnings, canopies, or
8 arcades appropriate to the design of the building, shall be provided
9 along ground floor building facades adjacent to a street in order to
10 create a comfortable and inviting pedestrian environment.

11 **(B) Design Review Standards.**

12 **(i)** Windows shall be included in building facades.

13 **(ii)** Buildings shall have a minimum height of 4 stories, but shall
14 not exceed a maximum height of 6 stories.

15 **(iii)** The height of the ground floor of a building shall be a
16 minimum of 14 feet.

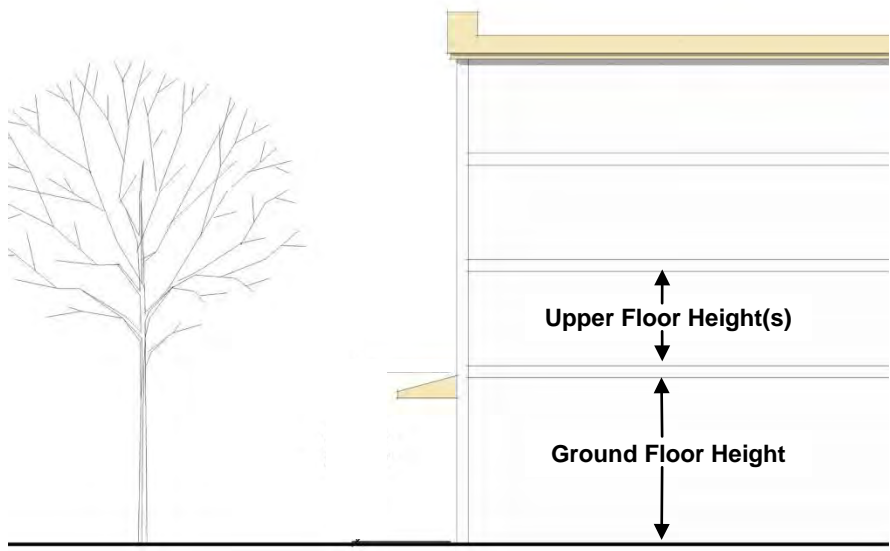
17 **(iv)** The ground floor and second floor facades of a building shall
18 be horizontally divided by providing belt or string courses.

19 **(v)** Weather protection, in the form of awnings, canopies, or
20 arcades, shall be provided along the ground floor building facade
21 adjacent to a street. Awnings and canopies shall have a minimum
22 depth of 6 feet, and a minimum clearance height above the
23 sidewalk of 8 feet. Arcades shall have a minimum depth of 8 feet,
24 and a minimum clearance height above the sidewalk of 14 feet.

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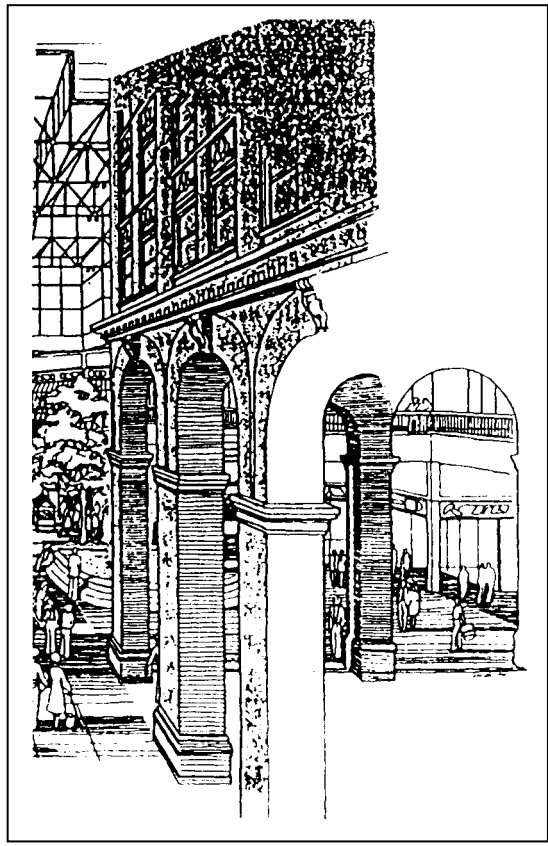
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**FIGURE 633-1
GROUND FLOOR HEIGHT**



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**FIGURE 633-2
ARCADES**



(b) Open Space.

(1) Private Open Space.

(A) Design Review Guidelines.

(i) Buildings adjacent to Front Street shall take advantage of views to Riverfront Park and the Willamette River by providing private open space for residential units on upper building floors.

(B) Design Review Standards.

(i) Building facades facing Front Street shall provide upper floor balconies for residential units. Balconies shall be a minimum of 48 square feet in size, have no dimension less than 6 feet, and shall be directly accessible from each dwelling unit through a doorway.

(c) Site Access.

(1) Vehicle Access.

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(A) Design Review Standards.

(i) Vehicle access to off-street parking areas shall not be provided directly from Front Street.

(d) Off-Street Parking and Loading.

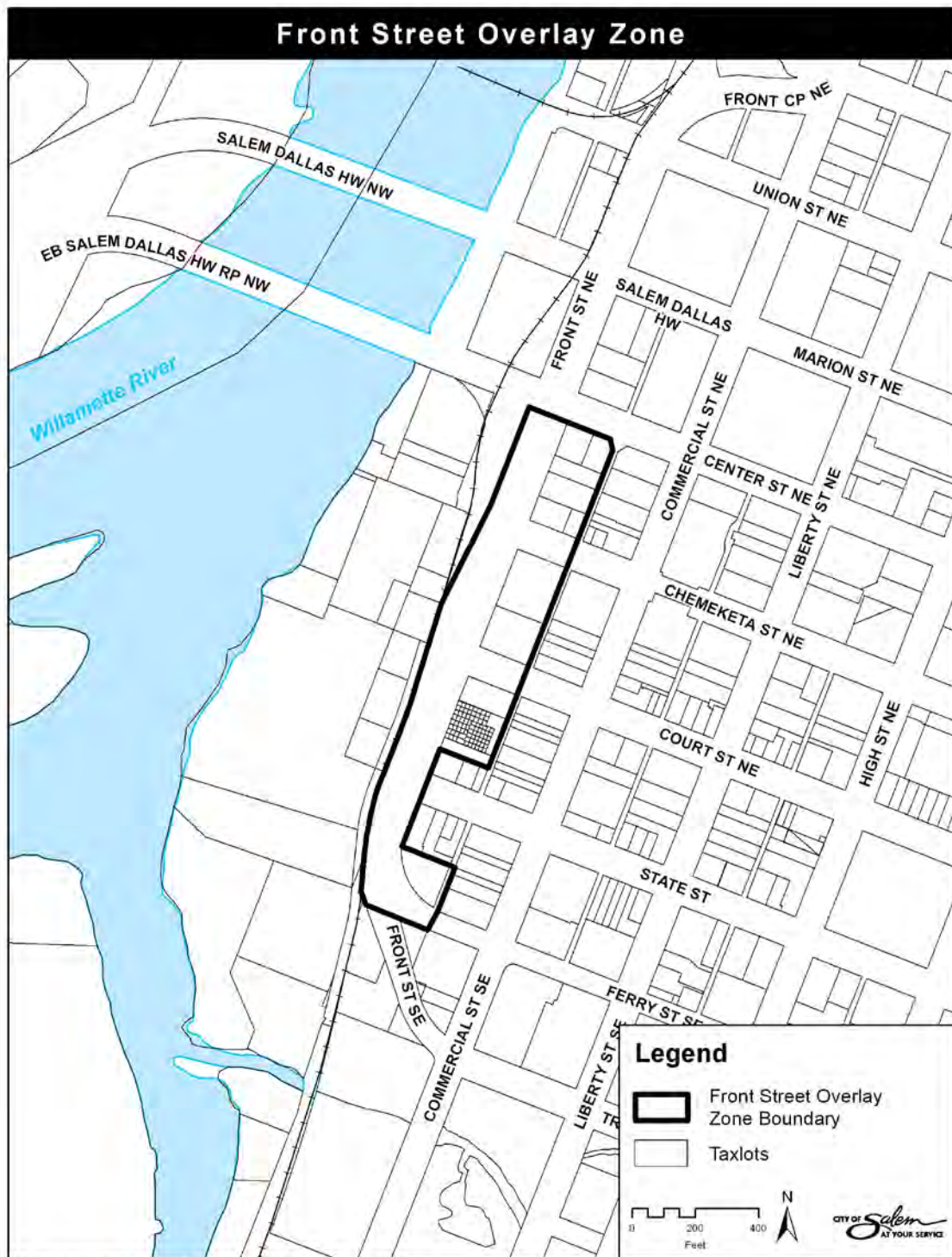
(1) Off-Street Parking.

(A) Design Review Guidelines.

(i) Off-street parking areas shall be located to reinforce pedestrian orientation.

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FIGURE 633-3
FRONT STREET OVERLAY ZONE



1 **Section 70.** The following SRC Chapter 700 is added to the Salem Revised Code:

2 **700.001. Purpose.** The purpose of this Chapter is to establish standards for uses which, within
3 certain zones or overlay zones, are designated as Special Uses under the UDC.

4 **700.005. Special Uses, Generally.**

5 (a) A special use is a use that, while allowed in certain zones and overlay zones, has
6 the potential for creating impacts that merit special standards beyond those that would
7 otherwise apply to uses generally in that zone or overlay zone. A use that is designated
8 as a special use in one zone or overlay zone may be a permitted use in another zone or
9 overlay zone.

10 (b) The special use standards set forth in this Chapter apply only where a use is
11 designated as a special use, and are in addition to the standards that apply to uses
12 generally within a zone or overlay zone.

13 (c) A special use that complies with the standards set forth in this Chapter and with the
14 applicable standards of the UDC does not require approval beyond that required for a
15 use that is a permitted use.

16 (d) The special use standards set forth in this Chapter may be modified, unless
17 otherwise specially provided in this Chapter. Modification to a special use standard
18 shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240.
19 In no case shall Conditional Use approval allow a standard that is less restrictive than
20 the development standards established in the zone or overlay zone.

21 **700.010. Basic Education.** Where designated as a special use, Basic Education shall comply
22 with the additional standards set forth in this section.

23 (a) **Lot Area.** Minimum 3 acres.

24 (b) **Setbacks.**

25 (1) Buildings shall be set back from every lot line a minimum of one foot for
26 each one foot of building height; provided, however, the setback need not exceed
27 35 feet in depth.

28 (2) Off-street parking and loading areas shall be setback a minimum of 10 feet
29 from any abutting residentially zoned property or property used for a residential
30 use.

1 (c) **Lot Coverage.** No main building or combination of classroom buildings shall
2 occupy more than 30 percent of the lot area.

3 **700.015. Golf Courses.** Where designated as a special use, golf courses shall comply with the
4 additional standards set forth in this section.

5 (a) **Setbacks.**

6 (1) Buildings shall be setback a minimum of 100 feet from every lot line.

7 (2) Golf fairways, and if provided, any tennis courts and similar sports courts or
8 fields, shall be set back a minimum of 25 feet from any abutting residentially or
9 commercially zoned property or property used for a residential or commercial use.

10 (3) Swimming pools, if provided, shall be set back a minimum of 50 feet from
11 any abutting residentially or commercially zoned property or property used for a
12 residential or commercial use.

13 (4) Off-street parking and loading areas shall be setback a minimum of 5 feet
14 from interior side and interior rear lot lines.

15 (b) **Screening.** Off-street parking and loading areas shall be screened from adjacent
16 uses by a sight-obscuring fence, wall, or hedge.

17 **700.020. Home Occupations.** Where designated as a special use, a home occupation shall
18 comply with the additional standards set forth in this section. The standards in this section
19 cannot be modified through Conditional Use approval.

20 (a) A home occupation shall only be conducted in the residence of the person engaged
21 in the home occupation.

22 (b) A home occupation shall be restricted to lawfully-built fully enclosed structures,
23 and shall not be conducted in a manner as to give the outward appearance of a business.

24 (c) A home occupation shall not create a public or private nuisance, including, but not
25 limited to, noise, odors, vibration, fumes, smoke, fire hazard, or electrical, electronic, or
26 electromagnetic interference.

27 (d) A home occupation shall be limited to the provision of services, and shall not
28 include on-site sales.

29 (e) **Non-Resident Persons Engaged in Home Occupation.**

1 (1) Not more than one non-resident person engaged in the home occupation shall
2 work at the subject property. Additional persons may be employed by or
3 associated with the home occupation, so long as they do not report to work or pick
4 up/deliver at the subject property.

5 (2) The subject property shall not be used as a gathering place for non-resident
6 persons who work off-site from the home occupation.

7 **(f) Vehicles, Parking, and Traffic.**

8 (1) Parking of customer's or client's vehicles shall not create a hazard or
9 excessive congestion.

10 (2) Delivery and pick-up of materials in connection with the home occupation
11 shall be made by vehicles not exceeding two axles in size.

12 **(g) Storage.**

13 (1) On-site storage of hazardous materials not normally incidental to Household
14 Living, including, but not limited to, those that are toxic, explosive, noxious,
15 combustible, or flammable, is prohibited.

16 (2) Outside storage or display of materials, equipment, or merchandise used in or
17 produced in connection with the home occupation is prohibited.

18 **(h)** The total floor area of all accessory structures used in connection with the home
19 occupation shall cover no more than 5 percent of the total lot area.

20 **(i)** The total floor area of all buildings and accessory structures used in connection with
21 the home occupation shall not exceed 25 percent of the habitable space of the dwelling.

22 **(j)** No alterations shall be made to the building or premises that would prevent its
23 future use exclusively for Household Living.

24 **(k)** No alterations to or use of the premises shall be made that would reduce the
25 number of off-street parking spaces required for the Household Living use under SRC
26 Chapter 806.

27 **700.025. Manufactured Home.** Where designated as a special use, manufactured homes shall
28 comply with the additional standards set forth in this section. The standards in this section
29 cannot be modified through Conditional Use approval.

30 **(a)** The manufactured home shall be multi-sectional and enclose a space of not less

1 than 860 square feet.

2 (b) The manufactured home shall be placed on an excavated and back-filled foundation
3 that shall be enclosed continuously at the perimeter with material comparable to the
4 predominant materials used in foundations of surrounding dwellings.

5 (c) The manufactured home shall have a pitched roof with a slope of not less than 3
6 feet in height for each 12 feet in width.

7 (d) The manufactured home shall have exterior siding and roofing that in color,
8 material, and appearance is similar to the exterior siding and roofing commonly used on
9 residential dwellings within the community, or which is comparable to the predominant
10 materials used on surrounding dwellings.

11 (e) The manufactured home shall be certified by the manufacturer to have an exterior
12 thermal envelope meeting performance standards equivalent to the performance
13 standards required of single-family dwellings constructed under the State Building
14 Code as defined in ORS 455.010.

15 (f) The manufactured home shall have a garage or carport constructed of like materials.

16 **700.030. Manufactured Home as Dwelling for a Caretaker.** Where designated as a special
17 use, a Manufactured Home as Dwelling for a Caretaker shall comply with the additional
18 standards set forth in this section.

19 (a) The manufactured home shall be used exclusively as the residence for a caretaker
20 on the property where the manufactured home is located.

21 (b) Only manufactured homes that were manufactured after June 15, 1976, which
22 exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates
23 conformance with Housing and Urban Development (HUD) standards shall be allowed
24 as a dwelling for a caretaker.

25 (c) The manufactured home shall be a minimum of 24 feet in width and shall enclose a
26 space of not less than 860 square feet.

27 (d) The manufactured home shall have exterior siding and roofing that in color,
28 material, and appearance is similar to the exterior siding and roofing commonly used on
29 residential dwellings within the community.

30 (e) The manufactured home shall have a pitched roof with a minimum slope of 2

1 inches in height for each 12 inches in width.

2 (f) Unless set on a ground level foundation, the manufactured home shall have skirting
3 that in design, color, and texture appears to be an integral part of the adjacent exterior
4 wall of the manufactured home.

5 (g) **Screening.** Outdoor storage of furniture, tools, equipment, building materials, or
6 supplies shall be screened. Screening shall be sight-obscuring and shall blend with the
7 environment of the main use of the premises.

8 (h) **Landscaping.** Landscaping shall be provided around the manufactured home. The
9 landscaping shall be a minimum of 20 feet in depth from each side of the manufactured
10 home.

11 **700.035. Non-Residential Uses in a Mixed-Use Project.** Where designated as a special use,
12 non-residential uses in a mixed-use project shall comply with the additional standards set forth in
13 this section.

14 (a) **Additional Permitted Uses.** Notwithstanding the permitted, special, conditional,
15 or prohibited uses in the zone, the non-residential uses set forth in Table 700-1 are
16 additional Permitted (P) uses within a mixed-use project.

17 **TABLE 700-1**

18 **ADDITIONAL PERMITTED USES IN A MIXED-USE PROJECT**

19 **Table 700-1: Additional Permitted Uses in a Mixed-Use Project**

Use	Status	Limitations & Qualifications
Lodging		
Short-Term Commercial Lodging	P	
Long-Term Commercial Lodging	P	
Retail Sales and Service		
Eating and Drinking Establishments	P	
Retail Sales	P	
Personal Services	P	
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	

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Table 700-1: Additional Permitted Uses in a Mixed-Use Project		
Use	Status	Limitations & Qualifications
Recreational and Cultural Community Services	P	
Health Services		
Outpatient Medical Services and Laboratories	P	

(b) A mix of residential and non-residential uses shall be provided. A mixed-use project shall include a minimum of 25 dwelling units.

(c) A minimum of 50 percent of the floor area of each building within a mixed-use project shall include dwelling units; except that Eating and Drinking Establishments may be housed in a separate building without dwelling units if the floor area of all non-residential uses within the mixed-use project, including Eating and Drinking Establishments, totals no more than 50 percent of the total floor area of the mixed-use project.

(d) Except for Office uses, all non-residential uses shall be limited to the ground floor of a building or buildings within a mixed-use project. Office uses may be located on upper floors.

(e) Uses within a mixed-use project shall not include:

- (1) Rendering, processing, or cleaning of animals, fish, seafood, fowl, poultry, fruits, vegetables, or dairy products except for consumption on the premises.
- (2) Packaging of products for retail sale, except for purchases made by a retail customer at the time of purchase.
- (3) Outdoor display or storage of merchandise or materials.

700.040. Nursing Care. *Where designated as a special use, Nursing Care shall comply with the additional standards set forth in this section.*

(a) Setbacks.

(1) Abutting Street.

(A) Buildings and accessory structures shall be setback a minimum of 20 feet from the street.

(B) Vehicle use areas shall be setback a minimum of 20 feet from the street, except where a driveway provides direct access to the street.

1 **(2) Interior Front, Interior Side, and Interior Rear.**

2 **(A) Buildings and accessory structures shall be setback a minimum of 20**
3 **feet from interior front, interior side, and interior rear property lines.**

4 **(B) Vehicle use areas shall be setback a minimum of 5 feet from interior**
5 **front, interior side, and interior rear property lines, except where a shared**
6 **driveway is located over the common lot line providing access to or more**
7 **uses.**

8 **(b) Lot Coverage. Lot coverage shall not exceed a maximum of 40 percent.**

9 **(c) Landscaping. All lot area not developed for buildings, accessory structures, and**
10 **vehicle use areas shall be landscaped as provided under SRC Chapter 807.**

11 **(d) Screening. Off-street parking and loading areas shall be screened from adjacent**
12 **uses by a sight-obscuring fence, wall, or hedge.**

13 **700.04045. Commercial Parking.** Where designated as a special use, Commercial Parking
14 shall comply with the additional standards set forth in this section.

15 **(a) Location.** The parking area shall be located on a lot whose side abuts property,
16 other than a street, alley, or creek, within a commercial or industrial zone, and the lot is
17 located entirely within 165 feet of the abutting commercial or industrial zone.

18 **(b) Size.** The parking area shall not exceed a maximum of 10,000 square feet or 24
19 parking spaces, whichever is smaller.

20 **(c) Setbacks.** The parking area shall be setback a minimum of 10 ft. from abutting
21 residentially zoned property or property used for a residential use. The setback shall be
22 landscaped according to the Type C standard set forth in SRC Chapter 807.

23 **(d) Access.** Access to the parking area shall be limited to the street that provides
24 access to the abutting commercial or industrial zoned property.

25 **700.045050. Religious Assembly.** Where designated as a special use, Religious Assembly
26 shall comply with the additional standards set forth in this section.

27 **(a)** Where a development site is located in two or more zones, the entire development
28 site shall comply with the more restrictive development standards of the zones
29 involved.
30

(b) Notwithstanding SRC Chapter 270, existing non-conforming religious assemblies that are substantially damaged or destroyed by any cause may be rebuilt provided that the degree of non-conformity is not increased. For purposes of this section, "existing non-conforming religious assemblies" are religious assemblies that were non-conforming on February 25, 1993.

(c) **Seating Capacity.** The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700-2. Where seating is provided in the form of fixed individual seating, one fixed individual seat equals one seat. Where seating is provided in the form of fixed benches, two feet of fixed bench length equals one seat. In areas where portable seating is provided, 15 square feet of floor area equals one seat. Maximum seating capacity cannot be modified through Conditional Use approval.

**TABLE 700-2
SEATING CAPACITY**

Table 700-2: Seating Capacity		
Zone	Standard	Limitations & Qualifications
RA Zone	Max. 375	Applicable to: <ul style="list-style-type: none"> ▪ Lots abutting a local street. ▪ Lots abutting a collector or arterial street with less than 250 feet of frontage on such street.
	No Max.	Applicable to: <ul style="list-style-type: none"> ▪ Lots abutting a collector or arterial street with 250 feet or more of frontage on such street. ▪ Lots located at the intersection of a collector and arterial street, two collector streets, or two arterial streets. ▪ Double frontage lots with both frontages on collector or arterial streets.
RS Zone	Max. 375	Applicable to lots abutting local, collector, and arterial streets.
RD Zone	Max. 500	Applicable to lots abutting local, collector, and arterial streets.
RM-I, RM-II, and RH Zones	Max. 500	Applicable to: <ul style="list-style-type: none"> ▪ Lots abutting a local street. ▪ Lots abutting a collector or arterial street with less than 250 feet of frontage on such street.
	No Max.	Applicable to: <ul style="list-style-type: none"> ▪ Lots abutting a collector or arterial street with 250 feet or more of frontage on such street. ▪ Lots located at the intersection of a collector and arterial street, two collector streets, or two arterial streets. ▪ Double frontage lots with both frontages on collector or arterial streets.

Table 700-2: Seating Capacity

Zone	Standard	Limitations & Qualifications
CO Zone	Max. 500	Applicable to: <ul style="list-style-type: none"> ▪ Lots abutting a local street. ▪ Lots abutting a collector or arterial street, but which are not located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.
	No Max.	Applicable to lots located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.

(d) Locational Standards. Religious assemblies shall be located on streets as set forth in Table 700-3.

**TABLE 700-3
LOCATIONAL STANDARDS**

Table 700-3: Locational Standards

Zone	Street Type	Standard
RA Zone	Local Street	Allowed for seating capacity of 375 seats or less.
	Collector or Arterial Street	Allowed for seating capacity of 375 seats or less, when located on lot with less than 250 feet of frontage on a collector or arterial street.
		Allowed, regardless of seating capacity, when: <ul style="list-style-type: none"> ▪ Located on a lot with 250 feet or more of frontage on a collector or arterial street. ▪ Located at the intersection of a collector and arterial street, two collector streets, or two arterial streets. ▪ Double frontage lots with both frontages on collector or arterial streets.
RS Zone	Local Street	Allowed for seating capacity of 375 seats or less.
	Collector or Arterial Street	Allowed for seating capacity of 375 seats or less.
RD Zone	Local Street	Allowed for seating capacity of 500 seats or less.
	Collector or Arterial Street	Allowed for seating capacity of 500 seats or less.
RM-I, RM-II, and RH Zones	Local Street	Allowed for seating capacity of 500 seats or less.
	Collector or Arterial Street	Allowed for seating capacity of 500 seats or less, when located on lot with less than 250 feet of frontage on a collector or arterial street.
		Allowed, regardless of seating capacity, when: <ul style="list-style-type: none"> ▪ Located on a lot with 250 feet or more of frontage on a collector or arterial street. ▪ Located at the intersection of a collector and arterial street, two collector streets, or two arterial streets. ▪ Double frontage lots with both frontages on collector or arterial streets.
CO Zone	Local Street	Allowed for seating capacity of 500 seats or less.
	Collector or Arterial Street	Allowed for seating capacity of 500 seats or less, when not located at the intersection of a collector and arterial street, two

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Table 700-3: Locational Standards

Zone	Street Type	Standard
		collector streets, or two arterial streets
		Allowed, regardless of seating capacity, when located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.

(e) **Access.** Access to religious assemblies may be provided from local, collector, or arterial streets. Access provided from a local street shall conform to the standards set forth in Table 700-4.

**TABLE 700-4
LOCAL STREET ACCESS**

Table 700-4: Local Street Access	
Zone	Standard
RA and RS Zones	Only one access point allowed.
RD, RM-I, RM-II, RH, and CO Zones	Access points shall be located not more than 125 feet from a collector or arterial street.

(f) **Lot Standards.** Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-5. The lot standards identified in Table 700-5 apply to an individual lot, or contiguous lots when two or more lots under a single ownership are combined to accommodate the development. For purposes of this subsection, contiguous lots shall include lots that are separated by an alley.

**TABLE 700-5
LOT STANDARDS**

Table 700-5: Lot Standards		
Requirement	Standard	Limitations & Qualifications
MAXIMUM LOT AREA		
RA Zone	Max. 2 acres	Applicable to: <ul style="list-style-type: none"> Lot abutting a local street. Lot abutting a collector or arterial street with less than 250 feet of frontage on such street.
	No Max.	Applicable to: <ul style="list-style-type: none"> Lot abutting a collector or arterial street with 250 feet or more of frontage on such street. Lot located at the intersection of a collector and arterial street, two collector streets, or two arterial

Table 700-5: Lot Standards

Requirement	Standard	Limitations & Qualifications
		streets. <ul style="list-style-type: none"> ▪ Double frontage lot with both frontages on collector or arterial streets.
RS Zone	Max. 2 acres	
RD Zone	Max. 3.5 acres	
RM-I, RM-II, and RH Zones	Max. 3.5 acres	Applicable to: <ul style="list-style-type: none"> ▪ Lot abutting a local street. ▪ Lot abutting a collector or arterial street with less than 250 feet of frontage on such street.
	No Max.	Applicable to: <ul style="list-style-type: none"> ▪ Lot abutting a collector or arterial street with 250 feet or more of frontage on such street. ▪ Lot located at the intersection of a collector and arterial street, two collector streets, or two arterial streets. ▪ Double frontage lot with both frontages on collector or arterial streets.
CO Zone	Max. 3.5 acres	Applicable to: <ul style="list-style-type: none"> ▪ Lot abutting a local street. ▪ Lot abutting a collector or arterial street, but which is not located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.
	No Max.	Applicable to lot located at the intersection of a collector and arterial street, two collector streets, or two arterial streets.
STREET FRONTAGE		
RA and RS Zones	Min. 100 ft. per street	
RD, RM-I, RM-II, RH, and CO Zones	Min. 150 ft. per street	

(g) **Setbacks.** Setbacks for religious assemblies shall be provided as set forth in Table 700-6.

**TABLE 700-6
SETBACKS**

Table 700-6: Setbacks

Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings and Accessory Structures		
RA, RS, RD, RM-I, RM-II, and RH Zones	Min. 12 ft.	Applicable to buildings and accessory structures not more than 25 ft. in height.
	Min. 12 ft., plus two feet for each five feet of height over	Applicable to building and accessory structures greater than 25 ft. in height.

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Table 700-6: Setbacks

Requirement	Standard	Limitations & Qualifications
	25 ft.	
CO Zone	Min. 20 ft.	Applicable only where buildings and accessory structures are located on a lot abutting a residential zone.
Vehicle Use Areas		
RA, RS, RD, RM-I, RM-II, RH, and CO Zones	Min. 12 ft.	
INTERIOR FRONT		
Buildings and Accessory Structures		
RA, RS, RD, RM-I, RM-II, and RH Zones	Min. 12 ft.	Applicable to buildings and accessory structures not more than 25 ft. in height.
	Min. 12 ft., plus two feet for each five feet of height over 25 ft.	Applicable to building and accessory structures greater than 25 ft. in height.
CO Zone	Min. 50 ft.	Applicable only where buildings and accessory structures are located on a lot abutting a residential zone.
Vehicle Use Areas		
RA, RS, RD, RM-I, RM-II, RH, and CO Zones	Min. 5 ft.	
	Min. 15 ft.	Applicable when abutting a residential zone.
INTERIOR SIDE		
Buildings and Accessory Structures		
RA, RS, RD, RM-I, RM-II, and RH Zones	Min. 12 ft.	Applicable to buildings and accessory structures not more than 25 ft. in height.
	Min. 12 ft., plus two feet for each five feet of height over 25 ft.	Applicable to building and accessory structures greater than 25 ft. in height.
CO Zone	Min. 50 ft.	Applicable only where buildings and accessory structures are located on a lot abutting a residential zone.
Vehicle Use Areas		
RA, RS, RD, RM-I, RM-II, RH, and CO Zones	Min. 5 ft.	
	Min. 15 ft.	Applicable when abutting a residential zone.
INTERIOR REAR		
Buildings and Accessory Structures		
RA, RS, RD, RM-I, RM-II, and RH Zones	Min. 12 ft.	Applicable to buildings and accessory structures not more than 25 ft. in height.
	Min. 12 ft., plus two feet for each five feet of height over 25 ft.	Applicable to building and accessory structures greater than 25 ft. in height.
CO Zone	Min. 50 ft.	Applicable only where buildings and accessory structures are located on a lot abutting a residential zone.
Vehicle Use Areas		
RA, RS, RD, RM-I, RM-II, RH, and CO Zones	Min. 5 ft.	
	Min. 15 ft.	Applicable when abutting a residential zone.

clubs and organizations, and other similar activities operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted. When such activities are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation, the activities shall be allowed only if they are an allowed use in the zone.

700.050055. Residential Facility. Where designated as a special use, Residential Facilities, as defined under ORS 197.660, shall comply with the additional standards set forth in this section.

(a) Setbacks. Setbacks for Residential Facilities shall be provided as set forth in Table 700-8.

**TABLE 700-8
SETBACKS**

Table 700-8: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
Buildings and Accessory Structures	Min. 20 ft.	
Vehicle Use Areas	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings and Accessory Structures	Min. 20 ft.	
Vehicle Use Areas	Min. 5 ft.	
INTERIOR SIDE		
Buildings and Accessory Structures	Min. 20 ft.	
Vehicle Use Areas	Min. 5 ft.	
INTERIOR REAR		
Buildings and Accessory Structures	Min. 20 ft.	
Vehicle Use Areas	Min. 5 ft.	

(b) Lot Coverage. Buildings and accessory structures shall not exceed a maximum lot coverage of 40 percent.

(c) Landscaping. All lot area not developed for buildings, structures, parking, loading, or driveways shall be landscaped as provided in SRC chapter 807.

(d) Screening. Off-street parking and loading areas shall be screened from adjacent uses by a sight-obscuring fence, wall, or hedge.

700.055060. Scrap and Waste Material Wholesalers. Where designated as a special use, scrap and waste material wholesalers shall comply with the additional standards set forth in this section.

1 (a) **Heavy Operations.** If conducted outdoors, the following operations shall be
2 conducted more than 300 feet away from residentially zoned property or property used
3 for a residential use:

- 4 (1) Shredding or baling of tires;
- 5 (2) Compression, cutting, or baling of scrap metal;
- 6 (3) Cutting or baling of used lumber; and
- 7 (4) Breaking up of concrete or masonry, other than the removal of mortar for the
8 salvage of stone or brick masonry products.

9 (b) **Screening.** All outdoor operations shall be screened from adjacent streets and
10 adjacent property by:

- 11 (1) A sight-obscuring fence or wall not less than 7 feet in height; or
- 12 (2) A landscaped berm in combination with a sight-obscuring fence, the top of
13 which is at least 8 feet above the highest grade on either side thereof.

14 ~~700.060~~**065. Secondary Dwellings and Guest Rooms.** Where designated as a special use,
15 secondary dwellings and guest rooms shall comply with the additional standards set forth in this
16 section.

17 (a) **Location.**

18 (1) Secondary dwelling units and guest rooms may be located within a building
19 devoted primarily to a non-residential use, provided that none of the ground floor
20 area within 25 feet of the exterior wall of the building facing a business street is
21 occupied by any portion of a dwelling unit or guest room other than an entrance,
22 hallway, or stairway not more than 6 feet in width.

23 (2) For purposes of this subsection, “business street” means a collector or arterial
24 street providing access to commercially or industrially zoned lots fronting
25 thereon.

26 ~~700.065~~**070. Small Animal Veterinary Services.** Where designated as a special use, small
27 animal veterinary services shall comply with the additional standards set forth in this section.

28 (a) All operations, other than outside runs for dogs and other animals, shall be
29 conducted within completely enclosed and soundproof buildings.

30 (b) Outside runs for dogs and other animals shall:

1 (1) Be operated only between the hours of 7:00 a.m. to 6:00 p.m. An attendant
2 shall be present on the premises at all times during the hours of operation.

3 (2) Be setback a minimum of 60 feet from residentially zoned property or
4 property used for a residential use.

5 (3) Be screened from adjacent streets and adjacent property by a sight-obscuring
6 fence, wall, or hedge.

7 **700.070075. Social Services.** Where designated as a special use, Social Services shall comply
8 with the additional standards set forth in this section.

9 (a) **Lot Area.** Social Services shall have a minimum lot area of 43,560 square feet.

10 (b) **Setbacks.** Social Services shall be set back a minimum of 35 feet from
11 residentially zoned property or property used for a residential use.

12 (c) **Lot Coverage.** Buildings and accessory structures for Social Services shall not
13 exceed a maximum lot coverage of 40 percent.

14 (d) **Screening.** Social Services shall be screened from adjacent uses by a sight-
15 obscuring fence, wall, or hedge.

16 **700.075080. Townhouses.** Where designated as a special use, townhouses shall comply with
17 the additional standards set forth in this section.

18 (a) **Permitted Development.**

19 (1) Within the Residential Agriculture (RA), Single Family Residential (RS), and
20 Duplex Residential (RD) zones, not more than three townhouses, each on a
21 separate platted lot, may be attached.

22 (2) Within any zone, other than the Residential Agriculture (RA), Single Family
23 Residential (RS), and Duplex Residential (RD) zones, not more than six
24 townhouses, each on a separate platted lot, may be attached.

25 (b) **Interior Side Setback.** Any exterior wall or portion thereof which faces but is not
26 contiguous to an interior side lot line shall be setback a minimum of 5 feet~~meet all~~
27 ~~applicable interior side setback requirements under the UDC~~; otherwise, the interior
28 side setback requirements of the UDC shall not apply. The provisions of this
29 subsection shall also apply to accessory structures.
30

1 (c) **Maintenance Easement.** No building permit shall be issued for a townhouse
2 unless the applicant provides a copy of a recorded easement from the owner of the
3 property that abuts the townhouse providing for reasonable ingress, egress, and use of
4 such abutting property for the purpose of maintaining, repairing, and replacing the
5 premises. The easement shall be in a form approved by the City Attorney.

6 ~~700.080~~**085. Two Family Shared Dwellings.** Where designated as a special use, two family
7 shared dwellings shall comply with the additional standards set forth in this section.

8 (a) The building to be converted to a two family shared dwelling must have been
9 constructed as a single family dwelling and must have been occupied as such by an
10 owner for a continuous six month period between the date of its first occupancy and the
11 date of its conversion to a two family shared dwelling.

12 (b) The building shall contain no more than two dwelling units after conversion.

13 (c) One dwelling unit within the building must be occupied by the owner of the
14 building.

15 (d) There shall be no more than two dwelling units per lot.

16 (e) A minimum of 60 percent of the building's habitable space prior to conversion must
17 be included within one of the dwelling units.

18 (f) Each dwelling unit shall contain a minimum of 600 square feet of floor area.

19 (g) No more than 60 square feet of floor area shall be added to the building; provided,
20 however, conversion of unfinished areas to habitable space shall not count toward the
21 60 square foot limitation.

22 (h) A two family shared dwelling shall not be separated in ownership under ORS
23 Chapter 94 or any other law or ordinance allowing ownership of a portion of a building
24 or the space therein.

25 ~~700.085~~**090. Zero Side Yard Dwellings.** Where designated as a special use, zero side yard
26 dwellings shall comply with the additional standards set forth in this section.

27 (a) **Permitted Development.** Any number of zero side yard dwellings, each on a
28 separate platted lot, may be developed under this section in any zone.

29 (b) **Interior Side Setback.** Any exterior wall or portion thereof which faces but is not
30 contiguous to an interior side lot line shall be setback a minimum of 5 feet~~meet all~~

1 ~~applicable interior side setback requirements under the UDC~~; otherwise, the interior
2 side setback requirements of the UDC shall not apply.

3 **(c) Maintenance easement.** No building permit shall be issued for a zero side yard
4 dwelling unless the applicant provides a copy of a recorded easement from the owner
5 of the property abuts the zero side yard dwelling providing for reasonable ingress,
6 egress, and use of such abutting property for the purpose of maintaining, repairing, and
7 replacing the premises. The easement shall be in a form approved by the City Attorney.

8 **Section 71.** The following SRC Chapter 701 is added to the Salem Revised Code:

9 **701.001. Purpose.** The purpose of this Chapter is to establish standards and a review procedure
10 for uses allowed as temporary uses under the UDC.

11 **701.005. Definitions.** Unless the context otherwise specifically requires, as used in this
12 Chapter, the following mean:

13 **(a) Construction storage yard:** A storage area for construction supplies, materials,
14 and/or equipment, located on a site other than the construction site itself, for use only
15 during the actual construction of a project.

16 **(b) Mobile food unit:** Any kiosk, shed, shelter, trailer, vehicle, or wagon which is
17 self-propelled, or which is capable of being towed, pulled, or pushed down a street, and
18 which is used to prepare, process, or sell food and/or beverages for immediate
19 consumption through drive-in, drive through, curb, or walk-up service. A mobile food
20 unit does not include a street vendor's cart or a peddler's vehicle or conveyance.
21 Mobile food units are not permanent structures and must remain capable of being
22 moved.

23 **(c) Replacement single family dwelling:** A new single family dwelling constructed to
24 replace an existing owner occupied, site-built, single family dwelling on the same lot.

25 **(d) Residential sales/development office:** A building or structure within a subdivision,
26 Planned Unit Development (PUD), condominium development, apartment complex, or
27 manufactured dwelling park whose principal use is for the sale, rent, lease, and/or
28 development of lots, units, and/or structures within the subdivision, PUD,
29 condominium development, apartment complex, or manufactured dwelling park.

1 (e) Temporary motor vehicle and recreational vehicle sales: The use of property for
2 the sale of cars, light trucks, or recreational vehicles by a commercial dealer for a
3 period that does not exceed 4 consecutive days.

4 (f) Temporary and seasonal gravel off-street parking and loading area: A gravel off-
5 street parking or loading area utilized to meet a need for parking or loading that is
6 temporary or seasonal in nature, and which is restricted to a limited duration.

7 **701.010. Temporary Use Permit.**

8 (a) **Applicability.** No building, structure, or land shall be used or developed for any
9 use which is allowed as a temporary use under the UDC unless a temporary use permit
10 has been granted pursuant to this Chapter.

11 (b) **Classes.**

12 (1) **Class 1 Temporary Use Permit.** A Class 1 Temporary Use Permit is a
13 permit for the following:

- 14 (A) Christmas tree sales;
- 15 (B) Construction storage yard;
- 16 (C) Mobile food unit;
- 17 (D) Replacement single family dwelling;
- 18 (E) Residential sales/development office; and
- 19 (F) Temporary Motor vehicle and recreational vehicle sales.

20 (2) **Class 2 Temporary Use Permit.** A Class 2 Temporary Use Permit is a
21 permit for the following:

- 22 (A) Temporary and seasonal gravel parking and loading areas.

23 (c) **Procedure Type.**

24 (1) A Class 1 Temporary Use Permit is processed as a Type I procedure under
25 SRC Chapter 300.

26 (2) A Class 2 Temporary Use Permit is processed as a Type II procedure under
27 SRC Chapter 300.

28 **701.015. Christmas Tree Sales.** Christmas tree sales shall comply with the following:

29 (a) **Temporary Use Permit Required.** Christmas tree sales shall require a Class 1
30 Temporary Use Permit.

1 **(b) Submittal Requirements.** An application for a Class 1 Temporary Use Permit
2 for Christmas tree sales shall include the submittal requirements for a Type I
3 application under SRC Chapter 300.

4 **(c) Standards.** Christmas tree sales shall comply with the standards set forth in this
5 subsection.

6 **(1) Period of Use.** Christmas tree sales may be conducted in the location
7 authorized under a temporary use permit only during the months of November
8 and December.

9 **(d) Criteria.** A Class 1 Temporary Use Permit for Christmas tree sales shall be
10 granted if the applicable standards set forth in this section are met.

11 **701.020. Mobile Food Unit.** Mobile food units shall comply with the following:

12 **(a) Temporary Use Permit Required.** Mobile food units shall require a Class 1
13 Temporary Use Permit.

14 **(b) Submittal Requirements.** In addition to the submittal requirements for a Type I
15 application under SRC Chapter 300, an application for a Class 1 Temporary Use Permit
16 for a mobile food unit shall include the following:

17 **(1)** A site plan, of a size and form and in the number of copies meeting the
18 standards established by the Planning Administrator, containing the following
19 information:

20 **(A)** All structures and existing uses or activities served by the parking lot
21 in which the mobile food unit will be located;

22 **(B)** All parking, loading, and maneuvering areas;

23 **(C)** Lot ingress and egress;

24 **(D)** The type and location of the mobile food unit;

25 **(E)** The type and location of proposed screening and landscaping;

26 **(F)** The location of utility services, sewage, and waste disposal; and

27 **(G)** Propane tank size and arrangement.

28 **(2)** Documentation that all state and county health and sanitary licenses have
29 been obtained.
30

1 (3) If the mobile food unit is located on property not owned by the mobile food
2 unit operator, a copy of the agreement between the mobile food unit operator and
3 the property owner granting permission to use the property.

4 (c) **Standards.** Mobile food units shall, in addition to all other applicable standards in
5 the UDC, comply with the standards set forth in this subsection.

6 (1) **Period of Use.** Only one mobile food unit may operate at a development site
7 authorized under a temporary use permit for a period not to exceed to 6
8 consecutive months within any consecutive 12 month period. Such time period
9 commences from the date of occupation of the development site by the mobile
10 food unit. As used in this paragraph, “development site” means any lot, shopping
11 center, office complex, or aggregation of lots which share parking and access.

12 (2) **Location.**

13 (A) A mobile food unit shall not be located within 500 feet of another
14 mobile food unit on the same side of the street, or within 250 feet of
15 another mobile food unit on the opposite side of the street.

16 (B) A mobile food unit shall not be located within the public right-of-
17 way.

18 (3) **Parking.** A mobile food unit shall not be permitted unless the off-street
19 parking requirements for all uses or activities served by the off-street parking area
20 in which the mobile food unit is to be located are met.

21 (4) **Skirting and Screening.** All mobile food units shall be fully skirted and all
22 conduit, tanks, and storage shall be completely screened from all public areas and
23 streets by sight-obscuring fencing and/or temporary landscaping.

24 (5) **Access.** Primary access to mobile food units shall be from arterial streets,
25 through existing driveways.

26 (6) **Conversion to Permanent Structures Prohibited.** A mobile food unit shall
27 not be converted into a permanent structure, unless the mobile food unit is a pre-
28 fabricated structure that is:

29 (A) Designed for permanent placement; and

30 (B) Approved by the State of Oregon and the Building Official.

1 (d) **Criteria.** A Class 1 Temporary Use Permit for a mobile food unit shall be granted
2 if the applicable standards set forth in this section are met.

3 **701.025. Replacement Single Family Dwelling.** Replacement single family dwellings shall
4 comply with the following:

5 (a) **Temporary Use Permit Required.** Replacement single family dwellings shall
6 require a Class 1 Temporary Use Permit.

7 (b) **Submittal Requirements.** In addition to the submittal requirements for a Type I
8 application under SRC Chapter 300, an application for a Class 1 Temporary Use Permit
9 for a replacement single family dwelling shall include the following:

10 (1) A bond and removal agreement, in conformance with SRC 701.025(c)(3).

11 (c) **Standards.** Replacement single family dwellings shall comply with the standards
12 set forth in this subsection.

13 (1) **Period of Use.** The existing single family dwelling shall be removed within 6
14 months from date of issuance of the building permit for the replacement single
15 family dwelling; provided, however, the Planning Administrator may grant the
16 owner one extension for up to 6 months to remove the existing family dwelling if
17 the owner proves that unusual circumstances beyond their control, and not
18 financial circumstances, have delayed construction of the replacement single
19 family dwelling.

20 (2) **Demolition Permit Required.** A demolition permit for the existing single
21 family dwelling shall be obtained by the owner at the time the building permit for
22 the replacement single family dwelling is issued.

23 (3) **Bond and Removal Agreement Required.** The owner of the existing single
24 family dwelling shall post a \$7,500 bond and enter into an agreement with the
25 City granting the City authority to remove the existing single family dwelling if
26 the owner fails to remove the structure in compliance with paragraph (1) of this
27 subsection.

28 (d) **Criteria.** A Class 1 Temporary Use Permit for a replacement single family
29 dwelling shall be granted if the applicable standards set forth in this section are met.
30

1 **701.030. Residential Sales/Development Office.** Residential sales/development offices shall
2 comply with the following:

3 (a) **Temporary Use Permit Required.** Residential sales/development offices shall
4 require a Class 1 Temporary Use Permit.

5 (b) **Submittal Requirements.** In addition to the submittal requirements for a Type I
6 application under SRC Chapter 300, an application for a Class 1 Temporary Use Permit
7 for a residential sales/development office shall include the following:

8 (1) A site plan, of a size and form and in the number of copies meeting the
9 standards established by the Planning Administrator, containing the following
10 information:

11 (A) The total site area, dimensions, and orientation relative to north; and

12 (B) The location, distance to property lines, and height of the proposed
13 building or structure to be used as a residential sales/development office.

14 (c) **Standards.** Residential sales/development offices shall comply with the standards
15 set forth in this subsection.

16 (1) **Period of Use.** A residential sales/development office may operate in the
17 location authorized under a temporary use permit until the later of the following:

18 (A) Completion of the subdivision, PUD, condominium, apartment
19 complex, or manufactured dwelling park; or

20 (B) The sale, rent, or lease of all lots and/or structures within the
21 subdivision, PUD, condominium, apartment complex, or manufactured
22 dwelling park.

23 (2) **Building or Structure to be Sited and Constructed to Accommodate a**
24 **Permitted Use.** The building or structure to be used as a residential
25 sales/development office shall be constructed and sited for the ultimate purpose of
26 a legally permitted use. A mobile home that is being used as a temporary
27 residential sales/development office shall be removed when its use as a residential
28 sales/development office has ceased.

29 (3) **Appearance; Maintenance.** The exterior of a residential sales/development
30 office shall be finished and the site shall be landscaped and maintained while

1 being used as a residential sales/development office. All plant material that dies
2 or is diseased while the structure is being used as a residential sales/development
3 office shall be replaced.

4 **(4) Hours of Operation.** The hours of operation of a residential
5 sales/development office shall be limited to between 8:00 a.m. and 8:00 p.m.

6 **(5) Restoration to Residential Use.** Upon termination of the use of the building
7 or structure as a temporary residential sales/development office, the property shall
8 be restored to its residential condition and use.

9 **(d) Criteria.** A Class 1 Temporary Use Permit for a residential sales/development
10 office shall be granted if the applicable standards set forth in this section are met.

11 **701.035. Temporary Motor Vehicle and Recreational Vehicle Sales.** Temporary motor
12 vehicle and recreational vehicle sales shall comply with the following:

13 **(a) Temporary Use Permit Required.** Temporary motor vehicle and recreational
14 vehicle sales shall require a Class 1 Temporary Use Permit.

15 **(b) Submittal Requirements.** In addition to the submittal requirements for a Type I
16 application under SRC Chapter 300, an application for a Class 1 Temporary Use Permit
17 for temporary motor vehicle or recreational vehicle sales shall include the following:

18 **(1)** A site plan, of a size and form and in the number of copies meeting the
19 standards established by the Planning Administrator, containing the following
20 information:

21 **(A)** The location of the proposed temporary motor vehicle or recreational
22 vehicle sales area.

23 **(c) Standards.** Temporary motor vehicle and recreational vehicle sales shall comply
24 with the standards set forth in this subsection.

25 **(1) Period of Use.** Temporary motor vehicle and recreation vehicle sales may be
26 conducted in the location authorized under a temporary use permit for a period
27 not to exceed 4 consecutive days, and shall not be held more than 3 times per
28 calendar year.

1 (d) **Criteria.** A Class 1 Temporary Use Permit for temporary motor vehicle and
2 recreational vehicle sales shall be granted if the applicable standards set forth in this
3 section are met.

4 **701.040. Temporary and Seasonal Gravel Parking and Loading Areas.** Temporary and
5 seasonal gravel off-street parking and loading areas shall comply with the following:

6 (a) **Temporary Use Permit Required.** Temporary and season gravel off-street
7 parking and loading areas shall require a Class 2 Temporary Use Permit.

8 (b) **Submittal Requirements.** In addition to the submittal requirements for a Type II
9 application under SRC Chapter 300, an application for a Class 2 Temporary Use Permit
10 for a temporary or seasonal gravel off-street parking or loading area shall include the
11 following:

12 (1) A site plan, of a size and form and in the number of copies meeting the
13 standards established by the Planning Administrator, containing the following
14 information:

15 (A) The total site area, dimensions, and orientation relative to north;

16 (B) The location, total area, distance to property lines, and layout of the
17 proposed temporary or seasonal gravel off-street parking or loading area,
18 including the size, number, and dimensions of proposed parking or loading
19 spaces, and the location of wheel barriers ;

20 (C) The proposed thickness of the gravel improvement;

21 (D) The location of proposed driveways and driveway approaches;

22 (E) The location of proposed landscaping; and

23 (F) The location, height, and material of proposed screening.

24 (c) **Standards.** Temporary and seasonal gravel off-street parking and loading areas
25 shall comply with the standards set forth in this subsection.

26 (1) **Period of Use.**

27 (A) A seasonal gravel off-street parking or loading are may be approved
28 at the location authorized under a temporary use permit for a period not
29 exceed 6 consecutive months within any 12 month period.
30

1 (B) A temporary gravel off-street parking or loading area may be
2 approved at the location authorized under a temporary use permit for a
3 period not to exceed 1 year.

4 (C) A temporary use permit for a temporary or seasonal gravel off-street
5 parking or loading area may be renewed annually, provided the applicant
6 demonstrates that the facts upon which the temporary use permit was
7 originally granted have not materially changed. The maximum
8 cumulative total period for all such renewals shall not exceed 5 years.

9 (2) **Location.** No temporary or seasonal gravel off-street parking or loading area
10 shall be located within the Central Business District (CB) zone or within 500 feet
11 of a residential zone.

12 (3) **Size.** The temporary or seasonal gravel off-street parking or loading area
13 shall not exceed 15,000 square feet; provided, however, that any other more
14 restrictive size requirement established by state or federal laws or rules shall be
15 met.

16 (4) **Improvement.** Temporary and seasonal gravel off-street parking and loading
17 areas shall be improved with a minimum of 4 inches of base rock covered by a
18 minimum of 2 inches of three-quarter inch or smaller crushed rock as a leveling
19 course; provided, however, temporary and seasonal gravel off-street parking and
20 loading areas used exclusively by passenger cars need only be improved with a
21 minimum of 3 inches of base rock.

22 (5) **Landscaping.** A landscaped area a minimum of 5 feet in depth shall be
23 provided around the perimeter of the temporary or seasonal gravel off-street
24 parking or loading area.

25 (6) **Screening.** Temporary and seasonal gravel off-street parking and loading
26 areas shall be screened from all adjacent uses by a sight-obscuring fence, wall, or
27 hedge. Screening may be located within the perimeter landscaping required in
28 paragraph (5) of this subsection.

29 (7) **Wheel Barriers.** Wheel barriers shall be provided to designate each parking
30 space.

1 **(8) Paving Upon Expiration or Termination.** Upon expiration or termination
2 of the temporary use permit, the temporary or seasonal gravel off-street parking or
3 loading area shall be paved, in accordance with SRC Chapter 806, or closed to
4 vehicle access by a physical barrier.

5 **(d) Criteria.** A Class 2 Temporary Use Permit for a temporary or seasonal gravel off-
6 street parking or loading area shall be granted if all of the following criteria are met:

7 **(1)** The temporary or seasonal parking or loading need cannot otherwise be
8 reasonably and economically met.

9 **(2)** The use of the gravel off-street parking or loading area will be, in fact,
10 temporary or seasonal.

11 **(3)** The temporary or seasonal gravel off-street parking or loading area complies
12 with the applicable standards set forth in this section.

13 **701.045. Construction Storage Yard.** Construction storage yards shall comply with the
14 following:

15 **(a) Temporary Use Permit Required.** Construction storage yards shall require a
16 Class 1 Temporary Use Permit.

17 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type I
18 application under SRC Chapter 300, an application for a Class 1 Temporary Use Permit
19 for a construction storage yard shall include the following:

20 **(1)** A site plan, of a size and form and in the number of copies meeting the
21 standards established by the Planning Administrator, containing the following
22 information:

23 **(A)** The location of the proposed temporary construction storage yard in
24 relation to the construction site it will serve.

25 **(c) Standards.** Temporary construction storage yards shall comply with the standards
26 set forth in this subsection.

27 **(1) Period of Use.** A construction storage yard may operate in the location
28 authorized under a temporary use permit for a period not to exceed 6 consecutive
29 months; provided, however, such permit may be extended for additional 6 month
30 periods for active projects.

1 **(2) Location.** A construction storage yard shall be located within 500 feet of the
2 construction site it serves. For purposes of this subsection, “construction site”
3 means the property subject to an active building permit.

4 **(3) Prohibited Storage.** No demolition debris or other waste may be stored or
5 processed on the site.

6 **(d) Criteria.** A Class 1 Temporary Use Permit for a construction storage yard shall be
7 granted if the applicable standards set forth in this section are met.

8 **Section 72.** The following SRC Chapter 702 is added to the Salem Revised Code:

9 **702.001. Purpose.** The purpose of this Chapter is to establish design review guidelines and
10 design review standards for multiple family development.

11 **702.005. Multiple Family Design Review.**

12 **(a)** Except as provided under subsection (b) of this section, and unless otherwise
13 provided in the UDC, design review under SRC Chapter 225 is required for all multiple
14 family development.

15 **(b) Exceptions.** Multiple family design review is not required for:

16 **(A)** Multiple family development within a mixed-use building.

17 **(B)** Multiple family development within:

18 **(i)** The Central Business District (CB) zone.

19 **(ii)** The South Waterfront Mixed-Use (SWMU) zone.

20 **(iii)** The Neighborhood Center Mixed-Use (NCMU) zone.

21 **(iv)** The Broadway/High Street Retail Overlay Zone

22 **(v)** The Broadway/High Street Housing Overlay Zone.

23 **(vi)** The General Retail/Office Overlay Zone.

24 **(vii)** The Front Street Overlay Zone.

25 **(viii)** The Riverfront High Density Residential Overlay Zone.

26 **(ix)** The Riverfront Overlay Zone.

27 **(x)** The Salem Downtown Historic District.

28 **702.010. Multiple Family Design Review Guidelines and Design Review Standards.**

29 Multiple family development shall comply with either all of the applicable design review
30 guidelines or all of the applicable design review standards set forth in this Chapter. The design

1 review guidelines and the design review standards set forth in this Chapter are in addition to, and
2 not in lieu of, all other applicable development standards in the UDC. Where the design review
3 guidelines or the design review standards conflict with the development standards in the UDC,
4 the design review guidelines and the design review standards shall be the applicable
5 development standard.

6 **702.015. Open Space Design Review Guidelines and Standards.**

7 **(a) Open Space Design Goals and Objectives.**

8 **(1) Design Goals.**

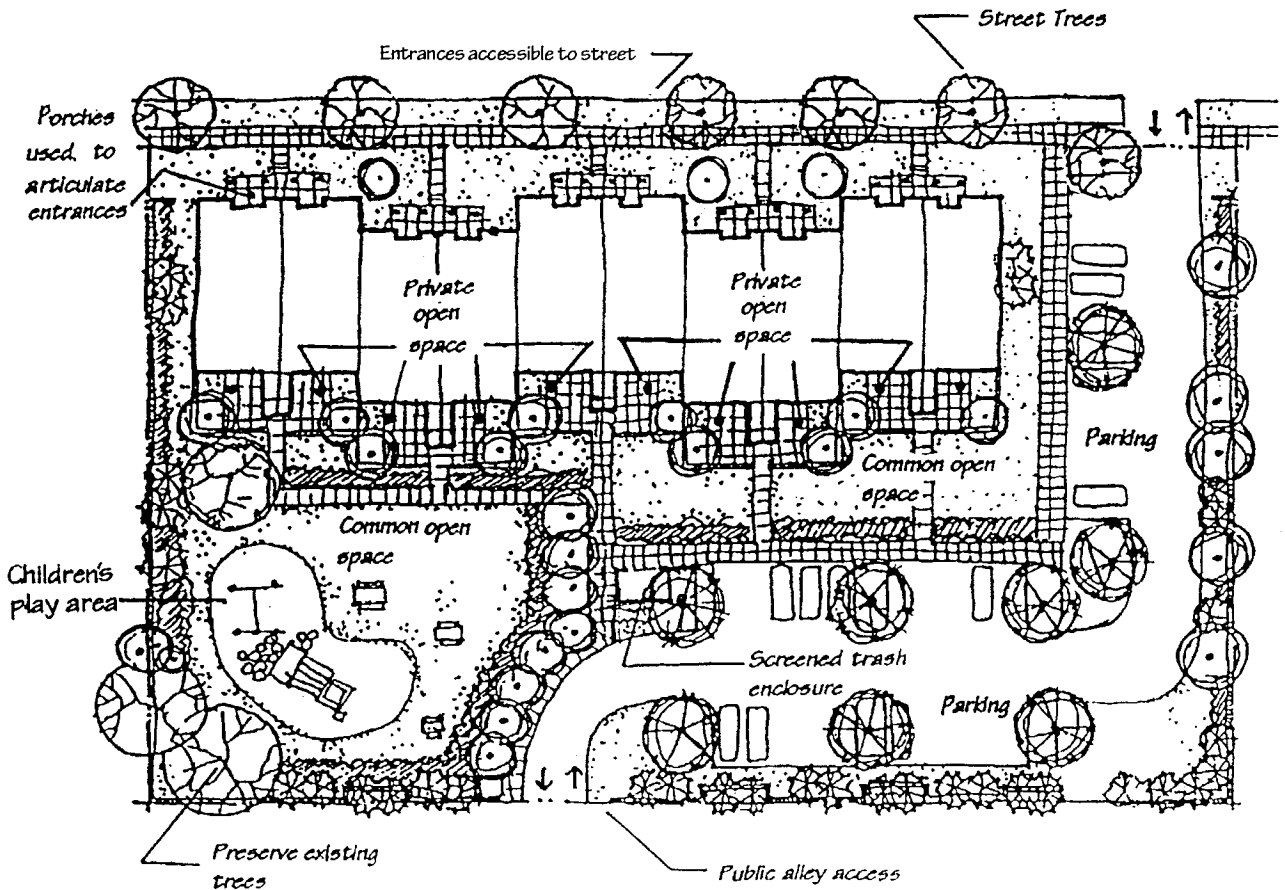
- 9 (A) Implement City Council goals and neighborhood policies that
10 encourage open space in multiple family developments;
- 11 (B) Provide common and private open space for active and passive uses;
- 12 (C) Encourage preservation of the natural open qualities which may exist
13 on a site;
- 14 (D) Ensure that open space is accessible with pedestrian pathways
15 available to all residents of the development; and
- 16 (E) Provide visual relief from structural bulk.

17 **(2) Design Objectives.**

- 18 (A) Locate open space throughout the site and in proximity to dwelling
19 units;
- 20 (B) Provide centrally located open space in increments large enough to
21 accommodate intended activities;
- 22 (C) Integrate open space with the natural topography;
- 23 (D) Maximize private open space for each dwelling unit;
- 24 (E) Preserve exposure to light, air, and visual access;
- 25 (F) Provide children's play areas interspersed and centrally located within
26 multiple family developments;
- 27 (G) Maximize visual relief from structural bulk;
- 28 (H) Provide separation between buildings on and off-site;
- 29 (I) Promote active recreational opportunities within open space; and
30

1 (J) Provide pedestrian access to all common open space areas to promote
2 active use.

3 **FIGURE 702-1**
4 **MULTIPLE FAMILY CONCEPTUAL SITE DESIGN**



22 **(b) Common Open Space.**

23 **(1) Design Review Guidelines.**

24 **(A)** A variety of open space areas of sufficient size shall be provided for
25 use by all residents.

26 **(B)** Common open space shall be distributed around buildings and
27 throughout the site.

28 **(C)** The amount of perimeter setbacks used for common open space shall
29 be minimized.

30 **(2) Design Review Standards.**

1 (A) Common open space shall be provided in all newly constructed
2 multiple family developments with 5 or more dwelling units as follows:

3 (i) A minimum of 30 percent of the gross site area shall be
4 designated and permanently reserved as common open space.

5 (ii) Not more than 50 percent of the common open space shall be
6 located in the required perimeter setbacks of the development.

7 (iii) Not more than 15 percent of the common open space shall be
8 located on land with slopes greater than 25 percent.

9 (iv) Indoor or covered recreation space may count toward the
10 common open space requirement, provided such indoor or covered
11 space does not exceed 30 percent of the common open space.

12 (v) At least one of the common open space areas provided within
13 the development shall meet the size and dimensional standards set
14 forth in Table 702-1.

15 **TABLE 702-1**

16 **COMMON OPEN SPACE AREA SIZE AND DIMENSIONS**

17 **Table 702-1: Common Open Space Area Size and Dimensions**

18 Number of Dwelling Units	19 Minimum Open Space Area Size	20 Minimum Horizontal Dimension
21 5 to 10	22 500 sq. ft.	23 20 ft.
24 11 to 20	25 750 sq. ft.	26 25 ft.
27 More than 20	28 1000 sq. ft., plus an additional 250 sq. ft. for every 20 units, or portion thereof, over 20 units.	29 25 ft.

30 (c) **Children’s Play Areas and Adult Recreation Areas.**

(1) **Design Review Guidelines.**

(A) A variety of common open area opportunities shall be provided for enjoyment by all residents.

(B) Children’s play and/or adult recreation areas shall be located centrally within the development.

(C) Children's play areas, if provided, shall be located in a manner to incorporate safety into the design by including such things as locating play areas to be visible from dwelling units, locating play areas away from physical barriers such as driveways and parking areas, and selection of play equipment with safe designs.

(2) Design Review Standards.

(A) Outdoor children's play and/or adult recreation areas shall be provided, as set forth in Table 702-2, in all newly constructed multiple family developments with 20 or more dwelling units. Outdoor children's play and/or adult recreation areas count toward meeting the common open space requirement.

**TABLE 702-2
OUTDOOR CHILDREN'S PLAY AREAS AND ADULT RECREATION AREAS**

Table 702-2: Outdoor Children's Play Areas and Adult Recreation Areas		
Number of Dwelling Units	Play/Recreation Area Size	Minimum Horizontal Dimension
1 to 19	N/A	N/A
20	950 sq. ft.	25 ft.
More than 20	950 sq. ft., plus an additional 250 sq. ft. for every 20 units, or portion thereof, over 20 units.	25 ft.

(B) Outdoor children's play and/or adult recreation areas shall be located centrally within the development.

(C) Outdoor children's play and/or adult recreation areas shall not be located within required setbacks.

(D) Outdoor children's play and/or adult recreation areas may be located within stormwater detention areas if the area meets the following:

- (i) No dimension is less than 15 feet wide;
- (ii) Side slopes are 4:1 or less; and
- (iii) There is a minimum 250 square foot area with a slope no greater than 2 percent.

(E) A minimum 30-inch tall fence shall be installed to separate outdoor children's play areas from any parking lot, drive aisle, or street.

(d) Private Open Space.

(1) Design Review Guidelines.

(A) Individual private open space shall be provided for each dwelling unit in all newly constructed multiple family developments.

(B) Private open space shall be easily accessible from the dwelling unit.

(C) If private open space is located adjacent to common open space, a buffer between the two open space areas shall be provided.

(2) Design Review Standards.

(A) Private open space, meeting the size and dimension standards set forth in Table 702-3, shall be provided for each dwelling unit in all newly constructed multiple family developments.

TABLE 702-3

PRIVATE OPEN SPACE SIZE AND DIMENSIONS

Table 702-3: Private Open Space Size and Dimensions		
Location of Dwelling Unit	Minimum Open Space Area Size	Minimum Dimension
Not more than 5 feet above finished grade	96 sq. ft.	6 ft
More than 5 feet above finished grade	48 sq. ft.	6 ft.

(B) Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

(C) Private open space shall be visually separated from common open space through the use of perimeter landscaping or fencing.

702.020. Landscaping Design Review Guidelines and Standards.

(a) Landscaping Design Goals and Objectives.

(1) Landscaping Goals.

(A) Encourage a quality living environment for all residents of the City of Salem;

- 1 (B) Ensure aesthetic values in the construction of multiple family
- 2 developments;
- 3 (C) Achieve compatibility between multiple family developments and
- 4 surrounding land uses; and
- 5 (D) Encourage a mix of landscaping treatments and techniques to enhance
- 6 multiple family developments.

7 **(2) Landscaping Objectives.**

- 8 (A) Provide adequate separation between abutting properties;
- 9 (B) Mitigate noise;
- 10 (C) Screen objectionable views;
- 11 (D) Establish a sense of place;
- 12 (E) Provide definition to dwelling unit entries and pedestrian pathways;
- 13 (F) Promote safety, security, and privacy;
- 14 (G) Enhance structural elements;
- 15 (H) Provide visual relief from blank exterior walls, building mass, and
- 16 bulk;
- 17 (I) Help retain the long term value of property;
- 18 (J) Minimize the visual impact of impervious surfaces; and
- 19 (K) Provide protection from winter wind and summer sun.

20 **(b) General Landscaping.**

21 **(1) Design Review Guidelines.**

- 22 (A) A variety of tree types shall be distributed throughout the site to
- 23 maximize tree canopy.
- 24 (B) Landscaping shall be used to shield the site from winter winds and
- 25 summer sun.
- 26 (C) Existing trees shall be preserved to the maximum extent possible.
- 27 (D) Where a development site abuts property zoned Residential
- 28 Agricultural (RA) or Single Family Residential (RS), an appropriate
- 29 combination of landscaping and screening shall be provided that is
- 30

1 sufficient to buffer between the multiple family development and the
2 abutting RA or RS zoned property.

3 **(2) Design Review Standards.**

4 (A) A minimum 1 tree shall be planted or preserved for every 2,000
5 square feet of gross site area.

6 (B) Trees shall be planted that, at maturity, will provide canopy coverage
7 over at least one-third of the open space and setbacks.

8 (C) Landscaping, or a combination of landscaping and fencing, shall be
9 provided for developments abutting arterial or collector streets to prevent
10 headlights from shining into the windows of buildings.

11 (D) Where a development site abuts property that is zoned Residential
12 Agricultural (RA) or Single Family Residential (RS), a combination of
13 landscaping and screening shall be provided to buffer between the
14 multiple family development and the abutting RA or RS zoned property.

15 The landscaping and screening shall include the following:

16 (i) A minimum of 1 tree, not less than 1-1/2 inches in caliper, for
17 every 30 lineal feet of abutting property width; and

18 (ii) A minimum 6-foot tall, decorative, sight-obscuring fence or
19 wall. The fence or wall shall be constructed of materials
20 commonly used in the construction of fences and walls, such as
21 wood, stone, rock, brick, or other durable materials. Chain link
22 fencing with slats shall be not allowed to satisfy this standard.

23 **(c) Street Frontage.**

24 **(1) Design Review Guidelines.**

25 (A) The residential character of the site shall be enhanced with trees
26 planted within the public right-of-way.

27 **(2) Design Review Standards.**

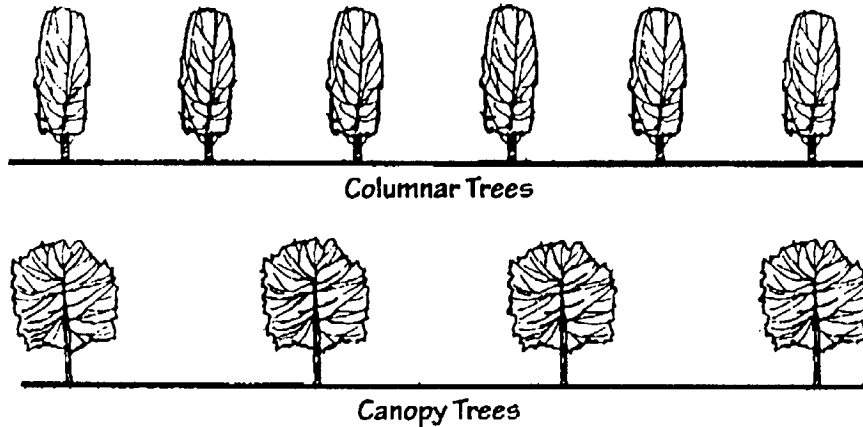
28 (A) Trees shall be planted within the public right-of-way at one of the
29 following ratios:
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(i) **Canopy Trees.** One canopy tree per 50 linear feet of street frontage, or fraction thereof.

(ii) **Columnar Trees.** One columnar tree per 40 linear feet of street frontage, or fraction thereof.

**FIGURE 702-2
CANOPY AND COLUMNAR TREES**



(d) Building Exteriors.

(1) Design Review Guidelines.

(A) Landscaping shall be planted to define and accentuate the primary entry way of each dwelling unit, or combination of dwelling units.

(B) Vertical and horizontal landscape elements shall be provided along all exterior walls to soften the visual impact of buildings and create residential character.

(2) Design Review Standards.

(A) A minimum of 2 plant units, as set forth in SRC Chapter 807, Table 807-2, shall be provided adjacent to the primary entry way of each dwelling unit, or combination of dwelling units.

(B) New trees shall be planted, or existing trees shall be preserved, at a minimum density of 10 plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.

1 (C) Shrubs, when used, shall be distributed around the perimeter of
2 buildings at a minimum density of 1 plant unit per 15 linear feet of
3 exterior building wall.

4 **(e) Privacy.**

5 **(1) Design Review Guidelines.**

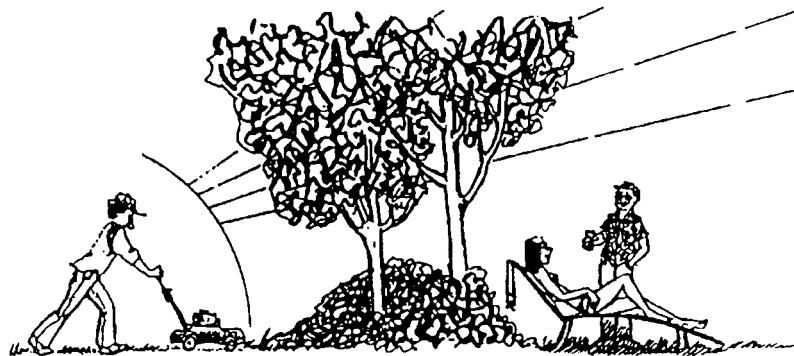
6 (A) Landscaping, or a combination of landscaping and fencing, shall be
7 used to buffer the multiple family development from abutting properties.

8 (B) Landscaping shall be used to enhance the privacy of dwelling units.
9 Methods may include fencing in combination with plant units.

10 **(2) Design Review Standards.**

11 (A) Ground level private open space shall be physically and visually
12 separated from common open space with perimeter landscaping or
13 perimeter fencing (see Figure 702-3).

14 **FIGURE 702-3**
15 **SEPARATION OF PRIVATE AND COMMON OPEN SPACE**



24 **(f) Parking Areas.**

25 **(1) Design Review Guidelines.**

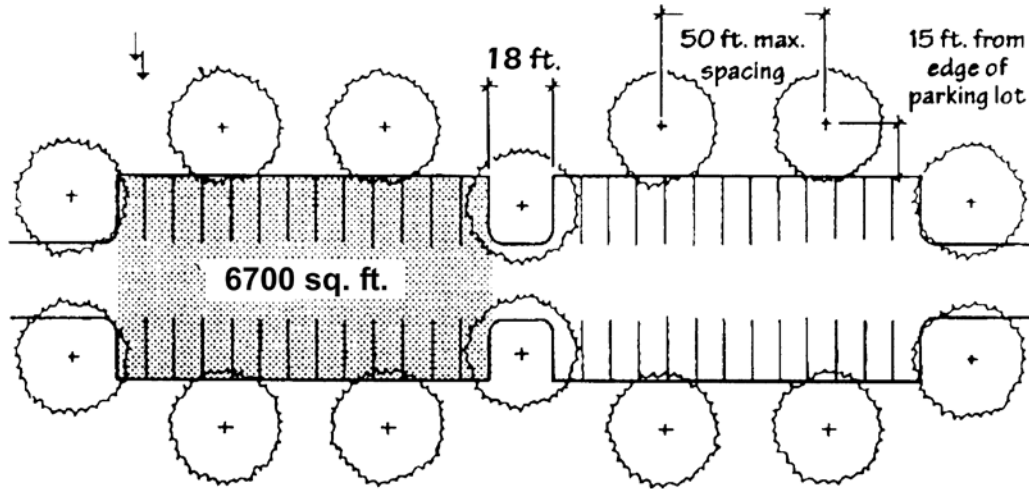
26 (A) Canopy trees shall be distributed throughout the interior, and planted
27 along the perimeter, of parking areas (see Figure 702-4 and Figure 702-5).

28 **(2) Design Review Standards.**

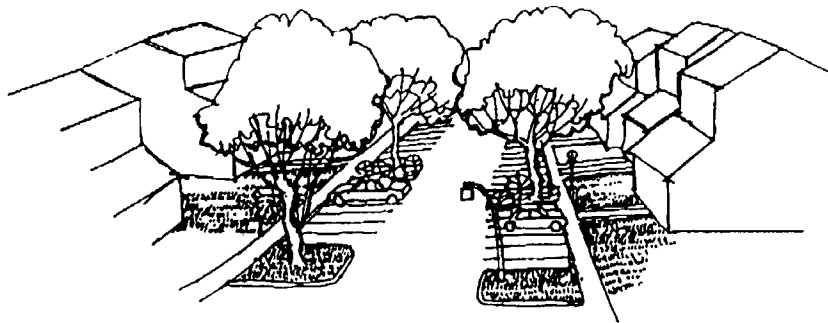
29 (A) A minimum of 1 canopy tree shall be planted along every 50 feet of
30 the perimeter of parking areas. Trunks of the trees shall be located within
15 feet of the edge of the parking area (see Figure 702-4).

- (B) Canopy trees shall be planted within planter bays (see Figure 702-5).
- (C) Planter bays shall be a minimum width of 18 feet.

**FIGURE 702-4
PARKING LOT LANDSCAPING**



**FIGURE 702-5
PARKING LOT WITH CANOPY TREES**



702.025. Crime Prevention Through Environmental Design.

(a) Safety Features for Residents

(1) Design Review Guidelines.

- (A) Multiple family developments shall be designed in a manner that considers crime prevention and resident safety.
- (B) Landscaping and fencing shall be provided in a manner that does not obscure visual surveillance of common open space, parking areas, or

dwelling unit entryways.

(2) Design Review Standards.

(A) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, “obstructed visibility” means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

(B) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of 3 feet.

(C) Windows shall be provided in all habitable rooms, other than bathrooms, that face common open space, parking areas, and pedestrian paths.

(D) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development.

(E) A completed "Enhanced Safety Assessment Report for Multi-Family Construction" shall be submitted. Compliance with the provisions of the assessment is advisable but not mandatory.

702.030. Parking, Site Access, and Circulation.

(a) Parking, Site Access, and Circulation Design Goals and Objectives.

(1) Parking, Site Access, and Circulation Goals.

(A) Ensure safe and efficient site access, pedestrian and vehicle circulation, and parking in multiple family developments;

(B) Promote circulation and access for all modes of transportation;

(C) Encourage aesthetic and functional site design with consideration for natural contours and topography as it relates to parking and site access in multiple family developments; and

(D) Encourage pedestrian and vehicle circulation linkages which will integrate amenities within multiple family developments and with the surrounding area.

1 **(2) Parking, Site Access, and Circulation Objectives.**

- 2 **(A)** Provide transportation connections to surrounding areas;
- 3 **(B)** Promote accessibility to and within the site;
- 4 **(C)** Integrate the design of parking areas and pedestrian pathways with
- 5 natural contours and topography;
- 6 **(D)** Minimize views of parking areas from public rights-of-way;
- 7 **(E)** Provide clear and identifiable connections to and between buildings;
- 8 **(F)** Minimize vehicle, pedestrian, and bicycle circulation conflicts;
- 9 **(G)** Provide adequate lighting levels for parking and pedestrian pathways;
- 10 **(H)** Promote the separation of pedestrian, bicycle, and vehicular traffic;
- 11 **(I)** Maximize the convenience of parking for residents;
- 12 **(J)** Provide pedestrian access to common open space;
- 13 **(K)** Locate loading and service areas for ease of use with minimal conflict
- 14 with on-site parking and circulation activities;
- 15 **(L)** Locate building entrances and exits to provide direct connections
- 16 between parking areas and the street;
- 17 **(M)** Provide compatibility in design and materials between parking and
- 18 the dwelling units; and
- 19 **(N)** Minimize the expanse of continuous parking areas.

20 **(b) General Parking and Site Access.**

21 **(1) Design Review Guidelines.**

- 22 **(A)** Parking areas shall be designed to minimize the expanse of
- 23 continuous parking (see Figure 702-6).
- 24 **(B)** Pedestrian pathways shall be provided that connect to and between
- 25 buildings, common open space, parking areas, and surrounding uses (see
- 26 Figure 702-7).
- 27 **(C)** Parking shall be located to maximize the convenience of residents.
- 28 **(D)** Parking areas and circulation systems shall be designed in a manner
- 29 that considers site topography, natural contours, and any abutting
- 30

1 properties zoned Residential Agriculture (RA) or Single Family
2 Residential (RS).

3 **(2) Design Review Standards.**

4 (A) Parking areas greater than 6,700 square feet in area shall be
5 physically and visually separated with landscaped planter bays that are a
6 minimum of 18 feet in width. Individual parking areas may be connected
7 by an aisle or driveway (see Figure 702-6).

8 (B) Pedestrian pathways shall be provided that connect to and between
9 buildings, common open space, and parking areas (see Figure 702-7).

10 (C) Pathways connecting to and between buildings, common open space,
11 and parking areas shall be separated from dwelling units by a minimum
12 distance of 10 feet. Separation shall be measured from the pathway edge
13 closest to any dwelling unit.

14 (D) Garages, carports, and parking areas shall be set back a minimum of
15 20 feet from the public right-of-way.

16 (E) Where a development site abuts, and is located uphill from, property
17 zoned Residential Agriculture (RA) or Single Family Residential (RS),
18 and the slope of the development site within 40 feet of the abutting RA or
19 RS zoned property is 15 percent or greater, parking areas shall be set back
20 not less than 20 feet from the property line of the abutting RA or RS zoned
21 property. Decorative walls, earthen berms, fencing, landscaping, or any
22 combination thereof shall be provided to prevent glare from headlights
23 onto abutting properties.

24 (F) The design and materials of garages and carports shall be compatible
25 with the design and materials of the dwelling units.

26 (G) Areas of slope shall be avoided for placement of parking areas.

27 (H) Disturbance of environmentally sensitive areas shall be minimized in
28 placement of parking areas.
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FIGURE 702-6
CONCEPTUAL PARKING AREA LAYOUT

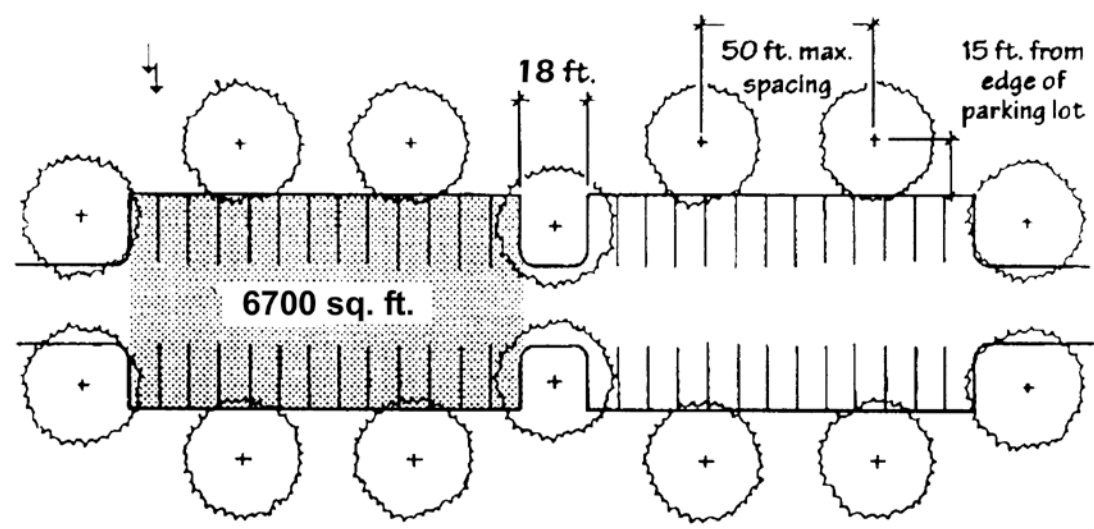
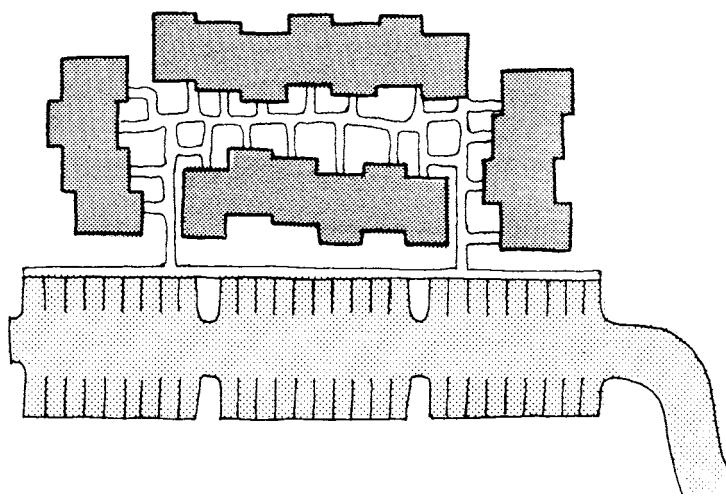


FIGURE 702-7
PEDESTRIAN PATHWAYS



(c) Site Access.

(1) Design Review Guidelines.

(A) Accessibility to and from the site shall be provided for both automobiles and pedestrians.

1 (B) Site access shall be provided in a manner that minimizes vehicle and
2 pedestrian conflicts.

3 (C) Where possible, driveway access shall be provided onto collector or
4 local streets rather than arterial streets.

5 (D) Where possible, driveway access shall be consolidated with either
6 existing or future driveways serving adjacent developments.

7 (E) Parking areas shall be located to minimize their visibility from the
8 public right-of-way and abutting properties (see Figure 702-8).

9 **(2) Design Review Standards.**

10 (A) Pedestrian pathways shall be provided that connect the development
11 to the public sidewalks.

12 (B) Direct access from the street to individual units, clusters of units, or
13 common interior lobbies shall be provided for residential buildings located
14 within 32 feet of a public street.

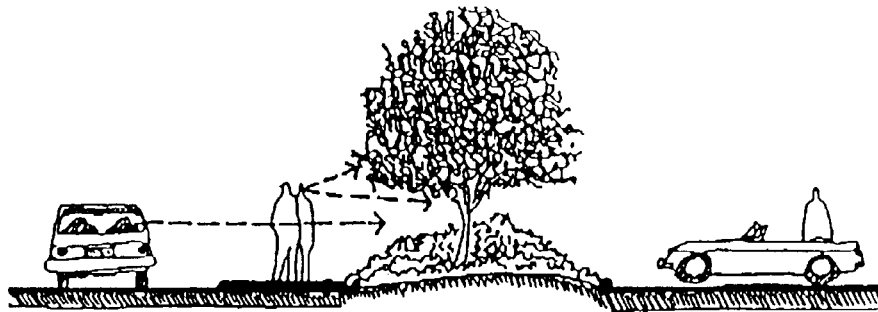
15 (C) Where the development has frontage on more than one street, and
16 such streets have different classifications in the Transportation System
17 Plan, driveway access shall be provided to the street with the lowest
18 classification.

19 (D) Where possible, driveway access shall be consolidated with either
20 existing or future driveways serving adjacent developments.

21 (E) Walls, fences, or landscaping shall be provided to buffer parking
22 areas from public streets and abutting properties (see Figure 702-8).

23 **FIGURE 702-8**

24 **PARKING AREAS BUFFERED FROM RIGHT-OF-WAY**



1
2 **702.035. Building Mass & Facade Design.**

3 **(a) Building Mass and Facade Design Goals and Objectives**

4 **(1) Building Mass & Facade Design Goals.**

- 5 (A) Ensure that structures do not present excessive visual mass or bulk to
6 public view or to adjoining properties;
7 (B) Achieve architecturally defined entryways, and building design that
8 relates to human scale;
9 (C) Encourage aesthetically pleasing, interesting, and functional
10 architecture and site design, including compatibility between parking
11 facilities and the dwelling units;
12 (D) Provide architectural design that integrates well with adjoining
13 development; and
14 (E) Promote interesting and non-monotonous architecture and site design.

15 **(2) Building Mass & Facade Design Objectives.**

- 16 (A) Integrate structures on-site with natural topography;
17 (B) Encourage an appropriate transition between new structures on-site
18 with existing structures on abutting sites;
19 (C) Promote human scale development;
20 (D) Preserve exposure to light, air, and visual access;
21 (E) Create visually interesting buildings by integrating structures with
22 landscaping;
23 (F) Integrate new structures into the existing neighborhood;
24 (G) Promote the relationship of structures with streets;
25 (H) Encourage structure siting which creates useable open spaces;
26 (I) Encourage the interplay of contrast and compatibility in building
27 siting, including design compatibility between parking facilities and
28 dwelling units;
29 (J) Break-up building facades through architecturally defined building
30 entry ways; and

1 (K) Design building rooflines which reinforce the residential character of
2 the building and the surrounding neighborhood.

3 **(b) General Siting and Building Mass.**

4 **(1) Design Review Guidelines.**

5 (A) Buildings shall be sited with sensitivity to topography and natural
6 landform (see Figure 702-9).

7 (B) The development shall be designed to reinforce human scale.

8 (C) Buildings with long monotonous exterior walls shall be avoided.

9 **(2) Design Review Standards.**

10 (A) Where the development is located on a lot with an average cross slope
11 of 15 percent or more, do not regrade more than 60 percent of the site
12 surface area.

13 (B) Buildings shall have no dimension greater than 150 feet.

14 **FIGURE 702-9**

15 **BUILDINGS SITED SENSITIVELY IN RELATION TO TOPOGRAPHY**



22
23 **(c) Compatibility.**

24 **(1) Design Review Guidelines.**

25 (A) Contrast and compatibility shall be provided throughout the
26 site through building design, size, and location.

27 (B) Appropriate transitions shall be provided between new
28 buildings and structures on-site and existing buildings and
29 structures on abutting sites.
30

1 (C) Architectural elements and facade materials shall be used to
2 provide continuity throughout the site.

3 (D) The majority of dwelling units within the development shall
4 be placed as close as possible to the street right-of-way.

5 (E) Architecturally defined and covered entryways shall be
6 incorporated into the design of buildings.

7 **(2) Design Review Standards.**

8 (A) Except as provided in standard (B) of this paragraph, where a
9 development site abuts property zoned Residential Agricultural
10 (RA) or Single Family Residential (RS), buildings shall be setback
11 from the abutting RA or RS zoned property as set forth in Table
12 702-4.

13 **TABLE 702-4**

14 **SETBACKS ABUTTING PROPERTY ZONED RA AND RS**

15 **Table 702-4: Setbacks Abutting Property Zoned RA and RS**

Number of Building Stories	Minimum Setback
1	Min. 1-foot for each 1-foot of building height, but in no case less than 14 ft.
2 or more	Min. 1-foot for each 1-foot of building height, but in no case less than 20 ft.

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21 (B) Where a development site abuts, and is located uphill from,
22 property zoned Residential Agricultural (RA) or Single Family
23 Residential (RS), and the slope of the development site within 40
24 feet of the abutting RA or RS zoned property is 15 percent or
25 greater, buildings shall be setback from the abutting RA or RS
26 zoned property as set forth in Table 702-5.

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TABLE 702-5
SETBACKS ABUTTING PROPERTY ZONED RA AND RS

Table 702-5: Setbacks Abutting Property Zoned RA and RS		
Number of Building Stories	Minimum Setback	Limitation & Qualifications
1 to 2	Min. 1-foot for each 1-foot of building height, but in no case less than 20 ft.	
3 or more	Min. 1-foot for each 1-foot of building height, but in no case less than 40 ft.	
	Min. 1-foot for each 1-foot of building height	Applicable when, within 40 feet of the abutting RA or RS zoned property: <ul style="list-style-type: none"> ▪ Buildings are designed so that the longest dimension of the building and any private open space areas, such as balconies or patios, do not face the abutting RA or RS zoned property; or ▪ Buildings are designed to contain no more than 6 dwelling units, the lengths of the buildings facing the abutting RA or RS zone property are no greater than 70 feet, and the buildings are separated by a minimum distance of 1-foot for each 1-foot of building height.

(C) On sites with 75 feet or more of buildable width, a minimum of 50 percent of the buildable width shall be occupied by building placed at the setback line. Accessory structures shall not apply towards meeting the required percentage.

(D) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.

(E) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas are permitted, provided the porch or entry area has at least 25 square feet of area for each dwelling unit, with no dimension less than 5 feet. Porches and entry areas shall be open on at least one

1 side, and may be covered or uncovered. All grade level porches
2 shall include hand-railings, half-walls, or shrubs to define the
3 outside perimeter.

4 **(d) Building Articulation.**

5 **(1) Design Review Guidelines.**

6 **(A)** The appearance of building bulk shall be minimized by:

7 **(i)** Establishing a building offset interval along building facades;

8 and

9 **(ii)** Dispersing windows throughout building facades.

10 **(B)** Articulation shall be provided at the common entry way to all
11 residential buildings.

12 **(C)** Building roofs shall reinforce the residential character of the
13 neighborhood.

14 **(2) Design Review Standards.**

15 **(A)** Every two attached dwelling units shall be offset from the
16 next dwelling unit by at least 4 feet in depth (see Figure 702-10).

17 **(B)** Within 28 feet of every property line, the building setback for
18 adjacent buildings on the same lot shall vary by a least 4 feet in
19 depth.

20 **(C)** Common entrances shall be provided to not more than 4
21 dwelling units.

22 **(D)** Individual and common entryways shall be articulated with a
23 differentiated roof, awning, or portico.

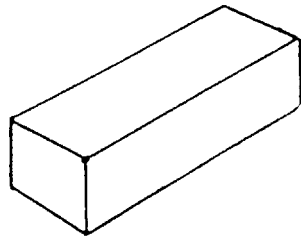
24 **(E)** Flat roofs, and the roof ridges of sloping roofs, shall not
25 exceed a horizontal length of 100 feet without providing
26 differences in elevation of at least 4 feet.

27 **(F)** Windows shall be provided in all habitable rooms, other than
28 bathrooms, that face required setbacks, common open areas, and
29 parking areas.
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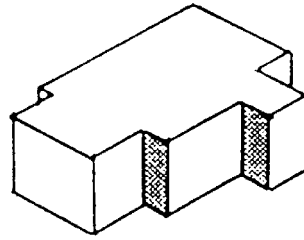
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FIGURE 702-10

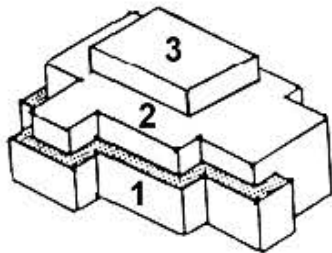
BUILDING OFFSETS AND ARTICULATION



Undesirable Architectural Treatment



Horizontal Articulation Added



**Vertical Articulation Added
(1-3 as examples)**



**Multi-Planned Roofs and Awnings Add Desirable Articulation
(1-4 as examples)**

702.040. Recycling.

(a) On-Site Design and Location of Facilities.

(1) Design Review Guidelines.

(A) Facilities shall be provided to allow recycling opportunities for tenants that are as conveniently located as the trash receptacles, and that are in compliance with any applicable federal, state, or local laws.

(B) The design and materials of recycling areas shall be similar to the design and materials of the buildings within the development.

(C) Recycling areas shall be located to provide adequate access for franchised haulers, and shall have containers sufficient to allow collection of all recyclables collected by the haulers.

(2) Design Review Standards.

1 (A) Recycling areas shall be located, designed, and constructed in
2 conformance with any applicable federal, state, or local laws relating to
3 fire, building, access, transportation, circulation, or safety.

4 (B) Recycling areas shall be protected against environmental conditions,
5 such as rain.

6 (C) Instructions for using recycling containers and how to prepare and
7 separate all the materials collected by franchised haulers shall be clearly
8 posted in recycling areas.

9 (D) Recycling areas shall be provided that are sufficient in capacity,
10 number, distribution, and size to serve the tenants of the development.

11 (E) The design and materials of recycling areas shall be similar to the
12 design and materials of the buildings within the development.

13 **Section 73.** The following SRC Chapter 800 is added to the Salem Revised Code:

14 **800.001. Purpose.** The purpose of this Chapter is to establish certain standards that apply
15 generally to development throughout the City, regardless of zone.

16 **800.005. Applicability.** The standards set forth in this Chapter apply to all development in
17 every zone unless otherwise exempted by the UDC. In the event of a conflict between the
18 standards set forth in this Chapter and any other provision of the UDC, the more restrictive
19 provision shall apply.

20 **800.010. Definitions.** Unless the context otherwise specifically requires, as used in this
21 Chapter, the terms identified in this section shall have the following meanings. Where a term
22 used under SRC 800.055 (Solid Waste Service Areas) is not defined in this section, the
23 definitions under SRC Chapter 47 (Solid Waste Management) and SRC Chapter 50 (Property
24 Maintenance) shall apply.

25 (a) **Compactor:** Any self-contained, power-driven, mechanical equipment designed for
26 the containment and compaction of solid waste or recyclable materials.

27 (b) **Drop box:** A single container designed for the storage and collection of large
28 volumes of solid waste or recyclable materials, which is usually 10 cubic yards or
29 larger in size, and requires a special vehicle for pick up.
30

1 (c) Enclosure: A structure built consistent with the State of Oregon Structural
2 Specialty Code designed to provide screening for permanent compactors, receptacles,
3 drop boxes, or any other solid waste, recycling, and compostable containment facilities.

4 (d) Receptacle: Any vessel approved by the Director and used for the storage of solid
5 waste, recycling, and compostable material, excluding drop boxes and compactors.

6 (e) Solid waste service area: An area designed and established for the purpose of
7 satisfying the local collection franchise service requirements for servicing receptacles,
8 drop boxes, and compactors singularly or collectively.

9 **800.015. Lot Standards, Generally.**

10 (a) **Buildings to be on a Lot.** Every building or structure shall be entirely located on a
11 lot. Where two or more lots are under single ownership to accommodate a single
12 development, the entire combined area shall be considered as a single lot for purposes
13 of the UDC. Buildings that are attached at a common property line, but which
14 otherwise meet all requirements of SRC Chapter 56 as separate buildings shall be
15 considered as separate buildings for purposes of this subsection.

16 (b) **Side Lot Lines.** As far as is practicable, side lot lines shall run at right angles to the
17 street upon which the lot faces, except that on curved streets they shall be radial to the
18 curve.

19 **800.020. Designation of Lot Lines.**

20 (a) **Front Lot Line.** The front lot line shall be designated as set forth in this
21 subsection (see Figure 800-1).

22 (1) **Interior Lot.** For an interior lot, the front lot line shall be the property line
23 abutting the street.

24 (2) **Corner Lot.** For a corner lot, the front lot line shall be the property line
25 abutting a street designated by the building permit applicant, provided, however,
26 that lot dimension standards are met.

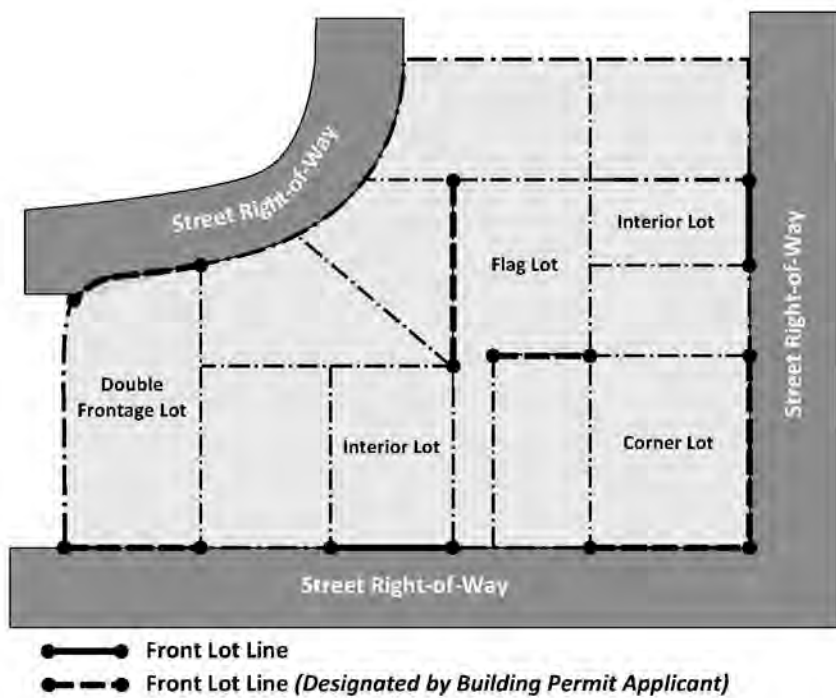
27 (3) **Double Frontage Lot.** For a double frontage lot, the front lot line shall be
28 the property line abutting a street designated by the building permit applicant,
29 provided, however, that lot dimension requirements are met.

30 (4) **Flag Lot.** For a flag lot, the front lot line shall be the outside property line

1 that is an extension of the flag lot accessway or the property line separating the
2 flag portion of the lot from the lot between it and the street from which access is
3 provided to the flag lot, unless the Planning Administrator otherwise directs, in
4 which case the front lot line shall be set forth in the conditions of approval for the
5 tentative plan of the plat, which shall be recorded on deeds conveying lots.

6 **(5) Other Lots.** In the case of any lot not covered by paragraphs (1) through (4)
7 of this subsection, the front lot line shall be the property line that the
8 architecturally designed front of the building faces.

9 **FIGURE 800-1:**
10 **DESIGNATION OF FRONT LOT LINE**



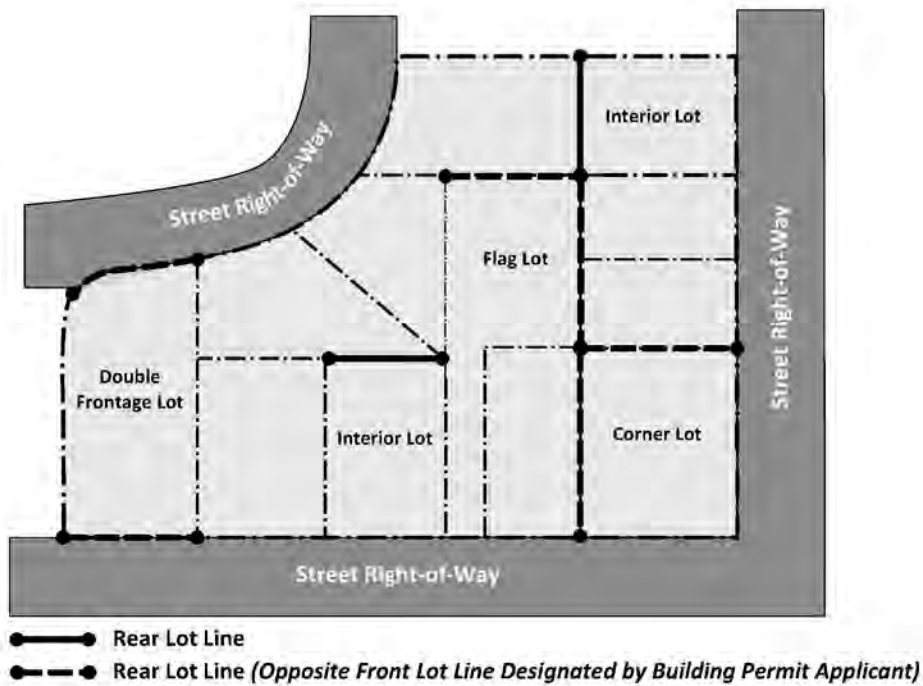
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25 **(b) Rear lot line.** The rear lot line shall be designated as set forth in this subsection
26 (see Figure 800-2).

27 **(1) Generally.** For all lots, except those identified in paragraph (2) of this
28 subsection, the rear lot line shall be the property line that is opposite and most
29 parallel to, and located the greatest distance from, the front lot line.

30 **(2) Trapezoidal, Triangular, Diamond, or Other Shaped Lots.** For

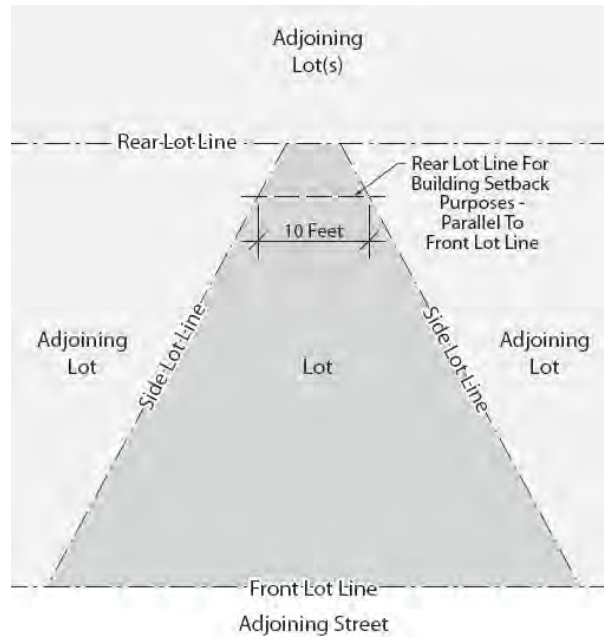
1 trapezoidal, triangular, diamond, or other shaped lots with a distance between the
2 side lot lines at the rear of the lot of less than 10 feet, the rear lot line for purposes
3 of determining required setbacks shall be a line 10 feet in width drawn between
4 the side lot lines and located parallel to and at the maximum distance from the
5 front lot line (see Figure 800-3).

6 **FIGURE 800-2:**
7 **DESIGNATION OF REAR LOT LINE**



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**FIGURE 800-3:
REAR LOT LINE FOR TRAPEZOIDAL, TRIANGULAR, DIAMOND, OR OTHER
SHAPED LOTS**



(c) **Side Lot Line.** A side lot line is any lot line which is not a front or rear lot line.

800.025. Flag Lots. Flag lots are allowed subject to the standards set forth in this section.

(a) **Lot Area.** The lot area of a flag lot shall conform to the lot area standards of the UDC. Lot area shall be calculated exclusive of the flag lot accessway.

(b) **Lot Dimensions.** The lot dimensions of a flag lot shall conform to the lot dimension standards of the UDC. Lot dimensions shall be calculated exclusive of the flag lot accessway.

(c) **Flag Lot Accessways.** Flag lot accessways shall be developed and maintained in conformance with the standards set forth in Table 800-1 and this subsection.

**TABLE 800-1
FLAG LOT ACCESSWAY STANDARDS**

Table 800-1: Flag Lot Accessway Standards			
Number of Lots Served by Accessway	Maximum Length	Total Width	Paved Width
1-2 Lots (Residential Zoned Property)	150 ft. ⁽¹⁾	Min. 20 ft.	Min. 15 ft.
3-4 Lots (Residential Zoned Property)	400 ft. ⁽¹⁾	Min. 25 ft.	Min. 20 ft.

1-4 Lots (Non-Residential Zoned Property)	400 ft. ⁽¹⁾	Min. 25 ft.	Min. 20 ft.
<p><u>Limitations and Qualifications</u></p> <p>(1) Maximum flag lot accessway length shall not apply where geographic features make it impractical, and when approved by the Planning Administrator following review and recommendation by the Fire Marshal.</p>			

(1) **Maximum Number of Lots Served by Flag Lot Accessway.** A maximum of 4 lots may be served by a flag lot accessway.

(2) **Flag Lot Accessway Grade.** Flag lot accessway grade shall conform to the Salem Fire Prevention Code.

(3) Fire Department Access and Flag Lot Accessway Turnarounds.

(A) Unobstructed fire apparatus access shall be provided to within 150 feet 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 Marshal.

(B) Flag lot accessways greater than 150 feet in length shall include a turnaround meeting Salem Fire Prevention Code standards, unless the buildings served by the flag lot accessway are equipped with approved automatic fire sprinkler systems or where geographic features make it impractical and an alternative means of fire protection is provided and approved by the Fire Marshal.

(d) **Parking Prohibited on Flag Lot Accessways.** Parking shall be prohibited on flag lot accessways. No parking signs shall be posted and maintained on both sides of the accessway. The signs shall read “NO PARKING”; provided, however, where parking is prohibited because of a fire lane, the signs shall read “NO PARKING - FIRE LANE” and shall be installed in accordance with Salem Fire Prevention Code standards.

(e) **Maximum Percentage of Flags Lots Within a Subdivision.** Within a subdivision, up to 15 percent of the lots may be flag lots.

800.030. Hillside Lots. Hillside lots may, at the option of the developer or owner, meet the standards set forth in this section, in lieu of the standards applicable in the zone.

1 **(a) Topographic Survey Required.** An application to develop a lot pursuant to the
2 standards set forth in this section shall include a topographical survey. The survey shall
3 show the topography of the site at 2-foot intervals.

4 **(b) Grade.** Natural grade shall be retained on at least 40 percent of the total lot area.
5 Landscaping that does not involve substantial movement of earth shall not be deemed a
6 change to the natural grade. As used in this subsection, "natural grade" means both the
7 slope and the elevation of the land in its natural state.

8 **(c) Cut and Fill Slopes.**

9 **(1)** A fill slope shall begin no closer than 2 feet from the edge of the curb.

10 **(2)** Cut and fill slopes shall not exceed a slope of 1 to 2; provided, however, the
11 Director may approve slopes not exceeding 1 to 1 upon certification by a qualified
12 engineer or geologist that the slope will remain stable under foreseeable
13 conditions.

14 **(3)** Cut and fill shall comply with SRC Chapter 65. If there is a conflict between
15 SRC Chapter 65 and this subsection, the more restrictive regulation shall apply.

16 **(d) Retaining Walls.** Retaining walls shall not exceed a maximum height of 6 feet

17 **(e) Setbacks.**

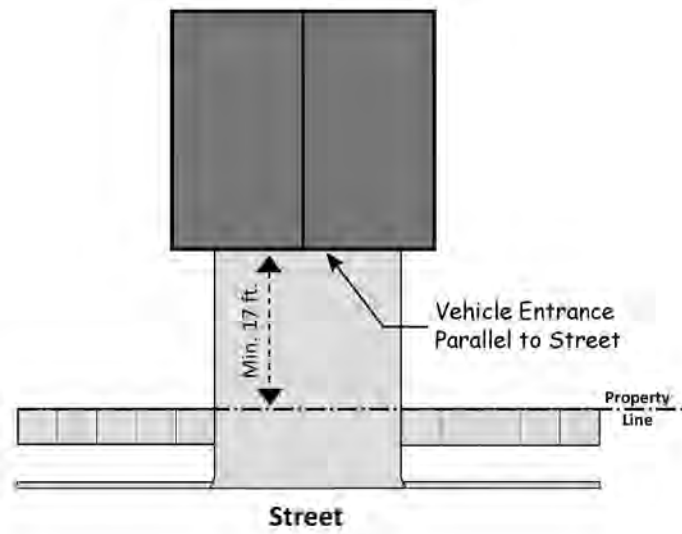
18 **(1) Abutting Street.**

19 **(A) Buildings and Structures, other than Garages and Carports.** All
20 buildings and structures, other than garages and carports, shall have a
21 minimum setback of 7 feet from the street.

22 **(B) Garages and Carports.**

23 **(i) Vehicle Entrance Parallel to Street.** Where a garage or carport
24 is located on a hillside lot with an average cross slope of 20
25 percent or more, and the vehicle entrance to the garage or carport
26 is parallel to the street, the garage or carport shall have a minimum
27 setback of 17 feet from the street.

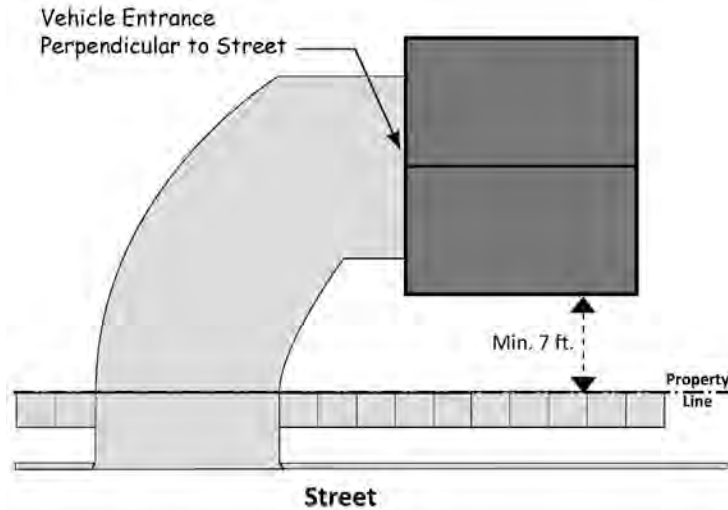
1 **FIGURE 800-4:**
2 **GARAGE/CARPORT SETBACK – VEHICLE ENTRANCE PARALLEL TO STREET**



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14 **(ii) Vehicle Entrance Perpendicular to Street.** Where a garage
15 or carport is located on a hillside lot with an average cross slope of
16 20 percent or more, and the vehicle entrance to the garage or
17 carport is perpendicular to the street, the garage or carport shall
18 have a minimum setback of 7 feet from the street.

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1 **FIGURE 800-5:**
 2 **GARAGE/CARPORT SETBACK – VEHICLE ENTRANCE PERPENDICULAR TO**
 3 **STREET**



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 15 **(C) Vision Clearance.** Notwithstanding subparagraphs (A) and (B) of
 16 this paragraph, minimum vision clearance requirements shall be
 17 maintained.

18 **(f) Trees.** Building pads and driveways should be sited so as to preserve trees having a
 19 dbh of 10 inches or greater.

20 **800.035. Setbacks.**

21 **(a) Setbacks to be Unobstructed.** Except as otherwise provided under subsection (b) of
 22 this section, required setbacks shall be unobstructed.

23 **(b) Permitted Projections into Required Setbacks.** Permitted projections into required
 24 setbacks are set forth in Table 800-2.

25 **TABLE 800-2**
 26 **PERMITTED PROJECTIONS INTO REQUIRED SETBACKS**

27 **Table 800-2: Permitted Projections into Required Setbacks**

Type of Projection	Maximum Projection		
	Front Abutting Street; Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
Planter boxes; window bays; greenhouse windows;	24 in.	24 in.	24 in.

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Table 800-2: Permitted Projections into Required Setbacks

Type of Projection	Maximum Projection		
	Front Abutting Street; Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
chimneys; flues; belt courses; leaders; sills; pilasters; lintels; solar collectors; and ornamental features			
Cornices; eaves; gutters; and steps	24 in	One-third the width of the interior side setback or 3 ft., whichever is less.	24 in.
Fire Escapes	Not allowed	One-third the width of the interior side setback or 3 ft., whichever is less.	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.
Wheelchair ramps	Not limited, provided: (1) The floor area does not exceed 4 ft. above grade; and (2) In no case shall the wheelchair ramp come closer than 10 ft. to the property line.	Not limited, provided the floor area does not exceed 3 ft. above grade.	Not limited, provided the floor area does not exceed 4 ft. above grade.
Porches and decks – covered, but unenclosed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered porch or deck come closer than 10 ft. to the property line.	Not allowed	Not limited, provided: (1) The structure covering the porch or deck does not exceed 15 ft. above grade; (2) The floor area of the porch or deck does not exceed 4 ft. above grade; and (3) In no case shall the covered porch or deck come closer than 8 ft. to the rear property line.
Porches and decks – uncovered	Not limited, provided: (1) The floor area of the porch or deck does not exceed 3 ft. above grade; (2) No railing or perimeter seating on the porch or deck exceeds 44 inches in height above the floor of the porch or deck at any point; and (3) A landscaped area 4 ft. in depth is maintained between the property line and the porch or deck.	Not limited, provided the floor area of the porch or deck does not exceed 3 ft. above grade.	Not limited, provided the floor area of the porch or deck does not exceed 4 ft. above grade. 5 ft., when the floor area of the porch or deck exceeds 4 ft. above grade; provided, however, in no case shall the porch or deck come closer than 6 ft. to any property line.
Patios – covered, but	Not limited, provided:	Not allowed	Not limited, provided:

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Table 800-2: Permitted Projections into Required Setbacks

Type of Projection	Maximum Projection		
	Front Abutting Street; Side Abutting Street; Interior Front	Interior Side	Rear Abutting Street; Interior Rear ⁽¹⁾
enclosed	(1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio does not exceed 4 ft. above grade; and (3) In no case shall the covered patio come closer than 10 ft. to the property line.		(1) The structure covering the patio does not exceed 15 ft. above grade; (2) The floor area of the patio does not exceed 4 ft. above grade; and (3) In no case shall the covered patio come closer than 8 ft. to the rear property line.
Patios – uncovered	Not limited, provided: (1) The floor area of the patio does not exceed 3 ft. above grade; and (2) A landscaped area 4 ft. in depth is maintained between the property line and the patio.	Not limited, provided the floor area of the patio does not exceed 3 ft. above grade.	Not limited, provided the floor area of the patio does not exceed 4 ft. above grade.
Balconies; outside stairways; and other unenclosed, unroofed projections	Not allowed	Not allowed	5 ft., provided in no case shall such projection come closer than 6 ft. to any property line.

Limitations and Qualifications

(1) No permitted projection into a rear setback shall extend to within 10 ft. of the centerline of an alley, or to within 6 ft. of an accessory structure.

800.040. Special Setbacks.

(a) **Generally.** To afford better light, air, and vision on public streets and to permit the eventual widening of streets without creating nonconforming structures, special setbacks are hereby established. No structures or paving, other than those identified under subsection (d) of this section, shall be placed within a special setback.

(b) **Setback Distance Required; How Measured.** The special setback shall equal one-half of the right-of-way width specified in the Salem Transportation System Plan for the street’s applicable classification. Special setbacks shall be measured at right angles to the centerline of the street, or, where there is no street, from the centerline of the right-of-way. Where the centerline is not designated, the Public Works Director shall designate the location of the centerline.

1 **(c) Relationship to Other Required Setbacks.** The special setback shall apply in
2 addition to other setbacks required under the UDC. Setbacks required elsewhere under
3 the UDC shall be measured from the special setback line.

4 **(d) Permitted Structures and Paving within Special Setbacks.** The following
5 structures and paving are permitted within a special setback with a removal agreement
6 as set forth in subsection (e) of this section:

7 **(1)** Transit stop shelters.

8 **(2)** Signs and their supporting members.

9 **(3)** Fences.

10 **(4)** Off-street parking, other than minimum required off-street parking, provided
11 such parking is developed in conformance with the setback and landscaping
12 requirements set forth in SRC Chapter 806.

13 **(e) Removal Agreement.** Where structures or paving, as permitted under subsection
14 (d) of this section, are proposed to be placed within a special setback, a removal
15 agreement shall be required as provided in this subsection.

16 **(1)** The removal agreement shall be entered into by:

17 **(A)** The owner of the property and the local transit operator, for transit
18 stop shelters located within a special setback. The local transit operator
19 shall have the obligation to remove the shelter when required.

20 **(B)** The owner of the property and/or owner of the sign, for signs and
21 their supporting members located within a special setback.

22 **(C)** The owner of the property, for fences and off-street parking, other
23 than minimum required off-street parking, located within a special
24 setback.

25 **(2)** The removal agreement shall be in a form approved by the City Attorney and
26 shall provide that:

27 **(A)** Within 6 months after notice by the City, any structure, paving, or
28 portion thereof that extends into the special setback shall be completely
29 removed at no expense to the City;

30 **(B)** Where off-street parking set forth in subsection (d) of this section

1 is removed, any remaining portion of the parking area located outside of
2 the special setback shall be brought into conformance with the setback and
3 landscaping requirements set forth in SRC Chapter 806 at no expense to
4 the City;

5 (C) If the owner or transit operator fails or refuses to make the removal,
6 or fails or refuses to make required improvements to any remaining
7 portion of the parking area located outside of the special setback, the City
8 may cause the removal, or the required parking area improvement, to be
9 made, and the costs incurred shall:

10 (i) Be a lien against the property if the removal agreement was
11 entered into by the owner of the property, which may be foreclosed
12 in the manner provided by law;

13 (ii) Be the obligation of the transit operator if the removal
14 agreement was entered by the owner and the local transit operator,
15 and that, in the event an action must be brought to enforce the
16 obligation, that the City shall be entitled to its attorney's fees and
17 costs incurred in enforcing the obligation.

18 (D) The property owner, sign owner, or transit operator shall not be
19 entitled to damages or compensation as the result of City's exercise of its
20 rights under the removal agreement; provided, however, the property
21 owner shall retain his or her right to just compensation for the unimproved
22 value of any land taken for the widening of the street.

23 (3) The removal agreement shall be recorded with the county in which the
24 property is located. Notice to remove any structure, paving, or portion thereof
25 shall not be given until the City or the State of Oregon proceeds with a project to
26 widen the street in front of the property.

27 **800.045. Height.**

28 (a) **Generally.** Unless otherwise provided under the UDC, standards relating to height
29 shall apply to all buildings and structures. Height shall be measured as set forth in SRC
30 Chapter 112.

1 **(b) Height Exceptions.** Except as otherwise provided in this subsection, the following
2 height exceptions are permitted under the UDC:

3 **(1)** Towers, steeples, chimneys, wind-driven electrical generating equipment, flag
4 poles, and monuments may project above the maximum height limits set forth in
5 the UDC, provided:

6 **(A)** They do not exceed 185 feet in height;

7 **(B)** They do not contain any habitable space;

8 **(C)** The horizontal section of the structure does not exceed 625 square
9 feet at the top of the main building or structure; and

10 **(D)** The sum of the horizontal section of all such projections measured at
11 the maximum height limit applicable to the building or structure on which
12 they are located does not exceed 20 percent of the horizontal area of the
13 roof of the building or structure on which they are located.

14 **(2)** Radio, television, and microwave antennas, and structures used exclusively
15 for their support, are exempt from all height limitations.

16 **(3)** Mechanical equipment necessary for the operation or maintenance of a
17 building or structure, including, but not limited to, ventilators, plumbing and vent
18 stacks, cooling towers, water tanks, panels or collectors for solar energy, and
19 window washing equipment, together with enclosures for any such equipment,
20 may project above the maximum height limits set forth in the UDC, provided:

21 **(A)** They do not project more than 15 feet above the roof;

22 **(B)** They do not contain any habitable space;

23 **(C)** The sum of the horizontal section of all such projections measured at
24 the maximum height limit applicable to the building or structure on which
25 they are located does not exceed 60 percent of the horizontal area of the
26 roof of the building or structure on which they are located;

27 **(4) Relationship to FAA Part 77 Surfaces.** Notwithstanding paragraphs (1)
28 through (3) of this subsection, nothing in this subsection shall authorize the
29 projection of a building or structure into an FAA Part 77 Surface established
30 under SRC Chapter 602.

1 (c) **Height of Structures within 165 Feet of Capitol Mall District.** Except as
2 provided under subsection (b) of this section, no portion of a building or structure
3 located outside of, but within 165 feet of, the external boundary of the Capitol Mall
4 (PM) zone shall exceed a height of 70 feet.

5 **800.050. Fences, Walls, Hedges, Gates, and Retaining Walls.** Unless otherwise provided
6 under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates,
7 and retaining walls in all zones. Where screening is required under the UDC in the form of a
8 fence, wall, or hedge, it shall meet the standards set forth in SRC Chapter 807, in addition to the
9 standards set forth in this section. For purposes of this section, “front yard” means that portion
10 of a lot located between the front property line and a line parallel to the front property line
11 extended from the wall of the main building lying at the greatest distance from the front property
12 line.

13 (a) **Location, Height, and Density.** Fences, walls, hedges, gates, and retaining walls
14 shall comply with the location, height, and density standards set forth in this subsection.

15 (1) **Fences and Walls.**

16 (A) **Residential Zones and Property Used for Uses Falling Under**
17 **Household Living in Other Zones.** Fences and walls within residential
18 zones, or on property used for uses falling under Household Living in
19 other zones, shall not exceed a maximum height of 8 feet; provided,
20 however:

21 (i) **Front Yard Abutting Street.** Fences and walls within a front
22 yard abutting a street shall not exceed a maximum height of 4 feet
23 when located within 20 feet of the property line abutting the street;
24 provided, however, within 10 feet of the property line abutting the
25 street any portion of the fence or wall above 30 inches in height
26 shall be less than 25 percent opaque when viewed at any angle at a
27 point 25 feet away from the fence or wall.

28 (ii) **Side and Rear Yards Abutting Street.** Fences and walls
29 within a side or rear yard abutting a street shall not exceed a
30 maximum height of 6 feet when located within 10 feet of a

1 property line abutting a street.

2 **(B) Non-Residential Zones.** Except for fences and walls on property
3 used for uses falling under Household Living, fences and walls within
4 non-residential zones shall not exceed a maximum height of 12 feet;
5 provided, however:

6 **(i) Front, Side, and Rear Yards Abutting Street.** Fences and
7 walls within a front, side, or rear yard abutting a street shall not
8 exceed a maximum height of 8 feet when located within 10 feet of
9 a property line abutting a street; provided, however, any portion of
10 the fence or wall above 30 inches in height shall be less than 25
11 percent opaque when viewed at any angle at a point 25 feet away
12 from the fence or wall.

13 **(2) Hedges.** There is no maximum height limitation for hedges; provided,
14 however, where a hedge is located within 10 feet of a property line abutting a
15 street, any portion of the hedge more than 30 inches in height shall be less than 25
16 percent opaque when viewed at any angle at a point 25 feet away from the hedge.

17 **(3) Gates.** Where a gate is part of a fence, wall, or hedge it shall conform to the
18 height limitations applicable to fences and walls set forth under SRC
19 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle
20 or pedestrian easement.

21 **(4) Retaining Walls.** Retaining walls shall not exceed a maximum height of 4
22 feet when located at the property line abutting a street. Retaining walls not
23 located at the property line abutting a street may exceed 4 feet in height.

24 **(b) Vision Clearance.** Notwithstanding any other provision of this section, fence,
25 walls, hedges, gates, and retaining walls shall conform to the vision clearance
26 requirements of SRC Chapter 805.

27 **(c) Material.**

28 **(1) Fences.** Fences shall be constructed of materials specifically designed and
29 manufactured for fencing purposes, including, but not limited to, wooden pickets,
30 vinyl, wrought iron, and chain link fencing, with or without plastic or wood slats.

1 Materials not specifically designed as fencing material, including, but not limited
2 to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage
3 doors, concrete rubble, and other junked material, are prohibited. Chicken wire
4 may be used within the Residential Agriculture (RA) zone if used to raise
5 livestock. Fencing for raising livestock in other zones may be replaced if the use
6 was an allowed use on the property prior to December 31, 2002. Fencing used for
7 the establishment and protection of vegetation is permitted for a period not to
8 exceed 6 months.

9 **(2) Walls.** Walls shall be constructed of materials specifically designed and
10 manufactured for use as walls, including, but not limited to, masonry, rock,
11 concrete, concrete block, or other similar material.

12 **(d) Hazardous Materials.** Fences and walls shall not be constructed of or contain any
13 material which will do bodily harm, such as electric or barbed wire, upturned barbed
14 selvage, broken glass, spikes, or any other hazardous or dangerous material, except as
15 follows:

16 **(1) Concertina Wire.** Concertina wire is permitted around state and county
17 correctional facilities and secure mental health facilities.

18 **(2) Barbed Wire and Upturned Barbed Selvage.**

19 **(A) Location.** Barbed wire and upturned barbed selvage is permitted
20 within the following locations:

21 **(i)** Any zone where the fence will be used to enclose livestock;
22 and

23 **(ii)** The Retail Commercial (CR) and General Commercial (CG)
24 zones, and any industrial or public zone.

25 **(B) Standards.** Where allowed as set forth this paragraph, barbed wire or
26 upturned barbed selvage shall comply with the following additional
27 standards:

28 **(i) Enclosure of Livestock.** Fences with barbed wire or upturned
29 barbed selvage enclosing livestock shall be clearly posted with
30 warning signs notifying persons of a dangerous fence. The signs

1 shall be posted at an interval of not less than 15 feet.

2 **(ii) CR and CG Zones; Industrial and Public Zones.** Fences
3 with barbed wire or upturned barbed selvage located within a
4 Retail Commercial (CR) or General Commercial (CG) zone, or
5 within an industrial or public zone, shall comply with the
6 following:

7 **(aa)** The barbed wire or upturned barbed selvage shall be
8 located more than 6 feet above grade;

9 **(bb)** The barbed wire or upturned barbed selvage shall be
10 setback a minimum of 1-foot from the public right-of-way,
11 when designed to slant towards the public right-of-way;

12 **(cc)** The barbed wire or upturned barbed selvage shall not
13 extend over a street or alley; and

14 **(dd)** The fence shall be clearly posted with warning signs
15 notifying persons of a dangerous fence. The signs shall be
16 posted at an interval of not less than 15 feet.

17 **(3) Electric fencing.**

18 **(A) Location.** Electric fencing is permitted within the following
19 locations:

20 **(i)** Any zone where the fence will be used to enclose livestock;
21 and

22 **(ii)** Around outdoor storage areas, including vehicle storage areas,
23 for any non-residential use within any industrial zone.

24 **(B) Standards.** Where allowed as set forth in this paragraph, electric
25 fencing shall comply with the following additional standards:

26 **(i) Enclosure of Livestock.** Electric fencing enclosing livestock
27 shall be clearly posted with warning signs notifying persons of a
28 dangerous fence. The signs shall be posted at an interval of not
29 less than 15 feet.

30 **(ii) Outdoor Storage Areas for Non-Residential Uses within**

1 **Industrial Zones.** Electric fencing around outdoor storage areas,
2 including vehicle storage areas, for any non-residential use with
3 any industrial zone shall comply with the following:

4 **(aa)** The fence shall not exceed 10 feet in height and shall
5 be completely surrounded by a non-electric fence or wall a
6 minimum of 6 feet in height.

7 **(bb)** A minimum one-foot separation shall be maintained
8 between the electric fence and the surrounding non-electric
9 fence or wall.

10 **(cc)** An electrical permit and inspection shall be obtained
11 prior to installation.

12 **(dd)** The electric fence shall be listed by a testing
13 laboratory approved by the State of Oregon, and shall be
14 installed and used in accordance with the testing laboratory
15 listing.

16 **(ee)** The fence shall be clearly posted with warning signs
17 in English and Spanish notifying persons of a dangerous
18 fence. The signs shall include the statement, “DANGER –
19 ELECTRIC FENCE,” or an equivalent, together with a
20 pictorial warning. The signs shall be posted at an interval
21 of not more than 60 feet.

22 **(ff)** Emergency Access. Fire department access shall be
23 provided in accordance with the Salem Fire Prevention
24 Code. An approved method to manually disconnect
25 electrical power to all portions of the fence and gates shall
26 be provided at an exterior location. The method and
27 location of the electrical disconnect shall be approved by
28 the Salem Fire Code Official.

29 **(e) Maintenance.** Fences and walls shall be structurally maintained in safe condition.
30 Wooden materials shall be protected from rot, decay, and insect infestation, and

1 replaced as necessary. Failure to maintain an electric fence in conformance with the
2 standards set forth in this section shall result in the fence being declared a public
3 nuisance subject to abatement under SRC Chapter 50.

4 **800.055. Solid Waste Service Areas.** Solid waste service areas shall provide for the safe and
5 convenient collection of solid waste and recyclable and compostable materials by the local solid
6 waste collection franchisee.

7 **(a) Applicability.** Solid waste service area design standards shall apply to:

8 **(1)** All new solid waste, recycling, and compostable service areas, where use of a
9 solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is
10 proposed; and

11 **(2)** Any change to an existing solid waste service area for receptacles of 1 cubic
12 yard or larger that requires a building permit.

13 **(b) Solid Waste Receptacle Placement Standards.** All solid waste receptacles shall
14 be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an
15 asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more
16 than a 3 percent and shall be designed to discharge stormwater runoff consistent with
17 the overall stormwater management plan for the site approved by the Public Works
18 Director.

19 **(1) Pad Area.** In determining the total concrete pad area for any solid waste
20 service area:

21 **(A)** The pad area shall extend a minimum of 1-foot beyond the sides and
22 rear of the receptacle; and

23 **(B)** The pad area shall extend a minimum 3 feet beyond the front of the
24 receptacle.

25 **(C)** In situations where receptacles face each other, a minimum 4 feet of
26 pad area shall be required between the fronts of the facing receptacles.

27 **(2) Minimum Separation.**

28 **(A)** A minimum separation of 1.5 feet shall be provided between the
29 receptacle and the side wall of the enclosure.

1 (B) A minimum separation of 5 feet shall be provided between the
2 receptacle and any combustible walls, combustible roof eave lines, or
3 building or structure openings.

4 **(4) Vertical Clearance.**

5 (A) Receptacles 2 cubic yards or less in size shall be provided with a
6 minimum of 8 feet of unobstructed overhead or vertical clearance for
7 servicing.

8 (B) Receptacles greater than 2 cubic yards in size shall be provided with a
9 minimum of 14 feet of unobstructed overhead or vertical clearance for
10 servicing.

11 **(c) Permanent Drop Box and Compactor Placement Standards.**

12 (1) All permanent drop boxes shall be placed on a concrete pad that is a
13 minimum of 6 inches thick. The pad shall have a slope of no more than 1 percent
14 and shall be designed to discharge stormwater runoff consistent with the overall
15 stormwater management plan for the site approved by the Public Works Director.

16 (2) All permanent compactors shall be placed on a concrete pad that is
17 structurally engineered or in compliance with the manufacturer specifications.
18 The pad shall have a slope of no more than 3 percent and shall be designed to
19 discharge stormwater runoff consistent with the overall stormwater management
20 plan for the site approved by the Public Works Director.

21 (3) **Pad Area.** The pad area shall be a minimum of 12 feet in width. The pad
22 area shall extend a minimum of 5 feet beyond the rear of the permanent drop box
23 or compactor.

24 (4) **Minimum Separation.** A minimum separation of 5 feet shall be provided
25 between the permanent drop box or compactor and any combustible walls,
26 combustible roof eave lines, or building or structure openings.

27 **(d) Solid Waste Service Area Screening Standards.**

28 (1) Solid waste, recycling, and compostable service areas shall be screened from
29 all streets abutting the property and from all abutting residentially zoned property
30 by a minimum 6-foot-tall sight-obscuring fence or wall; provided, however,

1 where receptacles, drop boxes, and compactors are located within an enclosure,
2 screening is not required. For the purpose of this standard, abutting property shall
3 also include any residentially zoned property located across an alley from the
4 property.

5 (2) Existing screening at the property line shall satisfy screening requirements if it
6 includes a 6-foot-tall sight-obscuring fence or wall.

7 **(e) Solid Waste Service Area Enclosure Standards.** When enclosures are used for
8 required screening or aesthetics, such enclosures shall conform to the following
9 standards:

10 **(1) Front Opening of Enclosure.** The front opening of the enclosure shall be
11 unobstructed and shall be a minimum of 12 feet in width.

12 **(2) Measures to Prevent Damage to Enclosure.**

13 **(A)** Enclosures constructed of wood or chain link fencing material shall
14 contain a minimum 4-inch nominal high bumper curb at ground level
15 located 12 inches inside the perimeter of the outside walls of the enclosure
16 to prevent damage from receptacle impacts.

17 **(B)** Enclosures constructed of concrete, brick, masonry block, or similar
18 types of material shall contain a minimum 4-inch nominal high bumper
19 curb at ground level located 12 inches inside the perimeter of the outside
20 walls of the enclosure, or a fixed bumper rail to prevent damage from
21 receptacle impacts.

22 **(C)** The requirements under subparagraphs (A) and (B) of this paragraph
23 shall not apply if the enclosure is designed to be separated:

24 **(aa)** A minimum distance of 2 feet from the sides of the container
25 or receptacles; and

26 **(bb)** A minimum of 3 feet from the rear of the container or
27 receptacles.

28 **(4) Enclosure Gates.** Any gate across the front opening of an enclosure shall
29 swing freely without obstructions. For any opening that is less than 15 feet in
30 width, the gates shall open a minimum of 120 degrees. For any opening that is 15

1 feet or greater in width, the gates shall open a minimum of 90 degrees. All gates
2 shall have restrainers in the open and closed positions.

3 **(5) Prohibited Enclosures.** Receptacles shall not be stored in buildings or
4 entirely enclosed structures unless the receptacles are:

5 (A) Stored in areas protected by an automatic sprinkler system approved
6 by the City Fire Marshal; or

7 (B) Stored in a building or structure of a fire resistive Type I or Type IIA
8 construction that is located not less than 10 feet from other buildings and
9 used exclusively for solid waste receptacle storage.

10 **(f) Solid Waste Service Area Vehicle Access.**

11 **(1) Vehicle Operation Area.**

12 (A) A vehicle operation area shall be provided for solid waste collection
13 service vehicles that is free of obstructions and no less than 45 feet in
14 length and 12 feet in width. Vehicle operation areas shall be made
15 available in front of every receptacle, or, in the case of multiple
16 receptacles within an enclosure, in front of every enclosure opening.

17 (B) For solid waste service areas having receptacles of 2 cubic yards or
18 less, the vehicle operation area may be located:

19 (aa) Directly in front of the permanent location of the receptacle;
20 or

21 (bb) In a location where the receptacle can be safely maneuvered
22 manually not more than 45 feet into a position at one end of the
23 vehicle operation area for receptacle servicing.

24 (C) The vehicle operation area may be coincident with a parking lot drive
25 aisle or driveway, provided that such area is kept free of parked vehicles
26 and other obstructions at all times except for the normal ingress and egress
27 of vehicles.

28 (D) In the event that access to the vehicle operation area is not a direct
29 approach into position for operation of the service vehicle, a turnaround,
30 designed and constructed pursuant to the Public Works Design Standards,

1 shall be required to allow safe and convenient access for collection
2 service.

3 (2) Vehicle operation areas shall be designed so that waste collection service
4 vehicles are not required to back onto a public street or leave the premises.

5 (3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard
6 surfacing approved by the Public Works Director, and shall be adequately
7 designed, graded, and drained to the approval of the Public Works Director.

8 (4) **Signs.** "No Parking" signs shall be placed in a prominent location on the
9 enclosure, or painted on the pavement in front of the enclosure or receptacle, to
10 ensure unobstructed and safe access for the servicing of receptacles.

11 (g) **Notice to Solid Waste Collection Franchisee.** Upon receipt of an application to
12 vary or adjust the standards set forth in this section, notification and opportunity to
13 comment shall be provided to the applicable solid waste collection franchisee. Notice
14 required under this subsection shall be in addition to the notification required for a
15 variance or adjustment under SRC Chapter 300.

16 **800.060. Exterior Lighting.**

17 ~~(a)~~ Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare
18 onto the public right-of-way.

19 ~~(b)~~ Exterior light fixtures shall be located and designed so that the light source, when
20 viewed at a height of 5 feet above the ground at a distance of 5 feet outside the
21 boundary of the lot, shall, ~~within 50 feet from the base of the light or a point at the~~
22 ~~ground immediately below the light,~~ be either:

23 (1) Completely shielded from direct view; or

24 (2) No greater than 5 foot-candles in illumination.

25 **Section 74.** The following SRC Chapter 802 is added to the Salem Revised Code:

26 **802.001. Purpose.** The purpose of this Chapter is to establish the means and standards whereby
27 public improvements are provided for development within the City.

28 **802.005. Definitions.** Unless the context otherwise specifically requires, as used in this
29 Chapter, the following mean:

30 (a) City utilities: Public improvements providing water, wastewater, and stormwater

1 facilities.

2 (b) Public improvements: Infrastructure necessary to provide city utilities to
3 customers.

4 (c) Public utilities: Privately owned improvements providing the following services:
5 natural gas; electricity; telephone, internet, and other electronic data or communication
6 services; and cable television.

7 (d) Public Works Design Standards: The design standards and specifications adopted
8 pursuant to SRC 802.010.

9 (e) Utility or utilities: Water; wastewater; stormwater facilities; natural gas; electricity;
10 telephone, internet, and other electronic data or communication services; and cable
11 television.

12 (f) Watercourse: The route, up to and including the top of bank, formed by natural
13 processes or constructed by humans, generally consisting of a channel with a bed,
14 banks, or sides, in which water flows. By way of illustration, but not of limitation, as
15 used in this Chapter, watercourse includes perennial and intermittent streams and
16 creeks, swales, drainage ditches, and culverts. As used in this Chapter, watercourse
17 does not include the Willamette River.

18 **802.010. Design Standards and Specifications.** The Public Works Director shall prepare and
19 adopt by administrative rule design standards and specifications consistent with sound
20 engineering principles for the construction, reconstruction, or repair of public improvements
21 within areas under the City's jurisdiction. The design standards and specifications shall be kept
22 on file in the office of the Public Works Director. All public improvements shall conform to the
23 adopted design standards and specifications, and with any other adopted plans and policies
24 adopted by the City.

25 **802.015. Development to be Served by City Utilities.** Except as provided under SRC 802.035
26 and SRC 802.040, all development shall be served by city utilities designed and constructed
27 according to all applicable provisions of the Salem Revised Code and the Public Works Design
28 Standards.

29 **802.020. Easements.** Subject to any constitutional limitations, the conveyance or dedication of
30 easements for city utilities may be required as conditions of development approval. Easements

1 may be required that are necessary for the development of adjacent properties. Easements shall,
2 where possible, be centered on, or abut property lines, and shall be not less than 10 feet in width.
3 No building, structure, tree, or other obstruction other than landscaping shall located within an
4 easement required by this section.

5 **802.025. Utilities to be Placed Underground.**

6 (a) Except as otherwise provided in this section, all utility service shall be provided by
7 underground facilities.

8 (b) In industrial and employment and commercial zones, electrical service may be
9 provided by overhead wires where underground utility service is unavailable.

10 (c) Stormwater management shall be provided by above-ground and below-ground
11 facilities.

12 **802.030. Watercourses.**

13 (a) Any modification to a watercourse shall conform to SRC Chapter 601 and the
14 Public Works Design Standards.

15 (b) Public improvement and maintenance easements for watercourses may be required.
16 The easements shall, at a minimum, extend 15 feet in each direction from the waterway
17 centerline, 10 feet from the top of a recognizable bank, or a sufficient width to pass 10-
18 year flood flows or to accommodate the 100-year floodway on a FEMA regulated
19 stream, whichever is greater. Such easements shall be of a width sufficient to allow
20 both initial improvements and future maintenance and operations. Larger widths may
21 be required.

22 **802.035. Partitions in Areas Unserved by City Wastewater System.** A partition located
23 more than 300 feet from an available sewer may be approved if the applicable requirements for
24 partitions located more than 300 feet from an available sewer contained within SRC Chapter 205
25 are met.

26 **802.040. Private Stormwater, Wastewater, and Water Systems.** A private stormwater,
27 wastewater, or water system may be approved by the Director if each of the following conditions
28 are met:

29 (a) City utilities necessary to serve adjacent properties and to provide needed links in
30 the overall collection and distribution system are provided.

1 (b) If the system is a water system:

2 (1) The water system conforms to the water distribution standards of the City;

3 (2) Except as authorized by State law, water from the system is not submetered or
4 resold to other parties;

5 (3) Each building under separate ownership has a separate water meter; and

6 (4) The properties served are located within a commercial or an industrial and
7 employment zone.

8 (c) If the system serves multiple properties under separate ownership:

9 (1) If the system is a wastewater system, the properties served are located within
10 a commercial or an industrial and employment zone, and each building under
11 separate ownership must have a separate wastewater monitoring manhole.

12 Exceptions to the requirement for monitoring manholes may be granted by the
13 Director if the owner of the system shows that no proposed use has any likelihood
14 of discharging hazardous or illegal materials into the City's wastewater system.

15 (2) An agreement is executed by the utility owner and the owner of the property
16 served by the system. The agreement shall be recorded in the deed records of the
17 applicable county and provide that:

18 (A) The system serving the property is private;

19 (B) The City has no responsibility to maintain the system;

20 (C) The system will not be accepted by the City unless the system was
21 constructed in a manner that conforms to the Public Works Design
22 Standards;

23 (D) A perpetual right of access to read and maintain the meters and
24 inspect the system is granted to the City; and

25 (E) Persons served by the system assume responsibility for any repairs
26 required for the City.

27 **Section 75.** The following SRC Chapter 803 is added to the Salem Revised Code:

28 **803.001. Purpose.** The purpose of this Chapter is to establish standards for streets and other
29 improvements within public right-of-way in the City.

1 **803.005. Definitions.** Unless the context otherwise specifically requires, as used in this Chapter,
2 the following mean:

3 (a) Block: The properties abutting one side of a street:

4 (1) Between two cross streets;

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

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

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

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

10 (4) When there are no cross streets, then the block shall be between the points
11 600 feet from the mid-point of the front property line for the property under
12 consideration and along the street.

13 (b) Boundary street: An existing street that abuts a unit of land.

14 (c) Complex: A group of structures or other development that is functionally or
15 conceptually integrated, regardless of the ownership of the development or underlying
16 land.

17 (d) Half-street improvement: A 50 percent portion of the ultimate width of a street.

18 (e) Public accessway: A walkway that provides pedestrian and bicycle passage either
19 between two or more streets or from a street to a building or other destination, such as a
20 park or transit stop.

21 (f) Reasonably direct: Either a route that does not deviate unnecessarily from a straight
22 line, or a route that does not require a significant amount of out-of-direction travel by
23 likely users.

24 (g) Reserve block: A strip of land across the end of a street or alley at the boundary of
25 a subdivision or partition, and dividing it from adjacent property, that is reserved to
26 extend or widen the street in the future or to prohibit access to the street or alley from
27 adjacent property. Reserve blocks are usually one foot in width and either deeded or
28 dedicated to the City.

29 (h) Safe and convenient bicycle and pedestrian routes: Facilities and improvements
30 which:

1 (1) Are reasonably free from hazards, particularly types or levels of automobile
2 traffic which would interfere with or discourage pedestrian or bicycle travel for
3 short trips;

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

6 (3) Meet travel needs of bicyclists and pedestrians considering destination and
7 length of trip; and considering that the optimum trip length of pedestrians is
8 generally one-fourth to one-half mile.

9 (i) Three quarter street improvement: A half-street improvement on the side abutting
10 the development, plus a minimum 12-foot wide travel lane with shoulders and drainage
11 ditches where needed on the opposite side.

12 (j) Underimproved street: Any public street, road, or right-of-way which lacks any of
13 the following:

14 (1) Paving;

15 (2) Curbing;

16 (3) Bike lanes (where required);

17 (4) Sidewalks;

18 (5) Street lighting;

19 (6) Stormwater facilities; or

20 (7) Adequate right-of-way geometry or paving width, grade, or structural sections
21 required under the Public Works Design Standards.

22 (k) Walkway: A right-of-way or easement designated for the use of non-motorized
23 vehicles and pedestrians.

24 **803.010. Streets, Generally.** Except as otherwise provided in this Chapter, all streets shall be
25 improved to include the following: adequate right-of-way, paving, curbing, bike lanes (where
26 required), sidewalks, street lighting, stormwater facilities; utility easements, turnarounds,
27 construction strips, landscape strips, parking lanes, adequate right-of-way geometry, paving
28 width, grade, structural sections and monumentation, that conforms to the Public Works Design
29 Standards.

30 **803.015. Traffic Impact Analysis.**

1 (a) **Purpose.** The purpose of a traffic impact analysis is to ensure that development
2 generating a significant amount of traffic provides the facilities necessary to
3 accommodate the traffic impacts of the proposed development.

4 (b) **Applicability.** An applicant shall provide a traffic impact analysis if one of the
5 following conditions exists:

6 (1) The development will generate 200 or more daily vehicle trips onto a local
7 street or alley, or 1,000 daily vehicle trips onto a collector, minor arterial, major
8 arterial, or parkway. Trips shall be calculated using the adopted Institute of
9 Transportation Engineer’s Trip Generation Manual. In developments involving a
10 land division, the trips shall be calculated based on the proposed development that
11 will occur on all lots that will be created by the land division.

12 (2) The increased traffic resulting from the development will contribute to
13 documented traffic problems, based on current accident rates, traffic volumes or
14 speeds, and identified locations where pedestrian and/or bicyclist safety is a
15 concern.

16 (3) The City has performed or reviewed traffic engineering analyses that indicate
17 approval of the development will result in levels of service of the street system
18 that do not meet adopted level of service standards.

19 (c) On-site and off-site public or private improvements necessary to address the
20 impacts identified in the traffic impact analysis may be required as conditions of
21 development approval. Improvements include, but are not limited to, street and
22 intersection improvements, sidewalks, bike lanes, traffic control signs and signals,
23 parking regulation, access controls, driveway approach location and design, and street
24 lighting.

25 (d) **Exception.** An exception to the requirement for a traffic impact analysis may be
26 granted for development that generates more than the trips specified in subsection
27 (b)(1) of this section if the Director determines the traffic impact analysis is not
28 necessary to satisfy the purposes set forth in subsection (a) of this section.

29 **803.020. Public and Private Streets.**

1 (a) **Public Streets.** Except as provided in subsection (b) of this section, all streets shall
2 be public streets.

3 (b) **Private Streets.**

4 (1) Internal streets in subdivisions, partitions, and planned unit developments
5 may be either public or privately owned; provided that the internal streets may be
6 required to be public, given the connectivity, size, configuration, location, and
7 number of lots or dwelling units, and the nature and location of public and
8 common facilities and proposed uses.

9 (2) Private streets shall conform to this Chapter and the Public Works Design
10 Standards, unless otherwise required by state law.

11 (3) Any subdivision, partition, or planned unit development that includes private
12 streets shall have recorded covenants, conditions, and restrictions which provide
13 that all common property owners shall be members of a property owners'
14 association. The covenants, conditions, and restrictions shall, at a minimum,
15 require that the association be responsible for the perpetual maintenance and
16 operation of all private streets and related facilities in the development, including
17 but not limited to: parking areas, private streets, privately owned
18 pedestrian/bikeways, and landscape strips. Such association shall have the power
19 to levy and assess against privately owned property in the development all
20 necessary costs for maintenance and operation of the private streets and related
21 facilities.

22 **803.025. Right-of-Way and Pavement Widths.**

23 (a) Except as otherwise provided in this Chapter, right-of-way width for streets and
24 alleys shall conform to the standards set forth in Table 803-1.

25 **TABLE 803-1**

26 **RIGHT-OF-WAY WIDTH**

27 **Table 803-1: Right-of-Way Width**

Right-of-Way	Width	Limitations & Qualifications
Parkway	Min. 120 ft.	Applicable for up to four motor vehicle travel lanes.
	Min. 144 ft.	Applicable for greater than four motor vehicle travel lanes.
Major Arterial	Min. 96 ft.	

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Table 803-1: Right-of-Way Width		
Right-of-Way	Width	Limitations & Qualifications
Minor Arterial	Min. 72 ft.	
Collector	Min. 60 ft.	
Local Street	Min. 60 ft.	
Cul-de-sac	Min. 50 ft.	Applicable to the stem of the cul-de-sac.
	Min. 45 ft. radius	Applicable to the turnaround of the cul-de-sac.
Alley	Min. 10 ft.	
	Max. 20 ft.	

(b) Except as otherwise provided in this Chapter, streets shall have an improved curb-to-curb pavement width as set forth in Table 803-2.

**TABLE 803-2
PAVEMENT WIDTH**

Table 803-2: Pavement Width		
Street Type	Width	Limitations & Qualifications
Parkway	Min. 80 ft.	
Major Arterial	Min. 68 ft.	
Minor Arterial	Min. 46 ft.	
Collector	Min. 34 ft.	Applicable to Type A collector.
	Min. 40 ft.	Applicable to Type B collector.
	Min. 34 ft.	Applicable to Type C collector.
Local Street	Min. 30 ft.	
Cul-de-sac	Min. 30 ft.	Applicable to the stem of the cul-de-sac.
	Min 38 ft. radius	Applicable to the turnaround of the cul-de-sac.

(c) Additional right-of-way, easements, and improvements may be required to accommodate the design and construction of street improvement projects due to steep slopes, soils, water features, wetlands, transit bus bays, and other physical constraints.

(d) Additional right-of-way and roadway improvements at the intersections of parkways, major arterial, minor arterial, and collector streets, and at intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes, may be required. The design of all intersections shall conform to the Public Works Design Standards.

(e) When an area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant, dedication and improvement of streets to greater widths than those provided in subsection (a) of this section may be required.

1 **803.030. Street Spacing.**

2 (a) Streets shall have a maximum spacing of 600 feet from right-of-way line to right-of
3 way line along one axis, and not less than 120 feet and not more than 400 feet from
4 right-of-way line to right-of-way line along the other axis.

5 (b) Street spacing may be increased where one or more of the following exist:

6 (1) Physical conditions preclude streets meeting the spacing requirements.

7 Physical conditions include, but are not limited to, topography or the existence of
8 natural resource areas such as wetlands, ponds, streams, channels, rivers, lakes, or
9 a resource protected by state or federal law.

10 (2) Buildings or other existing development on adjacent lands, including
11 previously subdivided but vacant lots or parcels, physically preclude streets
12 meeting the spacing requirements, considering the potential for redevelopment.

13 (3) An existing public street or streets terminating at the boundary of the
14 development site exceed the spacing requirements, or are situated such that the
15 extension of the street or streets into the development site would create a block
16 length exceeding the spacing requirements. In such cases, the block length shall
17 be as close to the spacing requirements as practicable.

18 (4) Strict application of the spacing requirements would result in a street network
19 that is no more beneficial to vehicular, pedestrian, or bicycle traffic than the
20 proposed street network, and the proposed street network will accommodate
21 necessary emergency access.

22 **803.035. Street Standards.** All public and private streets shall be improved as follows:

23 (a) **Connectivity.** Local streets shall be oriented or connected to existing or planned
24 streets, existing or planned schools, parks, shopping areas, transit stops, and
25 employment centers located within one half mile of the development. Local streets
26 shall be extended to adjoining undeveloped properties for eventual connection with the
27 existing street system. Connections to existing or planned streets and adjoining
28 undeveloped properties for eventual connection with the existing street system shall be
29 provided at no greater than 600-foot intervals unless one or more of the following
30 conditions exist:

1 (1) Physical conditions or the topography, including, but not limited to, freeways,
2 railroads, steep slopes, wetlands, or other bodies of water, make a street or public
3 accessway connection impracticable.

4 (2) Existing development on adjacent property precludes a current or future
5 connection, considering the potential and likelihood for redevelopment of the
6 adjacent property; or

7 (3) The streets or public accessways would violate provisions of leases,
8 easements, covenants, restrictions or other agreements existing as of May 1, 1995,
9 that by their terms would preclude a current or future connection.

10 (b) **Improvements.** All street improvements, including sub-base, base, pavement,
11 curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem
12 Revised Code and the Public Works Design Standards.

13 (c) **Alignment and Grade.** All streets shall be designed with a vertical alignment that
14 conforms to the Public Works Design Standards. No grade of parkway, major arterial,
15 or minor arterial shall exceed 6 percent. No grade of a collector street shall exceed 8
16 percent. No grade of a local street shall exceed 12 percent.

17 (d) **Dead-End Streets.** When it appears necessary to provide connectivity into or
18 through an abutting undeveloped area, a dead-end street shall be provided to the
19 boundary of the undeveloped area. The street may be constructed and right-of-way
20 may be dedicated without a turnaround unless the Planning Administrator finds that a
21 turnaround is necessary.

22 (e) **Reserve blocks.** Reserve blocks controlling access to a street or alley may be
23 required to be dedicated to address one or more of the following:

24 (1) To prevent access to abutting land at the end of a street in order to assure the
25 proper extension of the street pattern and the orderly development of land lying
26 beyond the street.

27 (2) To prevent access to the side of a street on the side where additional width is
28 required to meet the right-of-way standards provided in SRC 803.025.

29 (3) To prevent access to land abutting a street of the development, but not within
30 the development itself.

1 (4) To prevent access to land unsuitable for development.

2 (5) To prevent access prior to payment of street improvement assessments or
3 connection charges.

4 (6) To prevent access to an arterial or collector street.

5 **(f) Cul-de-sacs.**

6 (1) Cul-de-sacs shall not exceed 800 feet in length.

7 (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting
8 street or cul-de-sac unless physical constraints make it impractical.

9 (3) Cul-de-sacs shall have a turnaround with a property line radius of not less
10 than that specified in SRC 803.025(a) from the center of the turnaround to the
11 property lines.

12 **(g) Intersections; Property Line Radius.**

13 (1) Intersections shall conform to the Public Works Design Standards; provided,
14 however, additional right-of-way and roadway improvements at or adjacent to the
15 intersections of parkways, major arterials, minor arterials, and collector streets
16 may be required for intersections and access points for high traffic generators,
17 including, but not limited to, shopping centers, schools, major recreational sites,
18 and office complexes.

19 (2) The property line radius at intersections shall be not less than the curb line
20 radius as set forth in the Public Works Standards.

21 **(h) Cut and Fill Slopes.** Fill slopes shall begin no closer than two feet from the rear
22 edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut
23 and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not
24 exceeding one to one may be approved upon certification by a qualified engineer or
25 geologist that the slope will remain stable under foreseeable conditions.

26 **(i) Slope Easements.** Slope easements shall be provided on both sides of the
27 right-of-way where required by Public Works Design Standards.

28 **(j) Street Alignment.** Consistent with good engineering practice, street alignment
29 shall, so far as possible, avoid natural and constructed obstacles, including but not
30 limited to mature trees.

1 **(k) Street Trees.** Development adjacent to public streets shall provide street trees that
2 meet the standards and specifications set forth in SRC Chapter 86.

3 **(l) Sidewalks.**

4 **(1) Sidewalk Construction Required.** Sidewalks conforming to this Chapter,
5 the Public Works Design Standards, the Americans with Disabilities Act, the
6 Salem Transportation System Plan, and SRC Chapter 78 shall be constructed as a
7 part of street improvement projects.

8 **(2) Sidewalk Location; Width.**

9 **(A)** Sidewalks shall be located parallel to and 1-foot from the adjacent
10 right-of-way; provided, however, on streets having a right-of-way of 50
11 feet or less, sidewalks shall be located parallel to and abutting the curb.

12 **(B)** If topography or other conditions make the construction of a sidewalk
13 impossible or undesirable in location required by this subsection, a
14 different location may be allowed.

15 **(C)** Except as otherwise provided in this paragraph, all sidewalks shall be
16 a minimum of 5 feet in width.

17 **(D)** Sidewalks connecting with the direct access to the primary entrance
18 of a school shall be a minimum of 8 feet in width along the right-of-way
19 for a distance of 600 feet from the point of connection.

20 **(E)** Sidewalks shall have an unobstructed 4-foot wide clearance around
21 street lights, signs, mailboxes, and other streetscape facilities.

22 **(m) Bicycle Facility Standards.** Streets identified in the Salem Transportation
23 System Plan Bicycle System Map as requiring a bicycle facility must conform to the
24 designation of the Salem Transportation System Plan and the Public Works Design
25 Standards.

26 **(n) Utility Easements.** Public utility easements may be required for all streets.
27 Unless otherwise specified by the Public Works Director, public utility easements shall
28 be a minimum of 10 feet in width on each side of the right-of-way.

29 **(o) Street Lights.** All subdivisions and partitions, and all development on units of
30 land for which site plan review is required, shall include underground electric service,

1 light standards, wiring, and lamps for street lights that conform to the Public Works
2 Design Standards. The developer shall install such facilities. Upon the City's
3 acceptance of improvements, the street lighting system shall become the property of
4 the City.

5 **(p) Landscape Strips.** Landscape strips for signs, street lights, and shade trees shall
6 be provided that conform to the Public Works Design Standards.

7 **(q) Landscaping.** Property owners shall cover at least 75 percent of the unimproved
8 surface area within the right-of-way abutting the property with perennial living plant
9 material which conforms to all other requirements of the UDC, and which is kept free
10 of noxious vegetation.

11 **(r) Urban Growth Area Street Improvements.** Where a subdivision or partition is
12 located in the Urban Growth Area or the Urban Service Area, and the construction of
13 street improvements by the City has not yet occurred, the street improvements and
14 dedications shall meet the requirements of SRC Chapter 66.

15 **803.040. Boundary Streets.**

16 **(a)** Except as otherwise provided in this section, dedication of right-of-way for, and
17 construction or improvement of, boundary streets of up to one-half of the right-of-way
18 and improvement width specified in SRC 803.025 shall be required as a condition of
19 approval for the following:

- 20 (1) Subdivisions;
- 21 (2) Partitions;
- 22 (3) Planned unit developments;
- 23 (4) Manufactured dwelling parks; and
- 24 (5) The construction or enlargement of any building or structure located on
25 property abutting a boundary street and that requires a building permit under SRC
26 Chapter 56.

27 **(b) Three-Quarter Street Improvement.** If construction of a half-street
28 improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane
29 in each direction or proper street grade, dedication of right-of-way for, and construction
30 or improvement of, a three-quarter street improvement may be required.

1 **(c) Additional Right-of-Way and Improvements.** Dedication and improvement of
2 streets to greater widths than those provided in SRC 803.025 may be required when:

3 **(1)** An area within a subdivision is set aside for commercial or industrial uses, or
4 where probable future conditions warrant.

5 **(2)** Topographical requirements necessitate either cuts or fills for the proper
6 grading of the streets, additional right-of-way width or slope easements may be
7 required to allow for all cut and fill slopes.

8 **(3)** Additional area is required for stormwater facilities located within the right-
9 of-way.

10 **(d) Exceptions.** Notwithstanding subsection (a) and (b) of this section, the dedication
11 of right-of-way for, and construction or improvement of, boundary streets is not
12 required in the following circumstances:

13 **(1)** Improvement of the boundary street abutting the property is a funded project
14 in the Five Year Capital Improvement Program;

15 **(2)** The erection or construction of a new building or structure in a complex, if
16 the new building or structure is less than 2000 sq. ft. This exception shall be
17 based on the extent of development existing on December 31, 1995;

18 **(3)** The enlargement of any building or structure, if the enlargement results in
19 less than a 50 percent increase in gross building area. This exception shall be
20 based on the extent of development existing on December 31, 1995;

21 **(4)** The erection, construction, or enlargement of any building or structure to be
22 used entirely for Agriculture, the Keeping of Livestock and Other Animals, or
23 Animal Services, as defined in SRC Chapter 400, and which involve no retail
24 sales; or

25 **(5)** The erection, construction, or enlargement of any building or structure that
26 will generate less than 20 new vehicle trips per day according to the Institute of
27 Transportation Engineers' Trip Generation Manual.

28 **(e) Improvement.**

29 **(1)** All boundary street improvements shall conform to this Chapter and the
30 Public Works Design Standards.

1 (2) The maximum amount of street widening shall not exceed 17 feet on the
2 development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities,
3 street lights, and signing where appropriate. The minimum requirement for the
4 opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary
5 street improvement shall be provided along the full length of the boundary.

6 (3) If development is proposed for only a portion of a development site or
7 complex, the boundary street improvement shall be provided as follows:

8 (A) Where the area of development exceeds 25 percent of the total
9 development site or complex area, the street improvements shall be the
10 greater of either the actual street frontage of the phase being developed, or
11 the percentage of street frontage equal to the percentage of area being
12 developed.

13 (B) Where the area of development is equal to or less than 25 percent of
14 the total development site or complex area, the street improvement shall
15 be provided in accordance with the following formula:

16 (i)
$$\text{Frontage of Required Street Improvement} = \frac{\text{Proposed}}{\text{Area of Development} \div \text{Area of Undeveloped Site}} \times \text{Total}$$

17
18
$$\text{Street Frontage of Entire Development Site or Complex.}$$

19 (C) As used in this paragraph, "area of development" means that area
20 required for structures, setbacks, off-street parking, landscaping, and any
21 special setbacks.

22 **803.045. Monuments.** Proper monuments that conform to the Public Works Design Standards
23 shall be constructed with street improvements.

24 **803.050. Public Accessways.**

25 (a) When necessary for public convenience or safety, public accessways may be
26 required to connect to cul-de-sac streets, to pass through oddly shaped or unusually
27 long blocks, to provide for networks of public paths creating access to schools, parks,
28 shopping centers, mass transportation stops, or other community services, or where it
29 appears necessary to continue the public walkway into a future subdivision or abutting
30 property or streets.

1 (b) Public accessways shall conform to the Public Works Design Standards, and have
2 width and location as reasonably required to facilitate public use and, where possible,
3 accommodate utility easements and facilities. Public accessways shall be dedicated on
4 the plat.

5 **803.055. Traffic Control, Parking Regulation, and Street Signs and Pavement Markings.**

6 The developer shall install all required traffic control, parking regulation, street signs, and
7 pavement markings for all paved blocks of streets within a subdivision or partition prior to final
8 acceptance of the public streets by the City, or prior to the issuance of any building permit for
9 construction within the subdivision or partition for private streets. All traffic control, parking
10 regulation, and street signs and pavement markings shall conform to the Public Works Design
11 Standards, and shall be installed at the developer's expense.

12 **803.060. Conveyance by Dedication.** All streets within subdivisions or partitions, other than
13 private streets allowed under SRC 803.020, shall be dedicated to the City on the plat.

14 **803.065. Alternative Street Standards.**

15 (a) The Director may authorize the use of one or more alternative street standards:

- 16 (1) Where existing development or physical constraints make compliance with
17 the standards set forth in this Chapter impracticable;
- 18 (2) Where the development site is served by fully developed streets that met the
19 standards in effect at the time the streets were originally constructed; or
- 20 (3) Where topography or other conditions make the construction that conforms to
21 the standards impossible or undesirable.

22 (b) Authorization of an alternative street standard may require additional or alternative
23 right-of-way width, easements, and improvements to accommodate the design and
24 construction using the alternative standard.

25 **803.070. Deferral of Construction of Certain Improvements.**

26 (a) **Applicant Initiated Deferral.** An applicant may apply to defer the construction of
27 the following improvements, upon filing an application and paying the application fee:

28 (1) **Boundary Streets.**

29 (A) Construction of boundary streets may be deferred if:

- 30 (i) The development site abuts a boundary street section, and the

1 existing vertical or horizontal alignment for the street section
2 neither meets nor can be constructed within the limits of the
3 development site frontage in a manner that conforms to the Public
4 Works Design Standards for future final street grades and
5 alignment;

6 **(ii)** The development site abuts a local street, the development site
7 has less than 150 feet of frontage, and the use will generate 20 or
8 less new vehicle trips per day;

9 **(iii)** The development site abuts a local street and there is no
10 improved street section or street improvement deferral for the
11 boundary street within 150 feet of the property corners of the
12 development site; or

13 **(iv)** Unusual or special conditions exist that, in the opinion of the
14 Public Works Director, would warrant a deferral of all or a part of
15 the improvement.

16 **(2) Sidewalks.**

17 **(A)** Construction of sidewalks may be deferred if:

18 **(i)** For property within all zones other than industrial and
19 employment zones:

20 **(aa)** The sidewalk is not on a collector street or arterial
21 street; and

22 **(bb)** Less than one-half of the required sidewalks on the
23 side of the block where the sidewalk is to be constructed
24 have already been constructed.

25 **(ii)** For property within industrial and employment zones:

26 **(aa)** The sidewalk would not be part of a pedestrian route
27 to a school, shopping center, park, church, or other
28 pedestrian traffic generator, or identified in a local Safe
29 Routes to School Plan as a facility in need of improvement;
30 and

1 (bb) The deferral would not pose a threat to public safety
2 and welfare, based upon review of pedestrian/vehicular
3 traffic on the street, the width and condition of the street,
4 and on-street parking.

5 (B) Unless otherwise provided in the deferral agreement, when sidewalk
6 construction has been deferred, the property owner shall:

- 7 (i) Grade and slope the area to the future sidewalk grade;
- 8 (ii) Avoid planting trees in the sidewalk area, or building fences,
9 retaining walls, steps, or other impediments to the future sidewalk;
10 and
- 11 (iii) Note on the plans for the development that a deferment has
12 been granted but that sidewalk construction may be ordered by the
13 City at any time.

14 (b) **City Required Deferral.** The Director may require deferral of the construction of
15 part or all of one or more of the improvements identified in subsection (a) of this
16 section at any time. Deferral pursuant to this subsection shall be at no cost to the
17 applicant.

18 (c) **Deferral Agreement.** When a deferral is allowed or required pursuant to this
19 section, the applicant shall enter into a deferral agreement. The deferral agreement
20 shall be in a form approved by the City Attorney, shall be filed in the deed records of
21 the appropriate county, and shall provide that the required improvements will be
22 constructed at such time as the Director determines or at such other time as may be
23 specified by resolution of the City Council.

24 (d) **Notation on Plat.** The deferral of any improvements shall be noted on the final
25 plat.

26 **Section 76.** The following SRC Chapter 804 is added to the Salem Revised Code:

27 **804.001. Purpose.** The purpose of this Chapter is to establish development standards for safe
28 and efficient access to public streets.

29 **804.005. Definitions.** Unless the context otherwise specifically requires, as used in this
30 Chapter, the following mean:

1 (a) Abandoned: A driveway approach that is no longer used for vehicle access.

2 (b) Driveway approach: Any access providing direct vehicle ingress and egress over
3 public right-of-way to property.

4 (c) One-way driveway: A driveway that provides only ingress or only egress.

5 (d) Two-way driveway: A driveway that provides both ingress and egress.

6 (e) Shared access: A driveway that jointly serves two or more lots or parcels.

7 **804.010. Applicability.** This Chapter applies to the design, construction, relocation,
8 reconstruction, enlargement, or alteration of any driveway approach.

9 **804.015. Driveway Approach Permit Required.**

10 (a) Except as otherwise provided in this Chapter, a driveway approach permit shall be
11 obtained prior to constructing, relocating, reconstructing, enlarging, or altering any
12 driveway approach.

13 (b) **Exceptions.** A driveway approach permit is not required for:

14 (1) The construction, relocation, reconstruction, enlargement, or alteration of any
15 driveway approach that requires a state highway access permit; or

16 (2) The construction, relocation, reconstruction, enlargement or alteration of any
17 driveway approach that is part of the construction of a publicly or privately
18 engineered public improvement project.

19 **804.020. Class 1 Driveway Approach Permit.**

20 (a) A Class 1 Driveway Approach Permit is required for:

21 (1) A driveway approach onto a local or collector street providing access to a
22 Single Family or Two Family use.

23 (2) A driveway approach for any land-locked lot or parcel providing access onto
24 a local or collector street, unless the driveway is part of an existing shared access.

25 (3) A driveway approach providing access to a corner lot that abuts only local or
26 collector streets, where the driveway approach will provide access onto the street
27 with the lower street classification.

28 (4) Maintenance, repair, or replacement of an existing permitted driveway
29 approach, other than maintenance, repair, or replacement that is part of, or needed
30 for, redevelopment of commercial or industrially zoned property.

1 (b) **Procedure Type.** A Class 1 Driveway Approach Permit is processed as a Type I
2 procedure under SRC Chapter 300.

3 (c) **Submittal Requirements.** In lieu of the application submittal requirements under
4 SRC Chapter 300, an application for a Class 1 Driveway Approach Permit shall include
5 the following:

6 (1) A completed application form.

7 (2) A site plan, of a size and form and in the number of copies meeting the
8 standards established by the Director, containing the following information:

9 (A) The location and dimensions of the proposed driveway approach;

10 (B) The relationship to nearest street intersection and adjacent driveway
11 approaches;

12 (C) The location of all utilities;

13 (D) The location of any existing or proposed buildings, structures, or
14 vehicular use areas;

15 (E) The location of any trees and vegetation adjacent to the location of the
16 proposed driveway approach that are required to be protected pursuant to
17 SRC Chapter 808; and

18 (F) The location of any street trees adjacent to the location of the
19 proposed driveway approach.

20 (3) Identification of the uses or activities served, or proposed to be served, by the
21 driveway approach.

22 (4) Any other information, as determined by the Director, which may be required
23 to adequately review and analyze the proposed driveway approach for
24 conformance with the applicable criteria.

25 (d) **Criteria.** A Class 1 Driveway Approach Permit shall be granted if the proposed
26 driveway approach meets the standards of this Chapter and the Public Works Design
27 Standards.

28 **804.025. Class 2 Driveway Approach Permit.**

29 (a) A Class 2 Driveway Approach Permit is required for:

30 (1) A driveway approach onto a parkway, major arterial, or minor arterial;

1 (2) A driveway approach onto a local or collector street providing access to a use
2 other than Single Family or Two Family;

3 (3) A driveway approach providing access to a corner lot that abuts only local or
4 collector streets, where the driveway approach will provide access onto the street
5 with the higher street classification; or

6 (4) Maintenance, repair, or replacement of an existing permitted driveway
7 approach, which is part of, or needed for, redevelopment of commercial or
8 industrially zoned property.

9 (b) **Procedure Type.** A Class 2 Driveway Approach Permit is processed as a Type II
10 procedure under SRC Chapter 300.

11 (c) **Submittal Requirements.** In lieu of the application submittal requirements under
12 SRC Chapter 300, an application for a Class 2 Driveway Approach Permit shall include
13 the following:

14 (1) A completed application form.

15 (2) A site plan, of a size and form and in the number of copies meeting the
16 standards established by the Director, containing the following information:

17 (A) The location and dimensions of the proposed driveway approach;

18 (B) The relationship to nearest street intersection and adjacent driveway
19 approaches;

20 (C) Topographic conditions;

21 (D) The location of all utilities;

22 (E) The location of any existing or proposed buildings, structures, or
23 vehicular use areas;

24 (F) The location of any trees and vegetation adjacent to the location of the
25 proposed driveway approach that are required to be protected pursuant to
26 SRC Chapter 808; and

27 (G) The location of any street trees adjacent to the location of the
28 proposed driveway approach.

29 (3) Identification of the uses or activities served, or proposed to be served, by the
30 driveway approach.

1 (4) Any other information, as determined by the Director, which may be required
2 to adequately review and analyze the proposed driveway approach for
3 conformance with the applicable criteria.

4 (d) **Criteria.** A Class 2 Driveway Approach Permit shall be granted if:

5 (1) The proposed driveway approach meets the standards of this Chapter and the
6 Public Works Design Standards;

7 (2) No site conditions prevent placing the driveway approach in the required
8 location;

9 (3) The number of driveway approaches onto an arterial are minimized;

10 (4) The proposed driveway approach, where possible:

11 (A) Is shared with an adjacent property; or

12 (B) Takes access from the lowest classification of street abutting the
13 property;

14 (5) The proposed driveway approach meets vision clearance standards;

15 (6) The proposed driveway approach does not create traffic hazards and provides
16 for safe turning movements and access;

17 (7) The proposed driveway approach does not result in significant adverse
18 impacts to the vicinity;

19 (8) The proposed driveway approach minimizes impact to the functionality of
20 adjacent streets and intersections; and

21 (9) The proposed driveway approach balances the adverse impacts to
22 residentially zoned property and the functionality of adjacent streets.

23 **804.030. Access Onto Local and Collector Streets.**

24 (a) **Number of Driveway Approaches.** Except as otherwise provided in this Chapter,
25 a lot or parcel is entitled to one driveway approach onto a local or collector street.

26 Additional driveway approaches from a Single Family or Two Family use onto a local
27 or collector street may be allowed through Class 1 Driveway Permit approval.

28 (b) **Permitted Access.**

29 (1) Driveway approaches onto local and collector streets shall only provide
30 access to a permitted parking or vehicular use area, except where the driveway

1 approach will provide access to a site controlled by a franchised utility service
2 provider or a governmental entity.

3 (2) For a corner lot that abuts only local or collector streets, the driveway
4 approach shall provide access to the street with the lower street classification.

5 (c) **Spacing.** Driveway approaches providing direct access to a collector street shall
6 be located no less than 200 feet from intersections with major arterials or minor
7 arterials, measured from centerline to centerline.

8 (d) **Vision Clearance.** Driveway approaches onto local and collector streets shall
9 comply with the vision clearance requirements set forth in SRC Chapter 805.

10 **804.035. Access Onto Major and Minor Arterials.**

11 (a) **Number of Driveway Approaches.**

12 (1) Except as otherwise provided in this Chapter, a complex shall be entitled to
13 one driveway approach onto a major or minor arterial. Additional driveway
14 approaches for a complex may be allowed where:

15 (A) A complex has more than 370 feet of frontage abutting a major or
16 minor arterial;

17 (B) There is a shared access agreement between two or more complexes;
18 or

19 (C) It is impracticable to serve the complex with only one driveway
20 approach.

21 (2) No driveway approach is allowed onto a major or minor arterial for
22 development that is not a complex, unless:

23 (A) The driveway approach provides shared access;

24 (B) The development does not abut a local or collector street; or

25 (C) The development cannot be feasibly served by access onto a local or
26 collector street.

27 (b) **Traffic Volume Threshold.** No driveway approach onto a major or minor arterial
28 shall be allowed unless the development generates 30 or more vehicle trips per day or
29 the driveway approach provides access to a City Park.

30 (c) **Permitted Access.**

1 (1) Driveway approaches onto major and minor arterials shall only provide
2 access to a permitted parking or vehicular use area, except where the driveway
3 approach will provide access to a site controlled by a franchised utility service
4 provider or a governmental entity.

5 (2) For a corner lot that abuts a local or collector street, the driveway approach
6 shall provide access to the street with the lower street classification.

7 (3) No access shall be provided onto a major or minor arterial from a Single
8 Family or Two Family use constructed as part of a subdivision or partition.

9 (4) Only forward in/forward out access shall be allowed onto a major or minor
10 arterial.

11 (d) **Spacing.** Driveway approaches providing direct access to a major or minor arterial
12 shall be no less than 370 feet from the nearest driveway or street intersection, measured
13 from centerline to centerline.

14 (e) **Vision Clearance.** Driveway approaches onto major and minor arterials shall
15 comply with the vision clearance requirements set forth in SRC Chapter 805.

16 **804.040. Access Onto Parkways.**

17 (a) **Number of Driveway Approaches.** No driveway approach shall be allowed onto
18 a parkway unless the driveway approach is for a complex that generates 10,000 or more
19 vehicle trips per day, or the driveway approach is a service driveway approach that
20 provides access to a site controlled by a franchised utility service provider or a
21 governmental entity.

22 (b) **Permitted Access.** Driveway approaches onto a parkway shall only provide access
23 to a permitted parking or vehicular use area, except where the driveway approach will
24 provide access to a site controlled by a franchised utility service provider or a
25 governmental entity.

26 (c) **Spacing.** Driveway approaches onto a parkway shall be no less than one mile from
27 the nearest driveway approach or street intersection, measured from centerline to
28 centerline.

29 (d) **Vision Clearance.** Driveway approaches onto a parkway shall comply with the
30 vision clearance requirements set forth in SRC Chapter 805.

1 (e) **Temporary Access.** Temporary direct access from a parkway to a development
2 site may be granted until permanent access that conforms to this Chapter can be
3 established.

4 (f) **No Variance or Adjustment.** The standards set forth in this section cannot be
5 varied or adjusted.

6 **804.045. Shared Access.**

7 (a) Shared access may be required to serve two or more abutting lots or parcels, when
8 necessary to mitigate or eliminate traffic impacts or safety concerns. Shared access
9 may be provided at the request of an applicant; provided, however, that once the
10 applicant's request has been approved, shared access shall not be eliminated without
11 first obtaining a Class 2 driveway permit.

12 (b) Shared access shall conform to this Chapter and the Public Works Design
13 Standards, and shall be provided by permanent irrevocable easements that are recorded
14 in the appropriate county.

15 (c) Lots and parcels shall be permitted to use temporary direct access onto a street until
16 permanent shared access has been established.

17 **804.050. Driveway Approach Development Standards.** Driveway approaches shall conform
18 to the following development standards:

19 (a) **Design and Construction.** Driveway approaches shall be designed and
20 constructed in conformance with this Chapter and the Public Works Design Standards.

21 (b) **Width.**

22 (1) **Driveway Approach Width for Single Family and Two Family Uses.**

23 Driveway approaches serving Single Family and Two Family uses shall conform
24 to the minimum and maximum widths set forth in Table 804-1.

25 **TABLE 804-1**

26 **DRIVEWAY APPROACH WIDTH FOR SINGLE FAMILY AND TWO FAMILY USES**

27 **Table 804-1: Driveway Approach Width for Single Family and Two Family Uses**

Number of Parking Spaces Served	Width	
	Minimum	Maximum
1 space	10 ft.	15 ft.
2 spaces	14 ft.	24 ft.
3 or more spaces	18 ft.	36 ft.

28
29
30

1
2 (2) **Driveway Approach Width for Uses other than Single Family and Two**
3 **Family.** Driveway approaches serving uses other than Single Family and Two
4 Family shall conform to the minimum and maximum widths set forth in Table
5 804-2.

6 **TABLE 804-2**
7 **DRIVEWAY APPROACH WIDTH FOR USES OTHER THAN SINGLE FAMILY OR**
8 **TWO FAMILY**

9 **Table 804-1: Driveway Approach Width for Uses other than Single Family or Two Family**

Type of Driveway	Width	
	Minimum	Maximum
One-Way Driveway Approach	12 ft.	20 ft.
Two-Way Driveway Approach	22 ft.	40 ft.

10
11
12
13 (3) **Measurement.** For purposes of this subsection, driveway approach width
14 shall be determined by measurement of the paved surface of the driveway at the
15 property line.

16 (c) **Marking and Signage.** Where required by the Public Works Design Standards,
17 driveway approaches shall be clearly marked or signed and maintained in conformance
18 with the Public Works Design Standards.

19 **804.055. Driveway Approach Relocation, Reconstruction, and Maintenance.**

20 (a) The Director may require the relocation, reconstruction, or maintenance of a
21 driveway approach where:

22 (1) The driveway approach has become hazardous due to traffic congestion. The
23 determination that a driveway approach is hazardous to the public's use of the
24 right-of-way shall be based on traffic engineering principles and traffic
25 investigations;

26 (2) The driveway approach is not constructed in conformance with this Chapter
27 and the Public Works Design Standards;

28 (3) The driveway approach is not maintained in a safe manner; or
29
30

1 (4) A public street improvement project is being constructed, and relocation of
2 the driveway approach will more closely conform to the current driveway
3 approach standards.

4 (b) **Notice.** Notice of driveway approach relocation, reconstruction, or maintenance
5 shall be given, in writing, to the property owner and any affected tenants stating the
6 grounds for the relocation, reconstruction, or maintenance, the date upon which the
7 requirement becomes effective, and the right to appeal.

8 (c) **Appeals.** Any person entitled to notice under subsection (b) of this section may
9 appeal the decision to the Hearings Officer by following the process set forth in SRC
10 20J.220. The hearing on the appeal shall follow the contested case procedures set forth
11 in SRC 20J.240-20J.430.

12 (d) **Effect.** If no appeal is filed within the time specified, the affected owner shall have
13 90 days from the date of the notice to relocate, reconstruct, or maintain the driveway
14 approach in a manner that conforms to this Chapter and the Public Works Design
15 Standards.

16 (e) **Failure to Relocate, Reconstruct, or Maintain Driveway Approach.** If the
17 owner fails to relocate, reconstruct, or maintain the driveway approach within 90 days,
18 the Director may cause the relocation, reconstruction, or maintenance to be completed
19 and all expenses will be assessed against the property owner.

20 **804.060. Driveway Approach Closure.**

21 (a) The Director may require the closure of a driveway approach where:

22 (1) The driveway approach is not constructed in conformance with this Chapter
23 and the Public Works Design Standards;

24 (2) The driveway approach is not maintained in a safe manner;

25 (3) A public street improvement project is being constructed, and closure of the
26 driveway approach will more closely conform to the current driveway approach
27 standards;

28 (4) A new building or driveway is constructed on the property;

29 (5) A comprehensive plan change or zone change is proposed for the property
30 served by the driveway;

1 (6) A change of use or activity in an existing building increases the amount of
2 required parking;

3 (7) The driveway approach has been abandoned; or

4 (8) There is a demonstrated safety issue.

5 (b) **Notice.** Notice of driveway approach closure shall be given, in writing, to the
6 property owner and any affected tenants stating the grounds for closure, the date upon
7 which the closure becomes effective, and the right to appeal.

8 (c) **Appeals.** Any person entitled to notice under subsection (b) of this section may
9 appeal the decision to the Hearings Officer by following the process set forth in SRC
10 20J.220. The hearing on the appeal shall follow the contested case procedures set forth
11 in SRC 20J.240-20J.430.

12 (d) **Effect.** Closure shall be effective immediately upon the mailing of notice. Unless
13 otherwise provided in the notice, closure terminates all rights to continue the use the
14 driveway approach for which the notice of closure has been issued.

15 (e) **Failure to Close Driveway.** If the owner fails to close the driveway approach to
16 conform to the notice within 90 days, the Director may cause the closure to be
17 completed and all expenses will be assessed against the property owner.

18 **Section 77.** The following SRC Chapter 805 is added to the Salem Revised Code:

19 **805.001. Purpose.** The purpose of this Chapter is to ensure visibility for vehicular, bicycle, and
20 pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways.

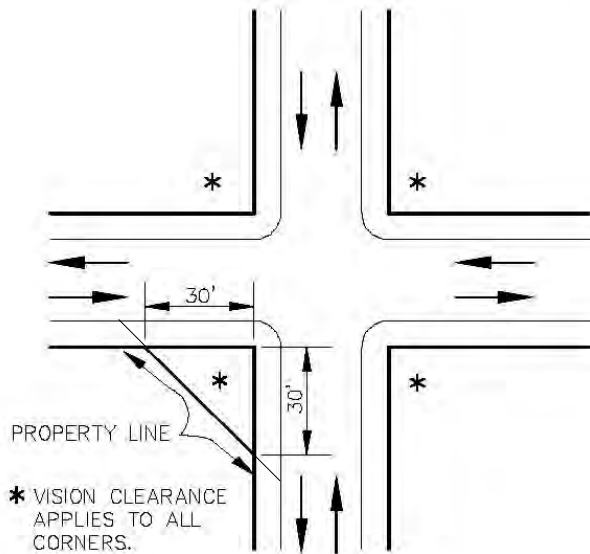
21 **805.005. Vision Clearance Areas.** Vision clearance areas that comply with this section shall be
22 provided at the corners of all intersections; provided, however, vision clearance areas are not
23 required in the Central Business (CB) Zone.

24 (a) **Street Intersections.** Vision clearance areas at street intersections shall comply with
25 the following:

26 (1) **Uncontrolled Intersections.** At uncontrolled intersections, the vision
27 clearance area shall have 30-foot legs along each street (see Figure 805-1).

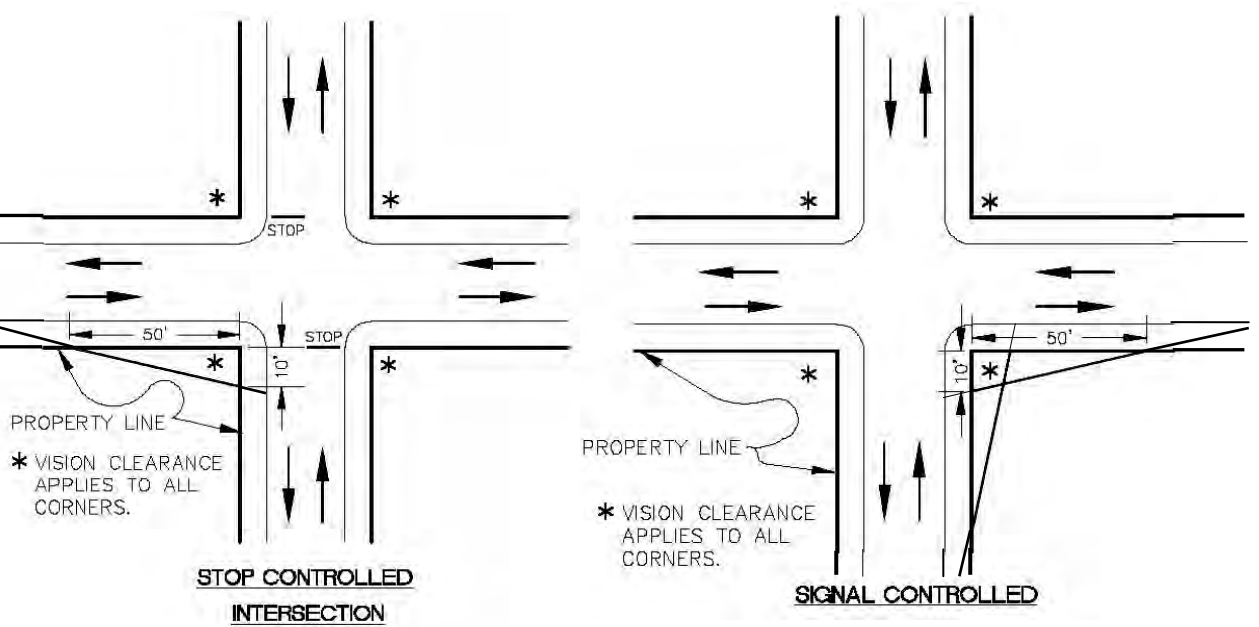
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FIGURE 805-1
UNCONTROLLED INTERSECTIONS



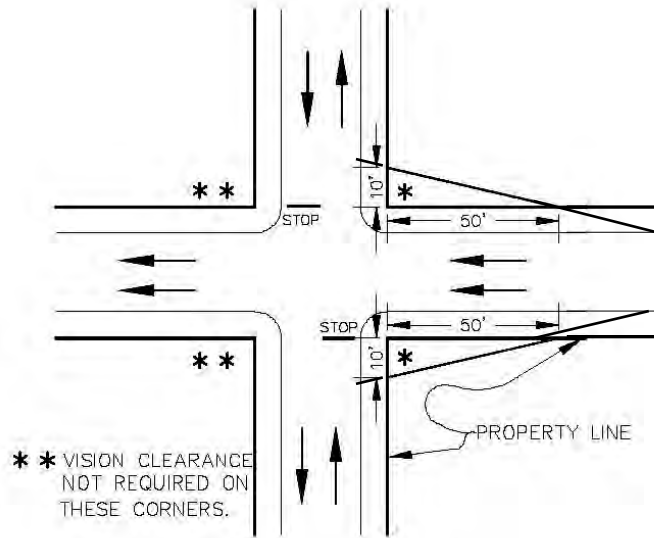
(2) Controlled Intersections. At controlled intersections, the vision clearance area shall have a 10-foot leg along the controlled street and a 50-foot leg along the uncontrolled street (see Figure 805-2).

FIGURE 805-2
CONTROLLED INTERSECTIONS



1 (3) **One-Way Streets.** Notwithstanding paragraphs (1) and (2) of this
2 subsection, at an uncontrolled or controlled intersection of a one-way street, no
3 vision clearance area is required on the corners of the intersection located
4 downstream from the flow of traffic (see Figure 805-3).

5 **FIGURE 805-3**
6 **ONE-WAY STREETS**



18 (b) **Intersections with Driveways, Flag Lot Accessways, and Alleys.** Vision
19 clearance areas at intersections of streets and driveways, streets and flag lot
20 accessways, streets and alleys, and alleys and driveways shall comply with the
21 following:

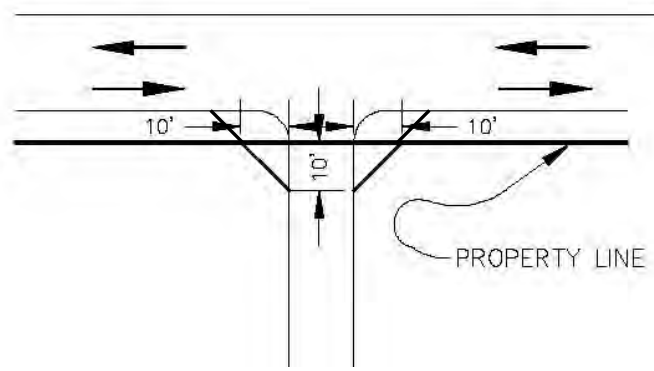
22 (1) **Driveways.**

23 (A) **Driveways Serving Single Family and Two Family Uses.**

24 Driveways serving Single Family and Two Family uses shall have a vision
25 clearance area on each side of the driveway. The vision clearance area
26 shall have 10-foot legs along each side of the driveway, and 10-foot legs
27 along the intersecting street or alley (see Figure 805-4).

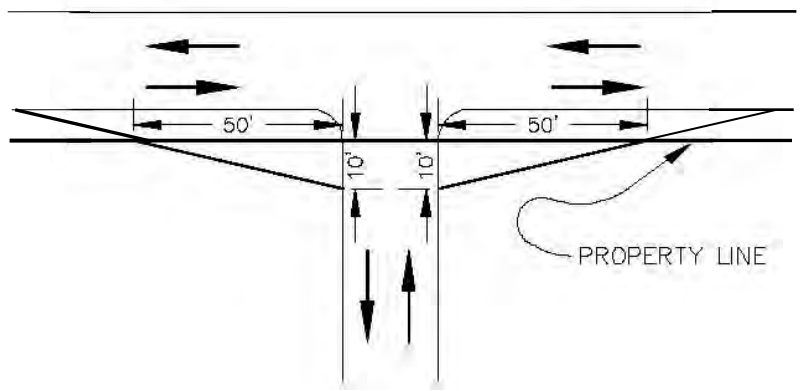
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FIGURE 805-4
DRIVEWAYS SERVING SINGLE FAMILY AND TWO FAMILY USES



(B) Driveways Serving Uses Other than Single Family and Two Family. Driveways serving uses other than Single Family and Two Family shall have a vision clearance area on each side of the driveway. The vision clearance area shall have 10-foot legs along the driveway and 50-foot legs along the intersecting street or alley (see Figure 805-5).

FIGURE 805-5
DRIVEWAYS SERVING USES OTHER THAN SINGLE FAMILY AND TWO FAMILY

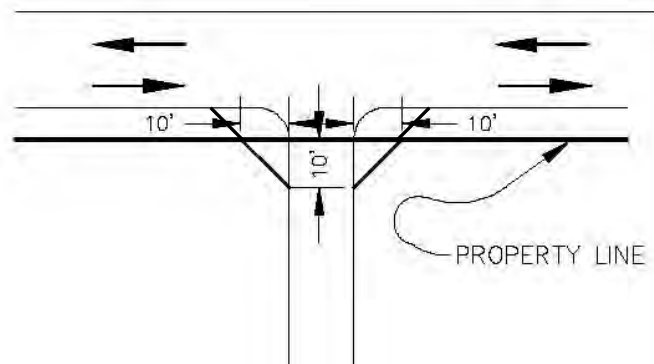


(2) Flag Lot Accessways.

(A) Flag Lot Accessways Serving Single Family and Two Family Uses. Flag lot accessways serving Single Family and Two Family uses shall have a vision clearance area on each side of the flag lot accessway. The vision clearance area shall have 10-foot legs along each side of the

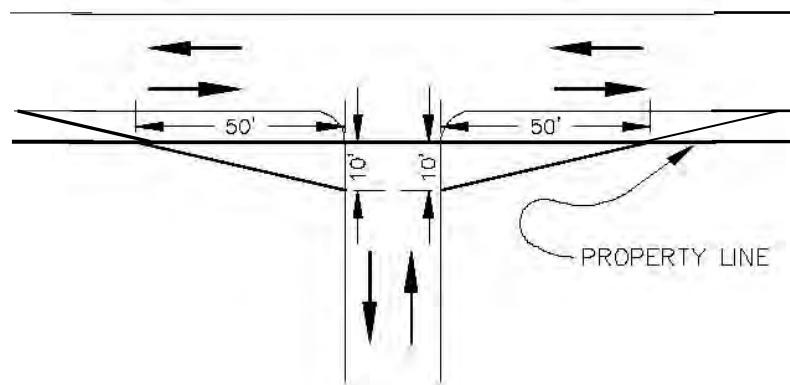
1 flag lot accessway, and 10-foot legs along the intersecting street (see
2 Figure 805-6).

3 **FIGURE 805-6**
4 **FLAG LOT ACCESSWAYS SERVING SINGLE FAMILY AND TWO FAMILY USES**



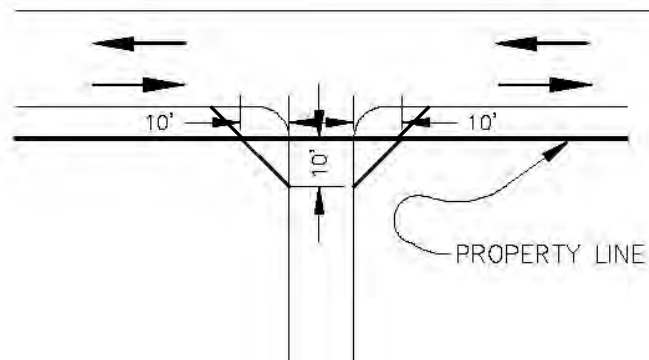
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13 **(B) Flag Lot Accessways Serving Uses Other than Single Family and**
14 **Two Family.** Flag lot accessways serving uses other than Single Family
15 and Two Family shall have a vision clearance area on each side of the flag
16 lot accessway. The vision clearance area shall have 10-foot legs along the
17 flag lot accessway and 50-foot legs along the intersecting street (see
18 Figure 805-7).

19 **FIGURE 805-7**
20 **FLAG LOT ACCESSWAYS SERVING USES OTHER THAN SINGLE FAMILY AND**
21 **TWO FAMILY**



1 (3) **Alleys.** Alleys shall have a vision clearance area on each side of the alley.
2 The vision clearance area shall have 10-foot legs along the alley and 10-foot legs
3 along the intersecting street (see Figure 805-8).

4 **FIGURE 805-8**
5 **ALLEYS**



13 (4) **Measurement.** The legs of a vision clearance area shall be measured along
14 the right-of-way line and along the intersecting driveway, flag lot accessway, or
15 alley.
16

17 **805.010. Obstructions to Vision Prohibited.** Except as otherwise provided in this section,
18 vision clearance areas shall be kept free of temporary or permanent obstructions to vision from
19 30 inches above curb level to 8.5 feet above curb level; provided, however, where there is no
20 curb, the height shall be measured from the street shoulder. As used in this section, temporary or
21 permanent obstruction includes any obstruction located in the the right-of-way adjacent to the
22 vision clearance area.

23 (a) The following obstructions may be placed in a vision clearance area, unless the
24 cumulative impact of the placement results in an obstruction to vision:

- 25 (1) A column or post, so long as the column or post does not create a visual
26 obstruction greater than 12 inches side-to-side.
27 (2) Utility poles and posts, poles, or supporting members of street signs, street
28 lights, and traffic control signs or devices installed by, or at the direction of, the
29 Public Works Department or any other public agency having jurisdiction over the
30 installation.
(3) On-street parking.

1 (b) **Trees.** Trees may be planted within a vision clearance area provided they are a
2 species listed on the Parks approved street tree list, and they comply with the following:

3 (1) The planting area is sufficient to support the tree when mature.

4 (2) The tree will not interfere with overhead utilities.

5 (3) The tree is a species that can be trimmed/pruned to provide necessary
6 visibility.

7 (c) Nothing in this Chapter shall be deemed to waive or alter any requirements relating
8 to setbacks or landscaping in the UDC. In the event of a conflict between the standards
9 of this Chapter and another chapter of the UDC, the standards in this Chapter shall
10 control.

11 **805.015. Alternative Standards.** Alternative vision clearance standards that satisfy the purpose
12 of this Chapter, and that are consistent with recognized traffic engineering standards, may be
13 approved where a vision clearance area conforming to the standards of this Chapter cannot be
14 provided because of the physical characteristics of the property or street, including, but not
15 limited to, grade embankments, walls, buildings, structures, or irregular lot shape, or where the
16 property has historic neighborhood characteristics, including, but not limited to, established
17 plantings or mature trees, or buildings or structures constructed before 1950. Alternative vision
18 clearance standards shall be approved through a Class 2 Adjustment under SRC Chapter 250.

19 **Section 78.** The following SRC Chapter 806 is added to the Salem Revised Code:

20 **806.001. Purpose.** The purpose of this Chapter is to establish standards for off-street parking
21 and vehicle use areas, bicycle parking, loading areas, and driveways.

22 **806.005. Off-Street Parking; When Required.**

23 (a) **General Applicability.** Off-street parking shall be provided and maintained as
24 required under this Chapter for:

25 (1) Each proposed new use or activity.

26 (2) Any change of use or activity, when such change of use or activity results in a
27 parking ratio requiring a greater number of spaces than the previous use or
28 activity.

29 (3) Any intensification, expansion, or enlargement of a use or activity.
30

1 **(b) Applicability to Downtown Parking District.** Within the Downtown Parking
2 District, off street parking shall only be required and maintained for uses or activities
3 falling under Household Living.

4 **(c) Applicability to Nonconforming Off-Street Parking Areas.** When off-street
5 parking is required to be added to an existing off-street parking area that has a
6 nonconforming number of spaces, the number of spaces required under this Chapter for
7 any new use or activity, any change of use or activity, or any intensification, expansion,
8 or enlargement of a use or activity shall be provided, in addition to the number of
9 spaces required to remedy the existing deficiency.

10 **806.010. Proximity of Off-Street Parking to Use or Activity Served.** Required off-street
11 parking shall be located on the same development site as the use or activity it serves or in the
12 following locations:

13 **(a) Residential Zones.** Within residential zones, required off-street parking may be
14 located within 200 feet of the development site containing the use or activity it serves.

15 **(b) Non-Residential Zones.** Within commercial, mixed-use, public, and industrial and
16 employment zones, other than the CB and SWMU zones, required off-street parking
17 may be located within 500 feet of the development site containing the use or activity it
18 serves.

19 **(c) Central Business District Zone.** Within the Central Business (CB) zone:

20 **(1)** Off-street parking for customers may be located within 800 feet of the
21 development site containing the use or activity it serves; and

22 **(2)** Off street parking for employees or residents may be located within 2,000 feet
23 of the development site containing the use or activity it serves.

24 **(d) South Waterfront Mixed-Use Zone.** Within the South Waterfront Mixed Use
25 (SWMU) zone, required off-street parking may be located anywhere within the South
26 Waterfront Mixed Use (SWMU) zone. Required off-street parking shall not be located
27 in a different zone.

28 **(e) Exception.** Notwithstanding subsections (a) through (d) of this section, where
29 required off-street parking is to be located off-site from the use or activity it serves, it
30

shall only be located in a zone where the use or activity it serves is allowed, or where Commercial Parking is allowed.

806.015. Amount Off-Street Parking.

(a) **Minimum Required Off-Street Parking.** Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

**TABLE 806-1
MINIMUM OFF-STREET PARKING**

Table 806-1: Minimum Off-Street Parking		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Household Living		
Single Family	2	Applicable to all Single Family, unless noted below.
	1	Applicable to Single Family located within the CSDP area.
Two Family	2 per dwelling unit	Applicable to all Two Family, unless noted below.
	1 per dwelling unit	Applicable to Two Family located within the CSDP area.
	3	Applicable to Two family shared dwellings.
Multiple Family	2 per dwelling unit	Applicable to Multiple Family consisting of 3 dwelling units.
	1 per dwelling unit	Applicable to Multiple Family consisting of 3 dwelling units located within the CSDP area.
	1.5 per dwelling unit	Applicable to Multiple Family consisting of 4 or more dwelling units.
	1 per dwelling unit	Applicable to Multiple Family consisting of 4 or more dwelling units located within the CSDP area.
	1 per 4 dwelling units	Applicable to low income elderly housing.
Group Living		
Room and Board Facilities	1 per guest room or suite	
Residential Care	1 per 350 sq. ft.	
Nursing Care	1 per 3 beds	
Lodging		
Short-Term Commercial Lodging	1 per guest room or suite	
Long-Term Commercial Lodging		
Non-Profit Shelters	1 per 350 sq. ft.	

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Table 806-1: Minimum Off-Street Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications	
Retail Sales and Service			
Eating and Drinking Establishments	1 per 250 sq. ft.		
Retail Sales	1 per 900 sq. ft.	Applicable to the following Retail Sales activities: <ul style="list-style-type: none"> ▪ Building materials, hardware, nurseries, and lawn and garden supply stores. ▪ Auto supply stores. ▪ Furniture and home furnishing stores. ▪ Household appliance and radio, television, music, and consumer electronics stores. 	
	1 per 250 sq. ft.	Applicable to all other Retail Sales.	
Personal Services	1 per 1,000 sq. ft.	Applicable to laundry, dry cleaning, and garment services.	
	1 per 350 sq. ft.	Applicable to all other Personal Services.	
Postal Services and Retail Financial Services	1 per 500 sq. ft.		
Shopping Center	1 per 250 sq. ft.		
Business and Professional Services			
Office	1 per 350 sq. ft.		
Audio/Visual Media Production			
Laboratory Research and Testing			
Office Complex			
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service			
Motor Vehicle and Manufactured Dwelling and Trailer Sales	1 per 900 sq. ft.		
			Motor Vehicle Services
			Taxicabs and Car Services
			Heavy Vehicle and Trailer Sales
Heavy Vehicle and Trailer Service and Storage	N/A		
Commercial Parking			
Park-and-Ride Facilities			
Recreation, Entertainment, and Cultural Services and Facilities			
Commercial Entertainment – Indoor	1 per 5 seats or 10 feet of bench length	Applicable to theaters.	
	3 per court, plus additional 1 per 5 seats or 10 feet of bench length	Applicable to tennis, racquetball, and handball courts.	
	1 per 300 sq. ft.	Applicable to all Commercial Entertainment – Indoor.	

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Table 806-1: Minimum Off-Street Parking

Use	Minimum Number of Spaces Required ⁽¹⁾		Limitations & Qualifications
Commercial Entertainment – Outdoor	3 per court, plus additional 1 per 5 seats or 10 feet of bench length		Applicable to tennis, racquetball, and handball courts.
	4 per tee		Applicable to golf courses.
	1 per 2,000 sq. ft. of gross site area		Applicable to all other Commercial Entertainment – Outdoor.
Major Event Entertainment	The greater of the following: 1 per 5 seats or 10 feet of bench length; or 1 per 25 sq. ft. of floor area of assembly space.		
Recreational and Cultural Community Services	4 per tee		Applicable to golf courses.
	1 per 350 sq. ft.		Applicable to all other indoor Recreational and Cultural Community Services.
	1 per 2,000 sq. ft. of gross site area		Applicable to all other outdoor Recreational and Cultural Community Services.
Parks and Open Space	None		
Non-Profit Membership Assembly	1 per 350 sq. ft.		
Religious Assembly	1 per 5 seats or 10 feet of bench length within the principle worship area; or 1 per 80 sq. ft. within the principal worship area, when no fixed seating or benches are provided.		
Health Services			
Medical Centers/Hospitals	1.5 per bed		
Outpatient Medical Services and Laboratories	1 per 350 sq. ft.		
Education Services			
Day Care	1	Day Care serving 1 to 12 persons	Parking requirement applies in addition to spaces required for any dwelling.
	2	Day Care serving 13 to 18 persons	
	3	Day Care serving 19 to 26 persons	
	4	Day Care serving 27 or more persons	
Basic Education	2 per classroom		Applicable to elementary schools.
	1 per 6 students		Applicable to secondary schools. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Post-Secondary and Adult Education	1 per 350 sq. ft.		Applicable to vocational and trade schools.

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Table 806-1: Minimum Off-Street Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
	1 per 4 students	Applicable to all other Post-Secondary and Adult Education. The number of students shall be calculated based on the total number of students the school is designed to accommodate.
Civic Services		
Governmental Services	1 per 500 sq. ft.	
Social Services	1 per 350 sq. ft.	
Governmental Maintenance Services and Construction	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Public Safety		
Emergency Services	1 per employee, plus 1 additional space per ambulance	Applicable to ambulance stations.
	1 per 500 sq. ft.	Applicable to all other Emergency Services.
Detention Facilities	1 per 2,000 sq. ft.	
Military Installations	1 per 500 sq. ft.	
Funeral and Related Services		
Cemeteries	1 per 350 sq. ft.	
Funeral and Cremation Services	1 per 5 seats or 10 feet of bench length in the chapel	
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and Grounds Services and Construction Contracting	The greater of the following: 0.75 per employee; or 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Industrial Services		
General Repair Services	1 per 350 sq. ft.	
Cleaning Plants	1 per 1,000 sq. ft.	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	1 per 1,500 sq. ft.	
Heavy Wholesaling		
Warehousing and Distribution	The greater of the following: 0.75 per employee; or:	
Self Service Storage	1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	
Manufacturing		
General Manufacturing	The greater of the following: 0.75 per employee or:	
Heavy Manufacturing	1 per 5,000, sq. ft. (Less than 50,000 sq. ft.)	

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Table 806-1: Minimum Off-Street Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications	
Printing	1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
Transportation Facilities			
Aviation Facilities	The greater of the following: 0.75 per employee or: 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
Passenger Ground Transportation Facilities;			
Marine Facilities	1 per boat berth or docking space.	Applicable to marinas.	
	The greater of the following: 0.75 per employee or: 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)	Applicable to all other Marine Facilities.	
Utilities			
Basic Utilities Drinking Water Treatment Facilities Power Generation Facilities Data Center Facilities Waste Related Facilities	The greater of the following: 0.75 per employee or: 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
		Wireless Communication Facilities	None
		Fuel Dealers	1 per 200 sq. ft.
		Mining and Natural Resource Extraction	
Petroleum and Natural Gas Production	The greater of the following: 0.75 per employee or: 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
Surface Mining			
Farming, Forestry, and Animal Services			
Agriculture Forestry	5	Applicable when retail sales are involved.	
Agriculture and Forestry Services	The greater of the following: 0.75 per employee or: 1 per 5,000 sq. ft. (Less than 50,000 sq. ft.) 1 per 10,000 sq. ft. (50,000 to 100,000 sq. ft.) 1 per 15,000 sq. ft. (Greater than 100,000 sq. ft.)		
Keeping of Livestock and Other Animals	1 per 400 sq. ft.		
Animal Services	1 per 400 sq. ft.		
Other Uses			
Temporary Uses	Per SRC Chapter 701		
Home Occupations	1 per non-resident employee	Parking requirement applies in addition to spaces required for the dwelling unit.	

Table 806-1: Minimum Off-Street Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
(1) Unless otherwise provided, when required off-street parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.		

(b) Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

(c) Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

(d) Maximum Off-Street Parking. Unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-2.

TABLE 806-2

MAXIMUM OFF-STREET PARKING

Table 806-2: Maximum Off-Street Parking	
Minimum Number of Off-Street Parking Spaces Required (From Table 806-1)	Maximum Number of Off-Street Parking Spaces Allowed
20 Spaces or Less	2.5 times minimum number of spaces required.
More than 20 Spaces	1.75 times minimum number of spaces required.

(e) Reductions to Required Off-Street Parking through Alternative Modes of Transportation.

(1) Construction of Transit Related Improvements. When adjacent to transit service, minimum required off-street parking may be reduced by up to 10 percent for redevelopment of an existing off-street parking area for transit-related improvements, including transit stops, pullouts and shelters, park and ride lots, transit-oriented developments, and similar facilities.

(2) Satisfaction of Off-Street Parking through Implementation of a Plan for Alternative Modes of Transportation. Minimum required off-street parking for uses or activities other than Household Living may be reduced through

1 implementation of a plan providing for the use of alternative modes of
2 transportation to decrease the need for off-street parking. The plan shall be
3 reviewed as a Class 2 Adjustment under SRC Chapter 250.

4 **806.020. Method of Providing Off-Street Parking.**

5 (a) Off-street parking shall be provided through one or more of the following methods:

6 (1) **Ownership.** Ownership in fee by the owner of the property served by the
7 parking;

8 (2) **Easement.** A permanent and irrevocable easement appurtenant to the
9 property served by the parking;

10 (3) **Lease Agreement.** A lease agreement with a minimum term of 5 years; such
11 agreement may be utilized for:

12 (A) Uses or activities other than Single Family and Two Family in all
13 zones other than the Central Business (CB) zone; and

14 (B) All uses in the Central Business (CB) zone;

15 (4) **Lease or Rental Agreement in Parking Structure.** A lease or rental
16 agreement in an off-street parking facility established pursuant to ORS 223.805 to
17 223.845; such agreement may be utilized for:

18 (A) Uses or activities other than Single Family and Two Family in all
19 zones other than the Central Business (CB) zone; and

20 (B) All uses in the Central Business (CB) zone;

21 (5) **Joint Parking Agreement.** A joint parking agreement between the owners
22 of two or more uses or activities, buildings or structures, or lots may be approved
23 by the City. Joint use of required off-street parking spaces through a joint parking
24 agreement may occur where two or more uses or activities on the same or separate
25 development sites are able to share the same parking spaces because their parking
26 demands occur at different times. Joint parking shall meet the following
27 standards:

28 (A) **Proximity of Joint Parking to Uses or Activities Served.** Joint
29 parking areas shall be located as set forth in SRC 806.010.

30 (B) **Compatible Hours of Operation.** The hours of operation for the

1 uses or activities subject to a joint parking agreement shall not
2 substantially overlap and there shall be no substantial conflict in the
3 principal operating hours.

4 **(b) Review and Filing of Agreement.** Prior to execution of any lease, rental, or joint
5 parking agreement set forth in this section, the form of such agreement shall be
6 reviewed by the City Attorney. An executed copy of the approved agreement shall be
7 filed with the Planning Administrator.

8 **(c) Effect of Expiration or Termination of Agreement.** Upon expiration or
9 termination of any lease, rental, or joint parking agreement set forth in this section, the
10 parking requirements set forth in this Chapter shall be fully met within 60 days of the
11 date of such expiration or termination or the use or activity discontinued until the
12 parking requirements are met.

13 **806.025. Off-Street Parking and Vehicle Storage Area Development Standards for Single**
14 **Family and Two Family Uses or Activities.** Unless otherwise provided under the UDC, off-
15 street parking and vehicle storage areas for Single Family and Two Family uses or activities shall
16 be developed and maintained as provided in this section.

17 **(a) Location within Yards.**

18 **(1) Front Yard Abutting Street.** Within a front yard abutting a street, off-street
19 parking and vehicle storage shall be allowed only:

20 **(A)** Within a garage or carport; or

21 **(B)** On a driveway leading to:

22 **(i)** A garage or carport;

23 **(ii)** A screened off-street parking area; or

24 **(iii)** A screened vehicle storage area.

25 **(2) Side and Rear Yards Abutting Street.** Within side and rear yards abutting a
26 street, off-street parking and vehicle storage shall be allowed only:

27 **(A)** Within a garage or carport;

28 **(B)** Within an off-street parking area or vehicle storage area that is
29 screened as set forth in SRC 806.025(f); or

30 **(C)** On a driveway leading to:

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- (i) A garage or carport;
- (ii) A screened off-street parking area; or
- (iii) A screened vehicle storage area.

(3) Interior Front, Side, and Rear Yards. Within interior front, side, and rear yards, off-street parking and vehicle storage shall be allowed only:

- (A) Within a garage or carport;
- (B) Within an off-street parking area or vehicle storage area that is screened as set forth in SRC 806.025(f); or
- (C) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A screened off-street parking area; or
 - (iii) A screened vehicle storage area.

(b) Garage or Carport Vehicle Entrance Setback Abutting Street or Flag Lot Accessway. The vehicle entrance of a garage or carport facing a street or flag lot accessway shall be setback a minimum of 20 feet.

(c) Dimensions. Off-street parking spaces shall conform to the minimum dimensions set forth in Table 806-3.

TABLE 806-3

MINIMUM OFF-STREET PARKING SPACE DIMENSIONS

Table 806-3: Minimum Off-Street Parking Space Dimensions		
Type of Space	Width	Depth
Compact	8 ft.	15 ft.
Standard	9 ft.	19 ft.

(d) Maneuvering. Where access to off-street parking is taken from an alley, a minimum maneuvering depth of 24 feet shall be provided between the back of the parking space and the opposite side of the alley.

(e) Surfacing. Any area that is used for off-street parking shall be paved with a hard surface material meeting the Public Works Design Standards. Vehicle storage areas are not required to be paved.

(f) Screening. Off-street parking areas and vehicle storage areas shall be screened as follows:

1 (1) Off-street parking areas located within a garage or carport or on a driveway
2 are not required to be screened. All other off-street parking areas shall be
3 screened from all public areas, public streets, and abutting residential uses by a
4 minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

5 (2) Vehicle storage areas within an enclosed structure or on a driveway are not
6 required to be screened. All other vehicle storage areas shall be screened from all
7 public areas, public streets, and abutting residential uses by a minimum 6-foot-tall
8 sight-obscuring fence, wall, or hedge.

9 **806.030. Driveway Development Standards for Single Family and Two Family Uses or**
10 **Activities.** Unless otherwise provided under the UDC, driveways for Single Family and Two
11 Family uses or activities shall be developed and maintained as provided in this section.

12 (a) **Location.** Driveways crossing from the lot line to a permitted off-street parking
13 area by the shortest direct route shall be permitted within yards abutting streets.

14 (b) **Dimensions.** Driveways shall conform to the minimum dimensions set forth in
15 Table 806-4. The minimum width of a driveway serving more than one parking space
16 must meet the standard set forth in Table 806-4 for only the first 20 feet of depth behind
17 the parking spaces served; beyond 20 feet, the minimum width may be reduced to 10
18 feet.

19 **TABLE 806-4**
20 **MINIMUM DRIVEWAY DIMENSIONS**

21 **Table 806-4: Minimum Driveway Dimensions**

Number of Parking Spaces Served	Width	Depth
1 space	10 ft.	20 ft.
2 spaces	16 ft.	20 ft.
3 or more spaces	22 ft.	20 ft.

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26 (c) **Surfacing.**

27 (1) All driveways, except those serving developments on parcels within approved
28 partitions located more than 300 feet from an available sewer, shall be paved with
29 a hard surface material meeting the Public Works Design Standards. Driveways
30 serving developments on parcels within approved partitions located more than

1 300 feet from an available sewer are not required to be paved.

2 (2) Access to vehicle storage areas shall be paved with a hard surface material
3 meeting the Public Works Design Standards when such access is being utilized
4 for parking.

5 **806.035. Off-Street Parking and Vehicle Use Area Development Standards for Uses or**
6 **Activities Other than Single Family and Two Family.** Unless otherwise provided under the
7 UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses
8 or activities other than Single Family and Two Family shall be developed and maintained as
9 provided in this section.

10 (a) **General Applicability.** The off-street parking and vehicle use area development
11 standards set forth in this section shall apply to:

12 (1) The development of new off-street parking and vehicle use areas;

13 (2) The expansion of existing off-street parking and vehicle use areas, where
14 additional paved surface is added;

15 (3) The alteration of existing off-street parking and vehicle use areas, where the
16 existing paved surface is replaced with a new paved surface; and

17 (4) The paving of an un-paved area.

18 (b) **Location.**

19 (1) **Generally.** Off-street parking and vehicle use areas shall not be located
20 within required setbacks.

21 (2) **Carpool and Vanpool Parking.** Carpool and vanpool parking shall be
22 located so it is the closest employee parking to the building entrance normally
23 used by employees; provided, however, it shall not be located closer than any
24 parking designated for disabled parking.

25 (3) **Underground Parking.** Off-street parking may be located underground in
26 all zones, except the RA and RS zones. Such underground parking may be
27 located beneath required setbacks; provided, however, no portion of the structure
28 enclosing the underground parking shall project into the required setback, and all
29 required setbacks located above the underground parking structure shall be
30 landscaped as otherwise required under the UDC.

1 **(c) Perimeter Setbacks and Landscaping.**

2 **(1) Perimeter Setbacks and Landscaping, Generally.**

3 **(A) Perimeter Setbacks.** Perimeter setbacks, as set forth in this
4 subsection, shall be required for off-street parking and vehicle use areas
5 abutting streets, abutting interior front, side, and rear property lines, and
6 adjacent to buildings and structures. Perimeter setbacks for parking
7 garages are set forth under paragraph (5) of this subsection. Perimeter
8 setbacks are not required for:

9 **(i)** Off-street parking and vehicle use areas abutting an alley.

10 **(ii)** Vehicle storage areas within the IG zone.

11 **(iii)** Temporary and seasonal gravel off-street parking areas,
12 approved pursuant to SRC Chapter 701, abutting non-residential
13 zones, uses or activities other than Household Living, or local
14 streets.

15 **(iv)** Gravel off-street parking areas, approved through a
16 conditional use permit, abutting non-residential zones, uses or
17 activities other than Household Living, or local streets.

18 **(v)** Underground parking.

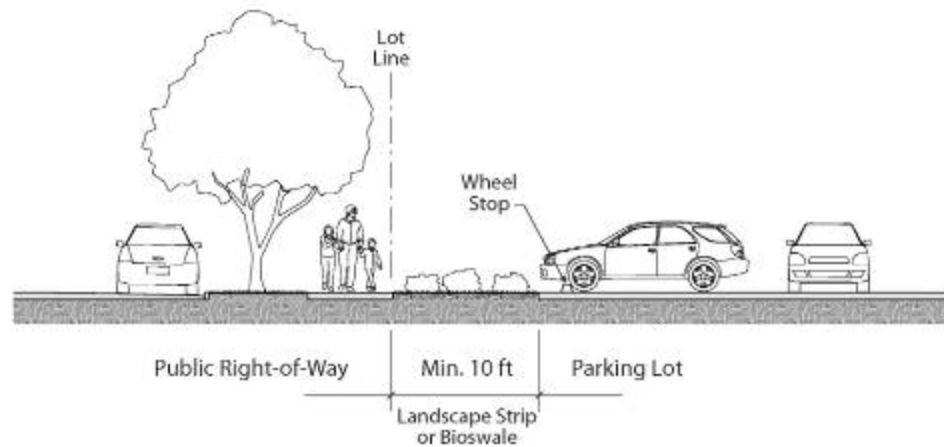
19 **(B) Perimeter Landscaping.** Required perimeter setbacks for off-street
20 parking and vehicle use areas shall be landscaped as set forth in this
21 subsection.

22 **(2) Perimeter Setbacks and Landscaping Abutting Streets.** Unless a greater
23 setback is required elsewhere within the UDC, off-street parking and vehicle use
24 areas abutting a street shall be setback and landscaped according to one the
25 methods set forth in this paragraph. Street trees located along an arterial street
26 may be counted towards meeting the minimum required number of plant units.

27 **(A) Method A.** The off-street parking and vehicle use area shall be
28 setback a minimum of 10 feet (see Figure 806-1). The setback shall be
29 landscaped according to the Type A standard set forth in SRC Chapter
30 807.

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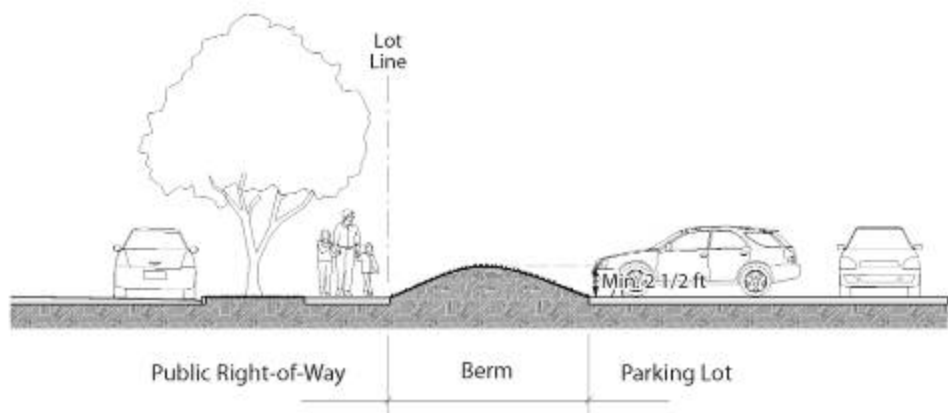
FIGURE 806-1
PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS – METHOD A



(B) Method B. The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC Chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC Chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

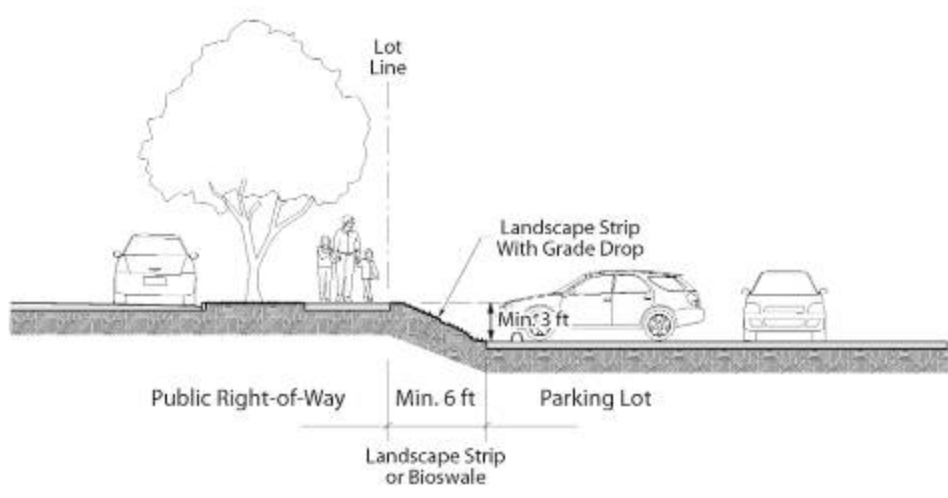
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FIGURE 806-2
PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS– METHOD B



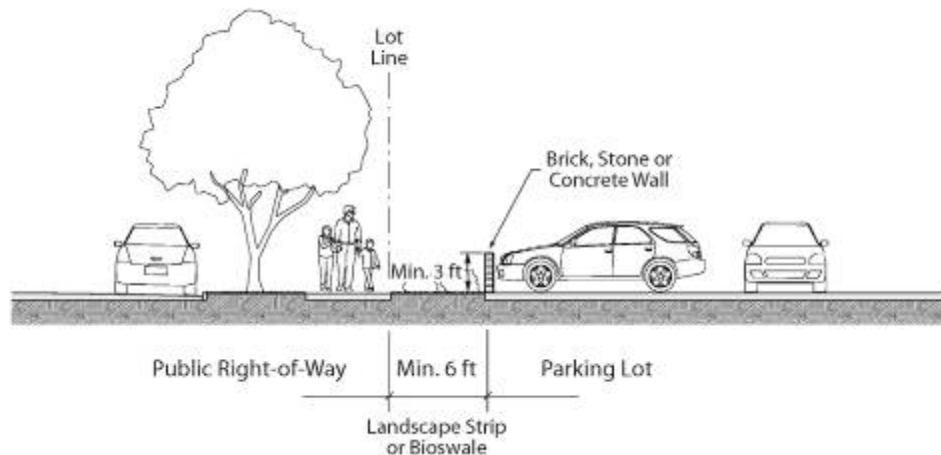
(C) Method C. The off-street parking and vehicle use area shall be setback a minimum 6 feet to accommodate a minimum 3-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC Chapter 807.

FIGURE 806-3
PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS – METHOD C



1 (D) **Method D.** The off-street parking and vehicle use area shall be
2 setback a minimum 6 feet in conjunction with a minimum 3-foot-tall
3 brick, stone, or finished concrete wall (see Figure 806-4). The wall shall
4 be located adjacent to, but entirely outside, the required setback. The
5 setback shall be landscaped according to the Type A standard set forth in
6 SRC Chapter 807. Any portion of the wall that encroaches into a vision
7 clearance area set forth in SRC Chapter 805 shall have a height no greater
8 than the maximum allowed under SRC 805.010.

9 **FIGURE 806-4**
10 **PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS – METHOD D**

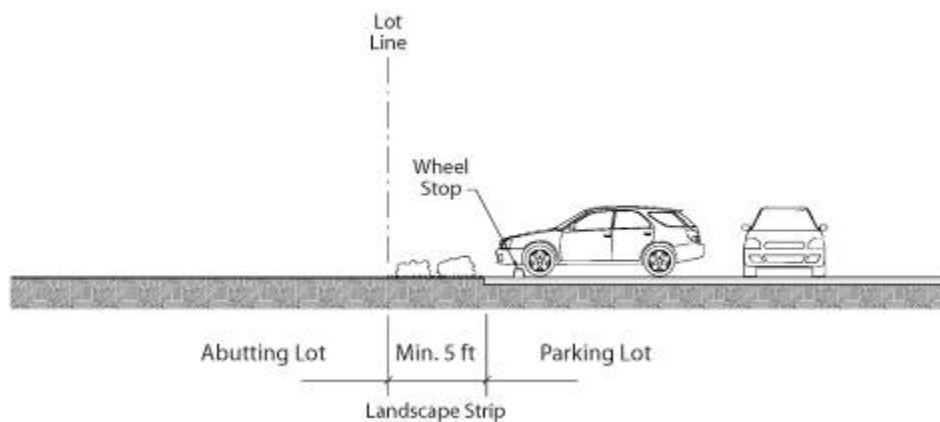


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21 (E) **Method E.** The off-street parking and vehicle use area shall be
22 setback a minimum of 6 feet to accommodate green stormwater
23 infrastructure meeting the Public Works Design Standards.

24 **(3) Perimeter Setbacks and Landscaping Abutting Interior Front, Side, and**
25 **Rear Property Lines.** Unless a greater setback is required elsewhere within the
26 UDC, off-street parking and vehicle use areas abutting an interior front, side, or
27 rear property line shall be setback a minimum of 5 feet (see Figure 806-5). The
28 setback shall be landscaped according to the Type A standard set forth in SRC
29 Chapter 807.

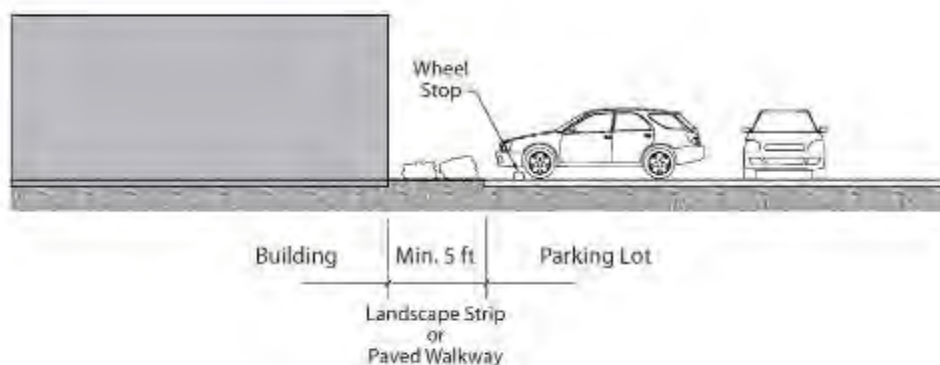
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FIGURE 806-5
LANDSCAPING ADJACENT TO AN ADJACENT LOT



(4) Setback Adjacent to Buildings and Structures. Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip, planted to the Type A standard set forth in SRC Chapter 807, or by a minimum 5-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

FIGURE 806-6
LANDSCAPING ADJACENT TO A BUILDING



1 **(5) Perimeter Setbacks and Landscaping for Parking Garages.** Perimeter
2 setbacks and landscaping as set forth in subsection (c) of this section shall be
3 required for parking garages; provided, however, perimeter setbacks and
4 landscaping are not required for:

5 **(A)** Any portion of a parking garage with frontage on a street and
6 containing ground floor uses or activities other than parking.

7 **(B)** Any parking garage within an industrial zone, public zone, or
8 commercial zone, other than a CO zone, that abuts an interior front, side,
9 or rear property line where there is no required building setback.

10 **(C)** Any parking garage abutting an alley.

11 **(d) Interior Landscaping.**

12 **(1) Interior Landscaping, Generally.** Interior landscaping, as set forth in this
13 subsection, shall be required for off-street parking areas 5,000 square feet or
14 greater in size; provided, however, interior landscaping is not required for:

15 **(A)** Vehicle storage areas.

16 **(B)** Vehicle display areas.

17 **(C)** Temporary and seasonal gravel off-street parking areas, approved
18 pursuant to SRC Chapter 701.

19 **(D)** Gravel off-street parking areas, approved through a conditional use
20 permit.

21 **(E)** Underground parking.

22 **(F)** Parking garages.

23 **(2) Minimum Percentage of Interior Landscaping Required.** Interior
24 landscaping shall be provided in amounts not less than those set forth in Table
25 806-5. For purposes of this paragraph, the total interior area of an off-street
26 parking area is the sum of all areas within the perimeter of the off-street parking
27 area, including parking spaces, aisles, planting islands, corner areas, and curbed
28 areas, but not including interior driveways. Perimeter landscaped setbacks and
29 required landscape strips separating off-street parking areas from buildings and
30 structures shall not count towards satisfying minimum interior landscaping

1 requirements.

2
3 **TABLE 806-5**

4 **INTERIOR OFF-STREET PARKING AREA LANDSCAPING**

5 **Table 806-5: Interior Off-Street Parking Area Landscaping**

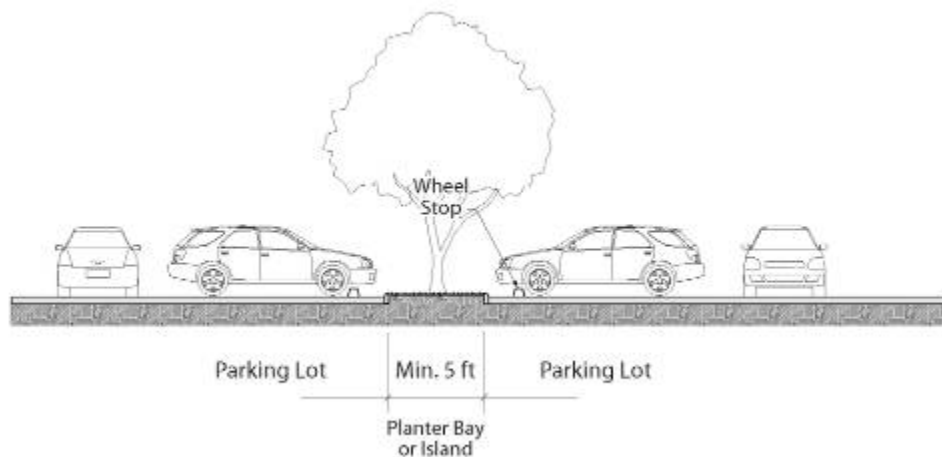
Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and Greater	Min. 8%

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10 **(3) Trees.** A minimum of one deciduous shade tree shall be planted for every 12
11 parking spaces within an off-street parking area. Trees may be clustered within
12 landscape islands or planter bays, and shall be distributed throughout the off-street
13 parking area to create a canopy effect and to break up expanses of paving and
14 long rows of parking spaces.

15 **(4) Landscape Islands and Planter Bays.** Landscape islands and planter bays
16 shall have a minimum planting area of 25 square feet, and shall have a minimum
17 width of 5 feet (see Figure 806-7).

18 **FIGURE 806-7**
19 **INTERIOR LANDSCAPING**



(e) **Off-Street Parking Area Dimensions.** Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6; provided, however, minimum off-street parking area dimensions shall not apply to:

- (1) Vehicle storage areas.
- (2) Vehicle display areas.

**TABLE 806-6
MINIMUM OFF-STREET PARKING AREA DIMENSIONS**

Table 806-6: Minimum Off-Street Parking Area Dimensions								
Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ⁽¹⁾⁽²⁾ D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾	
0° (Parallel)	Compact	8'0"	8.0	12.0	22.0	28.0	-	
	Standard	8'0"	8.0	12.0	22.0	28.0	-	
20°	Compact	8'0"	12.6	11.0	23.4	36.2	28.7	
	Standard	8'6" ⁽⁴⁾	14.5	11.0	24.9	40.0	32.0	
		9'6"	15.5	11.0	27.8	42.0	33.1	
30°	Standard	10'0"	15.9	11.0	19.2	42.8	33.4	
		Compact	8'0"	14.4	11.0	16.0	39.8	32.9
		8'6" ⁽⁴⁾	16.9	11.0	17.0	44.8	37.4	
		9'0"	17.3	11.0	18.0	45.6	37.8	
40°	Standard	9'6"	17.8	11.0	19.0	46.6	38.4	
		10'0"	18.2	11.0	20.0	47.4	38.7	
		Compact	8'0"	15.8	12.0	12.4	43.6	37.5
		8'6" ⁽⁴⁾	18.7	12.0	13.2	49.4	42.9	
45°	Standard	9'0"	19.1	12.0	14.0	50.2	43.3	
		9'6"	19.5	12.0	14.8	51.0	43.7	
		10'0"	19.9	12.0	15.6	51.8	44.1	
		Compact	8'0"	16.3	13.5	11.3	46.1	40.5
50°	Standard	8'6" ⁽⁴⁾	19.4	13.5	12.0	52.3	46.3	
		9'0"	19.8	13.0	12.7	52.6	46.2	
		9'6"	20.1	13.0	13.4	53.2	46.5	
		10'0"	20.5	13.0	14.1	54.0	46.9	
		Compact	8'0"	16.6	15.5	10.4	48.7	43.6
60°	Standard	8'6" ⁽⁴⁾	20.0	15.5	11.1	55.5	50.0	
		9'0"	20.4	15.0	11.7	55.8	50.0	
		9'6"	20.7	15.0	12.4	56.4	50.3	
		10'0"	21.0	15.0	13.1	57.0	50.6	
70°	Standard	Compact	8'0"	17.0	18.5	9.2	52.5	48.5
		8'6" ⁽⁴⁾	20.7	18.5	9.8	59.9	55.6	
		9'0"	21.0	18.0	10.4	60.0	55.7	
		9'6"	21.2	18.0	11.0	60.4	55.6	
70°	Standard	10'0"	21.5	18.0	11.5	61.0	56.0	
		Compact	8'0"	16.8	19.5	8.5	53.1	50.4
70°	Standard	8'6" ⁽⁴⁾	20.8	19.5	9.0	61.1	58.2	
		9'0"	21.0	19.0	9.6	61.0	57.9	

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Table 806-6: Minimum Off-Street Parking Area Dimensions

Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ⁽¹⁾⁽²⁾ D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾
		9'6"	21.2	18.5	10.1	60.9	57.7
		10'0"	21.2	18.0	10.6	60.4	57.0
80°	Compact	8'0"	16.2	22.0	8.1	56.4	55.0
	Standard	9'0"	20.3	24.0	9.1	64.3	62.7
		9'6"	20.4	24.0	9.6	64.4	62.7
		10'0"	20.5	24.0	10.2	65.0	63.3
90°	Compact	8'0"	15.0	22.0	8.0	54.0	-
		8'6" ⁽⁵⁾	15.0	22.0	8.0	54.0	-
	Standard	9'0"	19.0	24.0	9.0	62.0	-
		9'6"	19.0	24.0	9.5	62.0	-
		10'0"	19.0	24.0	10.0	62.0	-

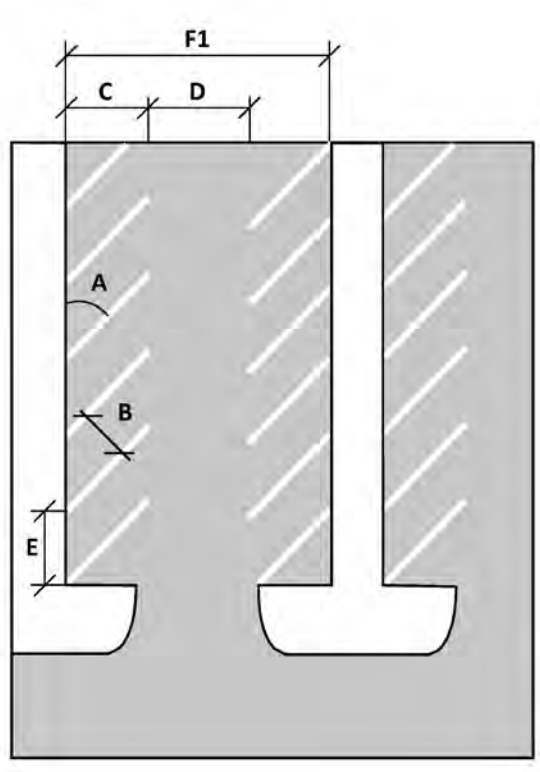
Limitations and Qualifications

- (1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.
- (2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.
- (3) See Figure 806-8 for corresponding off-street parking area layout requirements.
- (4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.
- (5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post.

FIGURE 806-8

OFF-STREET PARKING AREA LAYOUT REQUIREMENTS

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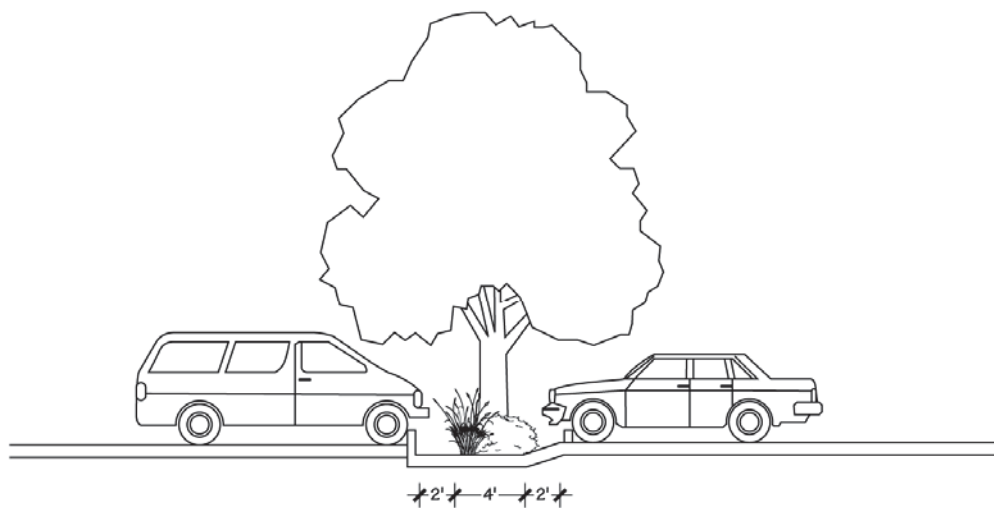
(f) Grade. Off-street parking and vehicle use areas shall not exceed a maximum grade of 10 percent. Ramps shall not exceed a maximum grade of 15 percent.

(g) Surfacing. Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to 2 feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-9). Such 2-foot landscaped area counts towards meeting interior off-street parking area landscaping requirements, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:

- (1) Vehicle storage areas within the IG zone.
- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

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FIGURE 806-9
LANDSCAPED FRONT PORTION OF PARKING STALL



(h) Drainage. Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Public Works Director.

(i) Bumper Guards or Wheel Barriers. Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian access ways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.

(j) Off-Street Parking Area Striping. Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:

- (1) Vehicle storage areas.
- (2) Vehicle sales display areas.
- (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC Chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

1 **(k) Marking and Signage.**

2 **(1) Off-Street Parking and Vehicle Use Area Circulation.** Where directional
3 signs and pavement markings are included within an off-street parking or vehicle
4 use area to control vehicle movement, such signs and marking shall conform to
5 the Manual of Uniform Traffic Control Devices.

6 **(2) Compact Parking.** Compact parking spaces shall be clearly marked
7 indicating the spaces are reserved for compact parking only.

8 **(3) Carpool and Vanpool Parking.** Carpool and vanpool parking spaces shall
9 be posted with signs indicating the spaces are reserved for carpool or vanpool use
10 only before 9:00 A.M. on weekdays.

11 **(l) Lighting.** Lighting for off-street parking and vehicle use areas shall not shine or
12 reflect onto adjacent residentially zoned property, or property used for uses or activities
13 falling under Household Living, or cast glare onto the street.

14 **(m) Off-Street Parking Area Screening.** Off-street parking areas with more than 6
15 spaces shall be screened from abutting residentially zoned property, or property used
16 for uses or activities falling under Household Living, by a minimum 6-foot-tall sight-
17 obscuring fence, wall, or hedge; provided however, screening is not required for vehicle
18 storage areas within the IG zone.

19 **806.040. Driveway Development Standards for Uses or Activities other than Single Family**
20 **or Two Family.** Unless otherwise provided under the UDC, driveways for uses or activities
21 other than Single Family or Two Family shall be developed and maintained as provided in this
22 section.

23 **(a) Access.** Off-street parking and vehicle use areas shall have either separate
24 driveways for ingress and egress, a single driveway for ingress and egress with an
25 adequate turnaround that is always available, or a loop to the single point of access.
26 The driveway approaches to the driveways shall conform to SRC Chapter 804.

27 **(b) Location.** Driveways shall not be located within required setbacks except where:

28 **(1)** The driveway provides direct access to the street, alley, or abutting property.

29 **(2)** The driveway is a shared driveway located over the common lot line and
30 providing access to two or more uses.

1 (c) **Setbacks and Landscaping.**

2 (1) **Perimeter Setbacks and Landscaping, Generally.** Perimeter setbacks and
3 landscaping as set forth in this subsection shall be required for driveways abutting
4 streets and abutting interior front, side, and rear property lines; provided,
5 however, perimeter setbacks and landscaping are not required where:

6 (A) The driveway provides direct access to the street, alley, or abutting
7 property.

8 (B) The driveway is a shared driveway located over the common lot line
9 and providing access to two or more uses.

10 (2) **Perimeter Setbacks and Landscaping Abutting Streets.** Unless a greater
11 setback is required elsewhere within the UDC, driveways abutting a street shall be
12 setback and landscaped according to the off-street parking and vehicle use area
13 perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).

14 (3) **Perimeter Setbacks and Landscaping Abutting Interior Front, Side, and
15 Rear Property Lines.** Unless a greater setback is required elsewhere within the
16 UDC, driveways abutting an interior front, side, or rear property line shall be
17 setback a minimum of 5 feet. The setback shall be landscaped according to the
18 Type A standard set forth in SRC Chapter 807.

19 (d) **Dimensions.** Driveways shall conform to the minimum width set forth in Table
20 806-7.

21 **TABLE 806-7**

22 **MINIMUM DRIVEWAY WIDTH**

23 **Table 806-7: Minimum Driveway Width**

Type of Driveway	Width	Inside Radius of Curves & Corners
One-Way Driveway	12 ft.	25 ft., measured at curb or pavement edge.
Two-Way Driveway	22 ft.	25 ft., measured at curb or pavement edge.

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27 (e) **Surfacing.** All driveways shall be paved with a hard surface material meeting the
28 Public Works Design Standards.

29 (f) **Drainage.** Driveways shall be adequately designed, graded, and drained according
30 to the Public Works Design Standards, or to the approval of the Public Works Director.

(g) **“No Parking” Signs.** Driveways shall be posted with one “no parking” sign for

every 60 feet of driveway length, but in no event shall less than 2 signs be posted.

806.045. Bicycle Parking; When Required.

(a) **General Applicability.** Bicycle parking shall be provided as required under this Chapter for:

(1) Each proposed new use or activity.

(2) Any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.

(3) Any intensification, expansion, or enlargement of a use or activity.

(b) **Applicability to Nonconforming Bicycle Parking Area.** When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this Chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

806.050. Proximity of Bicycle Parking to Use or Activity Served. Bicycle parking shall be located on the same development site as the use or activity it serves.

806.055. Amount of Bicycle Parking. Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

TABLE 806-8

MINIMUM BICYCLE PARKING

Table 806-8: Minimum Bicycle Parking		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Household Living		
Single Family	None	
Two Family		
Multiple Family	The greater of 4 spaces or 0.1 spaces per dwelling unit.	
Group Living		
Room and Board Facilities	The greater of 4 spaces or 1 space per 50 rooms.	

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Table 806-8: Minimum Bicycle Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Residential Care	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Nursing Care	1 per 30 beds	
Lodging		
Short-Term Commercial Lodging	The greater of 4 spaces or 1 space per 50 rooms.	
Long-Term Commercial Lodging		
Non-Profit Shelters	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Retail Sales and Service		
Eating and Drinking Establishments	The greater of 4 spaces or 1 space per 1,000 sq. ft.	
Retail Sales	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Personal Services	1 per 10,000 sq. ft.	Applicable to laundry, dry cleaning, and garment services.
	The greater of 4 spaces or 1 space per 3,500 sq. ft.	Applicable to all other Personal Services.
Postal Services and Retail Financial Services	The greater of 4 spaces or 1 space per 3,000 sq. ft.	
Shopping Center	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Business and Professional Services		
Office	The greater of the following: 4 spaces; or	

Table 806-8: Minimum Bicycle Parking		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Laboratory Research and Testing;	1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.;	
Office Complex	plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Audio/Visual Media Production	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.;	Applicable to broadcasting studios.
	plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.;	
	plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
	The greater of 4 spaces or 1 per 3,500 sq. ft.	Applicable to all other Audio/Visual Media Production.
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	1 per 9,000 sq. ft.	
Motor Vehicle Services		
Taxicabs and Car Services		
Heavy Vehicle and Trailer Sales		
Heavy Vehicle and Trailer Service and Storage		
Commercial Parking;		
Park-and-Ride Facilities		
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	The greater of 4 spaces or 1 space per 50 seats or 100 feet of bench length	Applicable to theaters.
	The greater of 4 spaces or 1 space per court.	Applicable to tennis, racquetball, and handball courts.
	The greater of 4 spaces or 1 space per 500 sq. ft.	Applicable to all other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	The greater of 4 spaces or 1 space per court	Applicable to tennis, racquetball, and handball courts.
	4	Applicable to golf courses.
	None	Applicable to drive-in movie theaters.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces	Applicable to all other Commercial Entertainment – Outdoor.
Major Event Entertainment	The greater of 4 spaces or 1 space per 50 seats or 100 ft. of bench length	
Recreational and Cultural	4	Applicable to golf courses.

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Table 806-8: Minimum Bicycle Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Community Services	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	Applicable to all other indoor Recreational and Cultural Community Services.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces.	Applicable to all other outdoor Recreational and Cultural Community Services.
Parks and Open Space	The greater of 4 spaces or 1 space per 30 vehicle parking spaces.	
Non-Profit Membership Assembly	1 per 30 vehicle parking spaces.	
Religious Assembly		
Health Services		
Medical Centers/Hospitals	The greater of 4 spaces or 1 per 30 beds	
Outpatient Medical Services and Laboratories	The greater of 4 spaces or 1 per 3,500 sq. ft.	
Education Services		
Day Care	4	
Basic Education	2 per classroom	Applicable to Elementary Schools
	4 per classroom	Applicable to all other Basic Education.
Post-Secondary and Adult Education	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	Applicable to vocational and trade schools.
	The greater of 4 spaces or 1 per 10,000 sq. ft.	Applicable to all other Post-Secondary and Adult Education.
Civic Services		
Governmental Services	1 per 5,000 sq. ft.	
Social Services	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Governmental Maintenance Services and Construction	4	
Public Safety		

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Table 806-8: Minimum Bicycle Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Emergency Services	None	Applicable to ambulance stations.
	1 per 5,000 sq. ft.	Applicable to all other Emergency Services.
Detention Facilities	1 per 50 beds.	
Military Installations	1 per 5,000 sq. ft.	
Funeral and Related Services		
Cemeteries	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Funeral and Cremation Services	1 per 50 seats or 100 feet of bench length in the chapel.	
Construction Contracting, Repair, Maintenance, and Industrial Services		
Building and Grounds Services and Construction Contracting;	4	
General Repair Services	The greater of the following: 4 spaces; or 1 per 3,500 sq. ft. for first 50,000 sq. ft.; plus 1 per 7,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 14,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Cleaning Plants	1 per 10,000 sq. ft.	
Industrial Services	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Wholesale Sales, Storage, and Distribution		
General Wholesaling; Heavy Wholesaling	1 per 15,000 sq. ft.	
Warehousing and Distribution	The greater of the following: 4 spaces; or: 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Self Service Storage	None	

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Table 806-8: Minimum Bicycle Parking

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Manufacturing		
General Manufacturing	The greater of the following: 4 spaces; or: 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Heavy Manufacturing		
Printing		
Transportation Facilities		
Aviation Facilities	The greater of the following: 4 spaces; or: 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Passenger Ground Transportation Facilities		
Marine Facilities	2	Applicable to marinas.
	The greater of the following: 4 spaces; or: 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	Applicable to all other Marine Facilities.
Utilities		
Basic Utilities	The greater of the following: 4 spaces; or: 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Drinking Water Treatment Facilities		
Power Generation Facilities		
Data Center Facilities		
Waste Related Facilities		
Fuel Dealers	None	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production;	4	
Surface Mining		
Farming, Forestry, and Animal Services		
Agriculture	2	Applicable when retail sales are involved.
Forestry		

Table 806-8: Minimum Bicycle Parking		
Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Agriculture and Forestry Services	The greater of the following: 4 spaces; or: 1 per 10,000 sq. ft. for first 50,000 sq. ft.; plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.; plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.	
Keeping of Livestock and Other Animals	2	Applicable when retail sales are involved.
Animal Services		
Other Uses		
Temporary Uses	None	
Home Occupations	None	
(1) Unless otherwise provided, when required bicycle parking is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.		

806.060. Bicycle Parking Development Standards. Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

(a) **Location.** Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.

(b) **Access.** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.

(c) **Dimensions.** Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.

(d) **Bicycle Racks.** Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

806.065. Off-Street Loading Areas; When Required.

(a) **General Applicability.** Off-street loading shall be provided and maintained as required under this Chapter for:

- (1) Each proposed new use or activity.
- (2) Any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or

activity.

(3) Any intensification, expansion, or enlargement of a use or activity.

(b) **Applicability to Nonconforming Off-Street Loading Area.** When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this Chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

806.070. Proximity of Off-Street Loading Areas to Use or Activity Served. Off-street loading shall be located on the same development site as the use or activity it serves.

806.075. Amount of Off-Street Loading. Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-9.

**TABLE 806-9
MINIMUM OFF-STREET LOADING; DIMENSIONS**

Table 806-9: Minimum Off-Street Loading; Dimensions						
Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Use: <ul style="list-style-type: none">▪ Single Family▪ Two Family▪ Commercial Parking▪ Park-and-Ride Facility▪ Parks and Open Space▪ Cemeteries▪ Basic Utilities▪ Wireless Communication Facilities▪ Agriculture▪ Forestry▪ Temporary Uses▪ Home Occupations	None		N/A	N/A	N/A	
Use: <ul style="list-style-type: none">▪ Multiple Family	None	0 to 49 dwelling units	N/A	N/A	N/A	If a recreational or service building is provided, at least one of the required loading spaces shall be located in conjunction with the recreational or service building.
	1	50 to 99 dwelling units	12 ft.	19 ft.	12 ft.	
	2	100 to 199 dwelling units	12 ft.	19 ft.	12 ft.	
	3	200 or more dwelling units	12 ft.	19 ft.	12 ft.	

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Table 806-9: Minimum Off-Street Loading; Dimensions

Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Use Category: <ul style="list-style-type: none"> ▪ Business and Professional Services Use: <ul style="list-style-type: none"> ▪ Outpatient Medical Services and Laboratories ▪ Governmental Services ▪ Social Services ▪ Keeping of Livestock and Other Animals ▪ Animal Services 	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
	1	5,000 to 60,000 sq. ft.	12 ft.	19 ft.	12 ft.	
	2	60,001 to 250,000 sq. ft.	12 ft.	19 ft.	12 ft.	
	Additional Spaces Required	Greater than 250,000 sq. ft.	12 ft.	19 ft.	12 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 250,000 sq. ft., one additional loading space is required.
Use Category: <ul style="list-style-type: none"> ▪ Group Living ▪ Lodging ▪ Retail Sales and Service ▪ Education Services Use: <ul style="list-style-type: none"> ▪ Commercial Entertainment – Indoor ▪ Commercial Entertainment – Outdoor ▪ Major Event Entertainment ▪ Recreation and Cultural Community Services ▪ Non-Profit Membership Assembly ▪ Religious Assembly ▪ Medical Centers/Hospitals ▪ Emergency Services ▪ Funeral and Cremation Services ▪ General Repair Services ▪ Agriculture and Forestry Services 	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
	1	5,000 to 60,000 sq. ft.	12 ft.	30 ft.	14 ft.	
	2	60,001 to 250,000 sq. ft.	12 ft.	30 ft.	14 ft.	
	Additional Spaces Required	Greater than 250,000 sq. ft.	12 ft.	30 ft.	14 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 250,000 sq. ft., one additional loading space is required.
Use Category: <ul style="list-style-type: none"> ▪ Wholesale Sales, Storage, and Distribution ▪ Manufacturing ▪ Transportation Facilities ▪ Mining and Natural Resource Extraction Use: <ul style="list-style-type: none"> ▪ Motor Vehicle and Manufactured Dwelling and 	None	Less than 5,000 sq. ft.	N/A	N/A	N/A	
	1	5,000 to 100,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	3	100,001 to 240,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	5	240,001 to 320,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	6	320,001 to 400,000 sq. ft.	12 ft.	40 ft.	14 ft.	
	7	400,000 to	12 ft.	40 ft.	14 ft.	

Table 806-9: Minimum Off-Street Loading; Dimensions

Use Category/Use	Minimum Number of Spaces Required ⁽¹⁾		Dimensions			Limitations & Qualifications
			Width	Length	Height	
Trailer Sales;		490,000 sq. ft.				
▪ Motor Vehicle Services;	8	490,001 to 580,000 sq. ft.	12 ft.	40 ft.	14 ft.	
▪ Taxicabs and Car Services;	9	580,001 to 670,000 sq. ft.	12 ft.	40 ft.	14 ft.	
▪ Heavy Vehicle and Trailer Sales;	10	670,001 to 760,000 sq. ft.	12 ft.	40 ft.	14 ft.	
▪ Heavy Vehicle and Trailer Service and Storage	Additional Spaces Required	Buildings greater than 760,000 sq. ft.	12 ft.	40 ft.	14 ft.	For each additional 100,000 square feet, or any portion thereof, of building area over 760,000 sq. ft., one additional loading space is required.
▪ Governmental Maintenance Services and Construction						
▪ Detention Facilities						
▪ Military Installations						
▪ Building and Grounds Services and Construction						
Contracting						
▪ Cleaning Plants						
▪ Industrial Services						
▪ Drinking Water Treatment						
▪ Power Generation Facilities						
▪ Data Center Facilities						
▪ Fuel Dealers						
▪ Waste-Related Facilities						

(1) Unless otherwise provided, when required loading is expressed in terms of a number of spaces per a square footage, the square footage shall equal the gross floor area.

(a) Off-Street Parking Used for Loading. An off-street parking area meeting the requirements of this Chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves.

806.080. Off-Street Loading Development Standards. Unless otherwise provided under the UDC, off-street loading shall be developed and maintained as set forth in this section.

(a) Location. Off-street loading areas shall not be located within required setbacks.

(b) Perimeter Setbacks and Landscaping.

(1) Perimeter Setbacks and Landscaping Abutting Streets. Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setback and landscaping standards set forth under SRC 806.035(c)(2).

1 **(2) Perimeter Setbacks and Landscaping Abutting Interior Front, Side, and**
2 **Rear Property Lines.** Unless a greater setback is required elsewhere within the
3 UDC, off-street loading areas abutting an interior front, side, or rear property line
4 shall be setback a minimum of 5 feet. The setback shall be landscaped according
5 to the Type A landscaping standard of SRC Chapter 807.

6 **(c) Dimensions.** Loading areas shall conform to the minimum dimensions set forth in
7 Table 806-9.

8 **(d) Maneuvering.** Off-street loading areas shall be of sufficient size, and all curves
9 and corners of sufficient radius, to accommodate the safe operation of a delivery
10 vehicle.

11 **(e) Surfacing.** All loading areas shall be paved with a hard surface material meeting
12 the Public Works Design Standards; provided, however, paving is not required for:

13 **(1)** Temporary and seasonal gravel loading areas, approved pursuant to SRC
14 Chapter 701.

15 **(2)** Gravel loading areas, approved through a conditional use permit.

16 **(f) Drainage.** Loading areas shall be adequately designed, graded, and drained
17 according to the Public Works Design Standards, or to the approval of the Public
18 Works Director.

19 **(g) Lighting.** Lighting for off-street loading areas shall not shine or reflect onto
20 adjacent residentially zoned property, or property used for uses or activities falling
21 under Household Living, or cast glare onto the street.

22 **Section 79.** The following SRC Chapter 807 is added to the Salem Revised Code:

23 **807.001. Purpose.** The purpose of this Chapter is to establish standards for required
24 landscaping and screening under the UDC to improve the appearance and visual character of the
25 community, promote compatibility between land uses, encourage the retention and utilization of
26 existing vegetation, and preserve and enhance the livability of the City.

27 **807.005. Definitions.** Unless the context otherwise specifically requires, as used in this
28 Chapter, the following mean:

29 **(a) Caliper:** The diameter of a tree trunk measured one foot above ground level. If a
30 tree is of a multi-trunk variety, the caliper of the tree is the average caliper of all of its

1 trunks.

2 (b) Ground cover: Living plant species which normally reach a height of less than 3
3 feet at maturity, planted in such a manner so as to form a continuous cover over the
4 ground.

5 (c) Landscaped area: The area of a development site that is required to be
6 landscaped as provided under this Chapter.

7 (d) Landscaping: A combination of living plants, such as trees, shrubs, vines, ground
8 covers, flowers, and grass; natural features such as streams, wetlands, rocks, stone,
9 bark chips and shavings; and structural features, including, but not limited to,
10 fountains, reflecting pools, outdoor art work, screen walls, fences, arbors, and
11 benches.

12 (e) Mature tree:

13 (1) A healthy tree of 10 inches dbh or greater;

14 (2) A significant tree, as defined under SRC Chapter 808;

15 (3) A heritage tree, as defined under SRC Chapter 808; or

16 (4) A grouping of 3 or more 4-inch dbh or greater evergreen or hardwood trees.

17 (f) Ornamental tree: A relatively low growing deciduous or evergreen tree typically
18 reaching a height of 15 to 20 feet which usually provides color due to its flowers, leaves, or
19 fruit (berries).

20 (g) Shade tree: A deciduous tree, or, in rare occasions, an evergreen tree, planted
21 primarily for its high crown of foliage or overhead canopy.

22 (h) Shrub: A deciduous or evergreen woody plant, smaller than a tree, which
23 consists of a number of small stems from the ground or small branches near the
24 ground.

25 **807.010. Applicability.** The provisions of this Chapter apply to all required landscaping and
26 screening under the UDC.

27 **807.015. Landscaping and Screening.** Unless otherwise provided under the UDC, required
28 landscaping and screening shall conform to the standards set forth in this section.

29 (a) **Landscaping Types.** Required landscaping shall be provided according to one of
30 the landscaping types set forth in Table 807-1. Where landscaping is required under the

UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

**TABLE 807-1
LANDSCAPING TYPES**

Table 807-1: Landscaping Types		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence, wall, or hedge
C	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall
E	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall

(b) Plant Materials and Corresponding Plant Unit Values. Plant materials, their corresponding minimum plant unit values, and minimum plant material size at time of planting for landscaping within required landscaped areas are set forth in Table 807-2. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials shall provide for a minimum 75 percent coverage of required landscaped areas within 5 years.

**TABLE 807-2
PLANT MATERIALS AND MINIMUM PLANT UNIT VALUES**

Table 807-2: Plant Materials and Minimum Plant Unit Values		
Plant Material	Plant Unit (PU) Value	Size at Planting
1 Mature Tree	15 PU	
1 Shade Tree	10 PU	1-1/2 in. to 2 in. caliper
1 Evergreen/Conifer Tree	5 PU	6 ft. to 8 ft. Height
1 Ornamental Tree	2 PU	1 in. to 1-1/2 in. caliper
1 Large Deciduous or Evergreen Shrub <i>(At maturity: over 4 ft. wide; 4 ft. high)</i>	2 PU	Min. 3 gallon or balled and burlapped
1 Small to Medium Shrub <i>(At maturity: maximum 4 ft. wide; 4 ft. high)</i>	1 PU	Min. 1 gallon
Lawn or Other Ground Cover	1 PU per 50 sq. ft.	

1 (c) **Preservation of Existing Trees and Vegetation.** The preservation of existing
2 trees and vegetation is encouraged. If preserved, existing trees as defined under SRC
3 Chapter 808, existing trees less than 10 inches dbh, and existing vegetation may be
4 utilized to satisfy required landscaping if they conform to the minimum plant unit
5 requirements specified in this Chapter.

6 (d) **Tree Replanting Requirements.** In addition to the landscaping required under
7 this Chapter, when existing trees, as defined under SRC Chapter 808, are proposed for
8 removal from within required setbacks or from a development site, replanting shall be
9 required as provided in this subsection.

10 (1) **Removal of Trees within Required Setbacks.** When an existing tree or
11 trees, as defined under SRC Chapter 808, within a required setback are proposed
12 for removal, 2 new trees shall be planted for each tree removed. Replanted trees
13 shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.

14 (2) **Removal of Trees from Development Site.** When more than 75 percent of
15 the existing trees, as defined under SRC Chapter 808, on a development site are
16 proposed for removal, 2 new trees shall be planted for each tree removed in
17 excess of 75 percent. Replanted trees shall be of either a shade or evergreen
18 variety with a minimum 1.5 inch caliper. For purposes of this section, existing
19 trees within vision clearance areas, or within areas to be cleared for required
20 roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in
21 the total percentage of trees removed from the development site.

22 (e) **Screening Standards.** Unless otherwise provided under the UDC, where
23 screening is required in the form of a fence, wall, or landscaping, it shall conform to the
24 following standards:

25 (1) **Height.** Fences and walls shall be a minimum of 6 feet in height.

26 Landscaping shall be of a species that will attain a height of at least 6 feet within
27 3 years after planting.

28 (2) **Opacity.** Screening shall be sight-obscuring. Fences, walls, and landscaping
29 shall be at least 75 percent opaque when viewed from any angle at a point 25 feet
30

1 away from the fence, wall, or landscaping. Landscaping shall be of an evergreen
2 species that will attain required opacity within 3 years after planting.

3 **(3) Maintenance.** Fences and walls shall be maintained in safe condition, and
4 shall be maintained as opaque. Landscaping shall be replaced within 6 months
5 after dying or becoming diseased to the point that required opacity can no longer
6 be maintained.

7 **(f) Berm.** Unless otherwise provided under the UDC, where screening is required in
8 the form a berm, the berm shall be an earthen mound no less than 3 feet in height above
9 the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides.
10 The berm shall be planted with plant materials to prevent erosion. The berm shall not
11 alter natural drainage flows from abutting properties.

12 **(g) Street Trees.** Development adjacent to public streets shall provide street trees that
13 meet the standards and specifications set forth in SRC Chapter 86.

14 **807.020. Landscaping Plan.**

15 **(a)** All building permit applications for development subject to the landscaping
16 requirements of this Chapter shall include a landscaping plan.

17 **(b)** Landscaping plans shall be of a size and form established by the Planning
18 Administrator, and shall include the following:

19 **(1)** Scale and north arrow.

20 **(2)** Lot dimensions and footprint of structure(s).

21 **(3)** A legend indicating the linear footage of perimeter setbacks abutting a street
22 or right-of-way; the linear footage of perimeter setbacks not abutting a street or
23 right-of-way; total building square footage; total square footage of the interior
24 area of the off-street parking area, calculated per SRC 806.035(d)(2); and total
25 number of parking spaces.

26 **(4)** The location and size of plant materials, identified by common and botanical
27 names, and their expected coverage within 5 years.

28 **(5)** The type and location of landscaping features other than plant materials,
29 including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.

30 **(6)** Fence or wall materials, when screening is required under the UDC.

1 (7) Abutting land uses.

2 (8) The type, size, and location of:

3 (A) Existing trees, as defined under SRC Chapter 808, existing trees less
4 than ten inches dbh, and vegetation that will be retained to satisfy
5 landscaping requirements of this Chapter.

6 (B) Existing trees, as defined under SRC Chapter 808, proposed for
7 removal.

8 (9) Notwithstanding paragraph (8) of this subsection, where the development site
9 is heavily wooded, only those trees that will be affected by the proposed
10 development need to be sited accurately. The remaining trees may be shown on
11 the plan in the general area of their distribution.

12 (10) An irrigation plan identifying the materials, size, and location of all
13 components of the irrigation system.

14 (11) A 2-year plant establishment schedule for:

15 (A) Landscaped areas where a permanent underground or drip irrigation
16 system is not required because of the use of drought resistant vegetation;
17 or

18 (B) New vegetation located within stormwater facilities.

19 **807.025. Plant Material Standards.** All plant materials shall be, up installation, vigorous and
20 well-branched, with healthy and well-furnished root systems free of disease, insects, pests, and
21 injuries.

22 **807.030. Tree Protection Measures During Construction.** Trees used to meet the landscaping
23 requirements set forth in this Chapter shall be protected during construction as provided under
24 SRC Chapter 808.

25 **807.035. Installation.**

26 (a) Landscaping shall be installed at the time of construction, unless seasonal
27 conditions or temporary site conditions make installation impractical; in which case,
28 an acceptable performance guarantee to ensure installation of the landscaping shall be
29 provided as set forth in SRC 807.050.

30 (b) Landscaping shall be installed in a manner that conforms to the standards of the

1 American Association of Nurserymen, Inc.

2 **807.040. Irrigation.**

3 (a) A permanent underground or drip irrigation system with an approved backflow
4 prevention device shall be provided for all landscaped areas required under the UDC;
5 provided, however, a permanent underground or drip irrigation system is not required
6 for:

7 (1) Existing healthy vegetation that has been established for at least 2 years and
8 that is being preserved to meet the landscaping requirements under this Chapter;

9 (2) New vegetation that is drought resistant, in which case a 2-year plant
10 establishment schedule shall be provided with the landscaping plan describing the
11 amount of water to be applied over a 2-year time period and how that water will
12 be distributed to the plant material; and

13 (3) New vegetation located within stormwater facilities as required by the Public
14 Works Design Standards, in which case a 2-year plant establishment schedule
15 shall be provided with the landscaping plan describing the amount of water to be
16 applied over a 2-year time period and how that water will be distributed to the
17 plant material.

18 (b) Wherever feasible, sprinkler heads irrigating lawns or other high-water-demand
19 landscape areas shall be circuited so that they are on a separate zone or zones from
20 those irrigating trees, shrubbery, or other reduced-water-requirement areas.

21 **807.045. Maintenance.**

22 (a) The owner and tenant shall be jointly and severally responsible for maintaining all
23 landscaping material in good condition so as to present a healthy, neat, and orderly
24 appearance.

25 (b) Unhealthy or dead plant materials shall be replaced in conformance with the
26 approved landscape plan.

27 **807.050. Compliance/Performance Assurance.**

28 (a) Planting and installation of all required landscaping shall be inspected and
29 approved prior to the issuance of a Certificate of Occupancy; provided, however, a
30 Certificate of Occupancy may be issued prior to the complete installation of all required

1 landscaping if a performance guarantee equal to 100 percent of the cost of plant
2 materials and labor, as determined by the Planning Administrator, is filed with the City
3 assuring such installation within 12 months after the Certificate of Occupancy is issued.

4 **(b)** A performance guarantee shall consist of a surety bond, cash, certified check, time
5 certificate of deposit, an irrevocable letter of credit, or assignment of savings account in
6 a form approved by the City Attorney and recorded in the deed records of the
7 appropriate county.

8 **(c)** If the installation of the required landscaping is not completed within the specified
9 period, the performance guarantee may be used by the City to complete the installation.
10 Upon completion of the installation, any portion of the remaining security deposited
11 with the City shall be returned. The final landscape inspection shall be made prior to
12 any security being returned. Any portions of the plan not installed, not properly
13 installed, or not properly maintained shall cause the inspection to be postponed until the
14 project is completed or cause the security to be used by the City to complete the project.

15 **807.055. Administrative Relief.** Unless otherwise provided under the UDC, when special
16 circumstances or exceptional site characteristics are applicable to a property, the landscaping
17 requirements of this Chapter may be modified through a Class 3 Site Plan Review, pursuant to
18 SRC Chapter 220, upon finding that one of the following criteria is met:

19 **(a)** The proposed landscaping meets the intent of providing a buffer between adjacent
20 uses of differing character;

21 **(b)** The proposed landscaping incorporates the increased retention of mature tree(s);

22 **(c)** The proposed landscaping provides protection for wildlife habitat and existing
23 native vegetation and plant materials maintained in a natural state; or

24 **(d)** The proposed landscaping incorporates elements to maintain solar access or
25 provides for wind protection.

26 **Section 80.** The following SRC Chapter 808 is added to the Salem Revised Code:

27 **808.001. Purpose.** The purpose of this Chapter is to provide for the protection of heritage trees,
28 significant trees, and trees and native vegetation in riparian corridors, as natural resources for the
29 City, and to increase tree canopy over time by requiring tree preservation and planting of trees in
30 all areas of the City.

1 **808.005. Definitions.** Unless the context otherwise specifically requires, as used in this
2 Chapter, the following mean:

3 (a) Arborist: A person who has met the criteria for certification from the International
4 Society of Arboriculture, the American Society of Consulting Arborists, or similar
5 professional organization, and maintains accreditation.

6 (b) Caliper: The diameter of a tree trunk measured at 6 inches above ground level for
7 trunks up to and including 4 inch caliper size and at 12 inches above ground level for
8 larger sizes, when measuring nursery stock.

9 (c) Development: To construct or structurally alter a structure or to make alterations or
10 improvements to land for the purpose of enhancing its economic value or productivity.

11 (d) Development proposal: Any land division, mobile home park permit, conditional
12 use, variance, greenway permit, planned unit development, or site plan review.

13 (e) Grove: A group of trees providing at least one-half acre of canopy.

14 (f) Hazardous tree: A tree that is cracked, split, leaning, has a dead top or a large dead
15 limb high in the crown, or is otherwise physically damaged, to the degree that it is
16 likely to fall and injure persons or property. Hazardous trees include diseased trees,
17 meaning those trees with a disease of a nature that, without reasonable treatment or
18 pruning, is likely to spread to adjacent trees and cause such adjacent trees to become
19 diseased or hazardous trees.

20 (g) Heritage tree: A tree designated as a heritage tree pursuant to SRC 808.010(a).

21 (h) Invasive non-native vegetation: Plant species that are not indigenous to Oregon
22 and which, due to aggressive growth patterns and lack of natural enemies spread
23 rapidly into native plant communities, and which are designated as invasive, non-native
24 vegetation in the tree and vegetation technical manual.

25 (i) Preserved: The tree appears to be healthy and shows no signs of significant damage
26 due to construction.

27 (j) Restoration: The return of a stream, wetland, or riparian corridor to a state
28 consistent with habitat that is needed to support a healthy eco-system.

29 (k) Significant tree: Rare, threatened, or endangered trees of any size, as defined or
30 designated under state or federal law and included in the tree and vegetation technical

1 manual, and Oregon white oaks (*Quercus garryana*) with a dbh of 24 inches or greater.

2 (l) Suitable for preservation: The health of the tree is such that it is likely to survive
3 the process of development and construction in good condition and health.

4 (m) Top of bank: The elevation at which water overflows the natural banks and begins
5 to inundate the upland.

6 (n) Tree: Any living, woody plant, that grows to 15 feet or more in height, typically
7 with one main stem called a trunk, which is 10 inches or more dbh, and possesses an
8 upright arrangement of branches and leaves. The term “tree” also means any tree
9 planted under SRC 808.035, regardless of dbh. For the purposes of this Chapter, in a
10 riparian corridor, the term “tree” includes a dead or dying tree that does not qualify as a
11 hazardous tree.

12 (o) Tree and Vegetation Technical Manual: That document adopted by the City
13 Council which contains administrative regulations to implement the provisions of this
14 chapter, including, but not limited to, lists of invasive non-native vegetation and
15 nuisance vegetation, native vegetation which may be planted to fulfill the requirements
16 of this Chapter, identification of waterways, and planting techniques.

17 (p) Tree removal: To cut down a tree or remove 30 percent or more of the crown,
18 trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or
19 die. “Removal” includes but is not limited to topping, damage inflicted upon a root
20 system by application of toxic substances, operation of equipment and vehicles, storage
21 of materials, change of natural grade due to unapproved excavation or filling, or
22 unapproved alteration of natural physical conditions. “Removal” does not include
23 normal trimming or pruning of trees.

24 (q) Waterway: Any river, perennial stream, or creek within the city as designated by
25 the Director.

26 (r) Water-dependent activity: An activity which can be carried out only on, in, or
27 adjacent to a waterway because the activity requires access to the waterway for water-
28 borne transportation, recreation, energy production, or source of water.

29 **808.010. Heritage Trees.**

1 (a) **Designation of Heritage Trees.** The City Council may, by resolution, designate a
2 Heritage Tree upon nomination by the property owner, in recognition of the tree's
3 location, size, or age; botanical interest; or historic or cultural significance.

4 (b) **Protection of Heritage Trees.** No person shall remove a Heritage Tree unless the
5 tree has been determined to be a hazardous tree by a certified arborist, and such
6 determination is verified by the Planning Administrator.

7 (c) **Rescinding Heritage Tree Designation.** The City Council shall rescind a Heritage
8 Tree designation if the tree has been removed pursuant to subsection (b) of this section.

9 **808.015. Significant Trees.** No person shall remove a significant tree, unless the removal is
10 undertaken pursuant to a Tree and Vegetation Removal Permit issued under SRC 808.030,
11 undertaken pursuant to a Tree Conservation Plan approved under SRC 808.035, or undertaken
12 pursuant to a Tree Variance granted under SRC 808.045.

13 **808.020. Trees and Native Vegetation in Riparian Corridors.** No person shall remove a tree
14 in a riparian corridor or native vegetation in a riparian corridor, unless the removal is undertaken
15 pursuant to a Tree and Vegetation Removal Permit issued under SRC 808.030, undertaken
16 pursuant to a Tree Conservation Plan approved under SRC 808.035, or undertaken pursuant to a
17 Tree Variance granted under SRC 808.045. Roots, trunks, and branches of trees removed in
18 riparian corridors shall remain within the riparian corridor, unless determined to be a potential
19 hazard or impediment to stream flow by the Public Works Director.

20 **808.025. Trees on Lots or Parcels 20,000 Square Feet or Greater.** No person shall, prior to
21 site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000
22 square feet or greater, or on contiguous lots or parcels under the same ownership that total
23 20,000 square feet or greater, unless the removal is undertaken pursuant to a Tree and Vegetation
24 Removal Permit issued under SRC 808.030, undertaken pursuant to a Tree Conservation Plan
25 approved under SRC 808.035, or undertaken pursuant to a Tree Variance granted under SRC
26 808.045. Nothing in this section shall be construed to require the retention of trees, other than
27 heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of
28 site plan review or building permit approval, if the proposed development is other than Single
29 Family residential or Two Family residential.

30 **808.030. Tree and Vegetation Removal Permits.**

1 **(a) Applicability.**

2 **(1)** Except as provided in paragraph (2) of this subsection, no trees or native
3 vegetation protected under SRC 808.015, SRC 808.020, or SRC 808.025 shall be
4 removed unless a Tree and Vegetation Removal Permit has been issued pursuant
5 to this section.

6 **(2) Exceptions.** A Tree and Vegetation Removal Permit is not required for the
7 removal of trees or native vegetation protected under SRC 808.015 SRC 808.020,
8 or SRC 808.025 when the removal is:

9 **(A)** Necessary for maintenance of a vision clearance area, as required in
10 SRC Chapter 805;

11 **(B)** Required by the city or a public utility for the installation,
12 maintenance, or repair of roads or utilities, including water lines, sewer
13 lines, gas lines, electric lines, and telecommunications lines. This
14 exception does not apply to new development or construction in a riparian
15 corridor;

16 **(C)** Necessary for continued maintenance of existing landscaping. For
17 the purposes of this exception, “existing landscaping” means an area
18 within a riparian corridor which was adorned or improved through the
19 planting of flowers and trees, contouring the land, or other similar activity
20 prior to June 21, 2000;

21 **(D)** Necessary for the installation, maintenance, or repair of public
22 irrigation systems, stormwater detention areas, pumping stations, erosion
23 control and soil stabilization features, and pollution reduction facilities.
24 Maintenance includes the cleaning of existing drainage facilities and trash
25 removal;

26 **(E)** Removal of invasive non-native or nuisance vegetation in riparian
27 corridors;

28 **(F)** Necessary for public trail or public park development and
29 maintenance;

30 **(G)** Necessary to conduct flood mitigation;

1 (H) Necessary to effect emergency actions which must be undertaken
2 immediately, or for which there is insufficient time for full compliance
3 with this chapter, when it is necessary to prevent an imminent threat to
4 public health or safety, prevent imminent danger to public or private
5 property, or prevent an imminent threat of serious environmental
6 degradation. Trees subject to emergency removal must present an
7 immediate danger of collapse. For purposes of this subsection,
8 "immediate danger of collapse" means that the tree is already leaning, with
9 the surrounding soil heaving, and there is a significant likelihood that the
10 tree will topple or otherwise fall and cause damage. The person
11 undertaking emergency action shall notify the Planning Administrator
12 within one working day following the commencement of the emergency
13 activity. If the Planning Administrator determines that the action or part
14 of the action taken is beyond the scope of allowed emergency action,
15 enforcement action may be taken;

16 (I) A commercial timber harvest conducted in accordance with the
17 Oregon Forest Practices Act, ORS 527.610-527.992, on property enrolled
18 in a forest property tax assessment program, and which is not being
19 converted to a non-forestland use. Properties from which trees have been
20 harvested under the Oregon Forest Practices Act may not be partitioned,
21 subdivided, developed as a planned unit development, or developed for
22 commercial uses or activities for a period of 5 years following the
23 completion of the timber harvest;

24 (J) Associated with mining operations conducted in accordance with an
25 existing operating permit approved by the Oregon Department of Geology
26 and Mineral Industries under Oregon Mining Claim law, ORS 517.750-
27 517.955;

28 (K) Removal of Oregon white oaks (*Quercus garryana*) on undeveloped
29 lots or parcels of record as of August 9, 2005, that are less than 20,000
30 square feet. For the purposes of this section, "undeveloped" means that no

1 single family dwelling unit or duplex dwelling unit has been constructed
2 on the lot or parcel as of August 9, 2005;

3 **(L)** Removal of Oregon white oaks (*Quercus garryana*) where the
4 removal is necessary in connection with construction of a commercial or
5 industrial facility.

6 **(M)** Necessary as part of a restoration activity within a riparian corridor
7 undertaken pursuant to an equivalent permit issued by the Oregon
8 Division of State Lands and/or the United States Corps of Engineers;
9 provided, however, that the permittee must provide, prior to the removal, a
10 copy of the permit and all required monitoring reports to the Planning
11 Administrator;

12 **(N)** Removal of trees on a lot or parcel 20,000 square feet or greater, or
13 on contiguous lots or parcels under the same ownership that total 20,000
14 square feet or greater, and the removal does not result in:

15 **(i)** Removal of more than 5 trees or 15 percent of the trees,
16 whichever is greater, within a single calendar year;

17 **(ii)** Removal of more than 50 percent of the trees within any 5
18 consecutive calendar years; and

19 **(iii)** Removal of heritage trees, significant trees, and trees in
20 riparian corridors.

21 **(O)** Undertaken pursuant to a Tree Conservation Plan, required in
22 conjunction with any development proposal for the creation of lots or
23 parcels to be used for Single Family or Two Family uses or activities,
24 approved under SRC 808.035;

25 **(P)** Undertaken pursuant to a Tree Conservation Plan Adjustment granted
26 under SRC 808.040; or

27 **(Q)** Undertaken pursuant to a Tree Variance granted under SRC 808.045.

28 **(b) Procedure Type.** A Tree and Vegetation Removal Permit is processed as a Type I
29 procedure under SRC Chapter 300.
30

1 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I
2 application under SRC Chapter 300, an application for a Tree and Vegetation Removal
3 Permit shall include the following:

4 (1) A site plan, of a size and form and in the number of copies meeting the
5 standards established by the Planning Administrator, containing the following
6 information:

7 (A) The total site area, dimensions, and orientation relative to north;

8 (B) Site topography shown at 2-foot contour intervals;

9 (C) The location of any existing structures on the site;

10 (D) The type, size, and location of trees and native vegetation to be
11 preserved or removed;

12 (E) The locations and descriptions of staking or other protective devices
13 to be installed for trees and native vegetation to be preserved; and

14 (F) The site plan may contain a grid or clear delineation of phases that
15 depict separate areas where the work is to be performed.

16 (2) In addition to the information required by paragraph (1) of this subsection, an
17 application for tree or native vegetation removal connected with restoration
18 activity in a riparian corridor shall include:

19 (A) A delineation of the boundaries of the riparian corridor on the site
20 plan;

21 (B) A conceptual tree and vegetation planting or replanting plan;

22 (C) A completed wetland delineation or determination, if applicable;

23 (D) A grading plan, if grading is planned or anticipated;

24 (E) A verification from the Department of Public Works that erosion
25 control measures will be initiated, if required; and

26 (F) A monitoring and maintenance plan, if required by Oregon Division
27 of State Lands or the United States Corps of Engineers.

28 (3) **Waiver of Submittal Requirements for Certain Restoration Activities in**
29 **Riparian Corridors.** The Planning Administrator may waive the requirement to
30 submit all or part of the information required by paragraphs (1) and (2) of this

1 subsection for a restoration activity in a riparian corridor that affects less than
2 one-quarter acre and does not require a permit from the Oregon Division of State
3 Lands or United States Corps of Engineers.

4 **(d) Approval Criteria.** An application for a Tree and Vegetation Removal Permit
5 shall be granted if one or more of the following criteria are met:

6 **(1) Hazardous Tree.** The condition or location of the tree presents a hazard or
7 danger to persons or property; and the hazard or danger cannot reasonably be
8 alleviated by treatment or pruning, or the tree has a disease of a nature that even
9 with reasonable treatment or pruning is likely to spread to adjacent trees and
10 cause such trees to become hazardous trees.

11 **(2) Repair, Alteration, or Replacement of Existing Structures.** The tree or
12 native vegetation removal is reasonably necessary to effect the otherwise lawful
13 repair, alteration, or replacement of structures existing as of June 21, 2000, the
14 footprint of the repaired, altered, or replacement structure is not enlarged, and no
15 additional riparian corridor area is disturbed beyond that essential to the repair,
16 alteration, or replacement of the existing structure.

17 **(3) Water Dependent Activities.** The tree or native vegetation removal is
18 necessary for the development of a water-dependent activity, and no additional
19 riparian corridor area will be disturbed beyond that essential to the development
20 of the water-dependent activity.

21 **(4) Restoration Activity within Riparian Corridor.** The tree or native
22 vegetation removal is required for a restoration activity within a riparian corridor
23 designed to improve the habitat, hydrology, or water quality function of the
24 riparian corridor, and:

25 **(A)** The short-term impacts of the restoration activity will be minimized;

26 **(B)** Effective erosion control measures will be implemented;

27 **(C)** All necessary permits have been applied for or obtained; and

28 **(D)** No trees or native vegetation will be removed unless the removal is
29 justified for the long term benefit of the environment and is in keeping
30 with acceptable riparian restoration guidance.

1 **(e) Conditions of Approval.**

2 **(1)** Conditions may be imposed on the approval of a Tree and Vegetation
3 Removal Permit to ensure compliance with the approval criteria.

4 **(2)** In addition to the conditions imposed under paragraph (1) of this subsection,
5 Tree and Vegetation Removal Permits for the removal of trees or native
6 vegetation in connection with a restoration activity within a riparian corridor shall
7 include the following condition:

8 **(A)** Trees and native vegetation removed shall be replaced in compliance
9 with the tree and native vegetation replacement standards set forth in SRC
10 808.055.

11 **808.035. Tree Conservation Plans.**

12 **(a) Applicability.** A Tree Conservation Plan is required in conjunction with any
13 development proposal for the creation of lots or parcels to be used for Single Family or
14 Two Family uses, if the development proposal will result in the removal of trees.

15 **(b) Procedure Type.** A Tree Conservation Plan is processed as a Type I procedure
16 under SRC Chapter 300.

17 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type I
18 application under SRC Chapter 300, an application for a Tree Conservation Plan shall
19 include the following:

20 **(1)** A site plan, of a size and form and in the number of copies meeting the
21 standards established by the Planning Administrator, containing the following
22 information:

23 **(A)** The total site area, dimensions, and orientation relative to north;

24 **(B)** Proposed lot or parcel lines;

25 **(C)** Site topography shown at 2-foot contour intervals;

26 **(D)** Identification of slopes greater than 25 percent;

27 **(E)** The location of any existing structures on the site;

28 **(F)** Identification of the type, size, and location of all existing trees on the
29 property;

- (G) Identification of those trees proposed for preservation and those designated for removal;
- (H) The location of all utilities and other improvements;
- (I) Required setbacks for the proposed lots or parcels;
- (J) The locations and descriptions of staking or other protective devices to be used during construction; and
- (K) The site plan may contain a grid or clear delineation of phases that depict separate areas in which work is to be performed and identification of those trees proposed for preservation and those designated for removal with each phase.

(2) In addition to the information required by paragraph (1) of this subsection, when a riparian corridor is located on the property, the tree conservation plan shall include:

- (A) A delineation of the boundaries of the riparian corridor on the site plan;
- (B) A description of the vegetation within the riparian corridor;
- (C) A tree and native vegetation replanting plan, in compliance with the standards set forth in SRC 808.055, if trees and native vegetation within the riparian corridor are proposed for removal.

(d) Approval Criteria. An application for a Tree Conservation Plan shall be granted if the following criteria are met:

- (1) No heritage trees are designated for removal;
- (2) No significant trees are designated for removal, unless there no reasonable design alternatives that would enable preservation of such trees;
- (3) No trees or native vegetation in a riparian corridor are designated for removal, unless there are no reasonable design alternatives that would enable preservation of such trees or native vegetation;
- (4) Not less than 25 percent of all trees located on the property are designated for preservation; provided, however, if less than 25 percent of all trees located on the

1 property are designated for preservation, only those trees reasonably necessary to
2 accommodate the proposed development shall be designated for removal.

3 **(e) Conditions of Approval.**

4 **(1)** Conditions may be imposed on the approval of a Tree Conservation Plan to
5 ensure compliance with the approval criteria.

6 **(2)** In addition to any conditions imposed under paragraph (1) of this subsection,
7 every Tree Conservation Plan shall include the following conditions:

8 **(A)** All trees and native vegetation designated for preservation under the
9 tree conservation plan shall be marked and protected during construction.

10 Any heritage tree or significant tree shall require that at least 70 percent of
11 a circular area beneath the tree measuring one foot in radius for every one
12 inch of dbh be protected by an above ground silt fence, or its equivalent.

13 Protection measures shall continue until the issuance of a Notice of Final
14 Completion for the Single Family dwelling or Two Family dwelling.

15 **(B)** Each lot or parcel within the development proposal shall comply with
16 the tree planting requirements set forth in SRC 808.050.

17 **(f) Expiration.** A tree conservation plan shall remain valid as long as the development
18 proposal the tree conservation plan is issued in connection with remains valid.

19 **808.040. Tree Conservation Plan Adjustments.**

20 **(a) Applicability.**

21 **(1)** Except as provided under paragraph (2) of this subsection, no tree or native
22 vegetation designated for preservation in a Tree Conservation Plan shall be
23 removed unless a Tree Conservation Plan Adjustment has been approved pursuant
24 to this section.

25 **(2) Exceptions.** A Tree Conservation Plan Adjustment is not required for:

26 **(A)** A tree that has been removed due to natural causes; provided,
27 however, that evidence must be provided to the Planning Administrator
28 demonstrating the removal was due to natural causes.

29 **(B)** Removal of a hazardous tree, subject to a Tree and Vegetation
30 Removal Permit issued under SRC 808.030.

1 (C) Removal necessary to effect emergency actions excepted under SRC
2 808.030(a)(2)(H).

3 (b) **Procedure Type.** A Tree Conservation Plan Adjustment is processed as a Type I
4 procedure under SRC Chapter 300.

5 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I
6 application under SRC Chapter 300, an application for a Tree Conservation Plan
7 Adjustment shall include the following:

8 (1) A site plan, of a size and form and in the number of copies meeting the
9 standards established by the Planning Administrator, containing the following
10 information:

11 (A) The total site area, dimensions, and orientation relative to north; and

12 (B) Identification of the type, size, and location of those trees proposed
13 for removal under the Tree Conservation Plan Adjustment.

14 (2) In addition to the information required by paragraph (1) of this subsection,
15 when a riparian corridor is located on the property, an application for a Tree
16 Conservation Plan Adjustment shall include:

17 (A) A delineation of the boundaries of the riparian corridor on the site
18 plan; and

19 (B) Identification of the type and location of any native vegetation within
20 the riparian corridor proposed for removal under the Tree Conservation
21 Plan Adjustment.

22 (d) **Approval Criteria.** A Tree Conservation Plan Adjustment shall be approved if the
23 following criteria are met:

24 (1) There are special conditions that could not have been anticipated at the time
25 the tree conservation plan was submitted that create unreasonable hardships or
26 practical difficulties which can be most effectively relieved by an adjustment to
27 the tree conservation plan.

28 (2) When the Tree Conservation Plan Adjustment proposes the removal of a
29 significant tree, there are no reasonable design alternatives that would enable
30 preservation of the tree.

1 (3) When the Tree Conservation Plan Adjustment proposes the removal of a tree
2 or native vegetation within a riparian corridor, there are no reasonable design
3 alternatives that would enable preservation of the tree or native vegetation.

4 (4) When the Tree Conservation Plan Adjustment proposes to reduce the number
5 of trees preserved in the original tree conservation plan below 25 percent, only
6 those trees reasonably necessary to accommodate the proposed development are
7 designated for removal.

8 (e) **Conditions of Approval.** Conditions may be imposed on the approval of a Tree
9 Conservation Plan Adjustment to ensure compliance with the approval criteria and to
10 fulfill the intent of the original Tree Conservation Plan, including requiring additional
11 plantings on or off site.

12 **808.045. Tree Variances.**

13 (a) **Applicability.** Tree Variances may be granted to allow deviation from the
14 requirements of this Chapter where the deviation is reasonably necessary to permit the
15 otherwise lawful development of a property.

16 (b) **Procedure Type.** A Tree Variance is processed as a Type II procedure under SRC
17 Chapter 300.

18 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
19 application under SRC Chapter 300, an application for a Tree Variance shall include
20 the following:

21 (1) A site plan, of a size and form and in the number of copies meeting the
22 standards established by the Planning Administrator, containing the following
23 information:

24 (A) The total site area, dimensions, and orientation relative to north;

25 (B) The location of any existing structures on the site;

26 (C) Identification of the type, size, and location of all existing trees on the
27 property;

28 (D) Identification of those trees proposed for preservation and those
29 designated for removal; and

30 (E) The location of roads, bridges, utilities, and other improvements;

1 (2) In addition to the information required by paragraph (1) of this subsection,
2 when a riparian corridor is located on the property, an application for a Tree
3 Variance shall include:

4 (A) A delineation of the boundaries of the riparian corridor on the site
5 plan;

6 (B) Identification of the type and location of any native vegetation within
7 the riparian corridor proposed for removal.

8 (d) **Approval Criteria.** A Tree Variance shall be granted if either of the following
9 criteria is met:

10 (1) **Hardship.**

11 (A) There are special conditions that apply to the property which create
12 unreasonable hardships or practical difficulties which can be most
13 effectively relieved by a variance; and

14 (B) The proposed variance is the minimum necessary to allow the
15 otherwise lawful proposed development or activity; or

16 (2) **Economical Use.**

17 (A) Without the variance, the applicant would suffer a reduction in the
18 fair market value of the applicant's property, or otherwise suffer an
19 unconstitutional taking of the applicant's property;

20 (B) The proposed variance is the minimum necessary to prevent a
21 reduction in the fair market value of the applicant's property or otherwise
22 avoid a taking of property; and

23 (C) The proposed variance is consistent with all other applicable local,
24 state, and federal laws.

25 (e) **Conditions of Approval.**

26 (1) Conditions may be imposed on the approval of a Tree Variance to ensure
27 compliance with the approval criteria and to limit any adverse impacts that may
28 result from granting the Tree Variance.

29 (2) In addition to any condition imposed under paragraph (1) of this subsection,
30 where a variance is proposed to the requirements for the preservation of trees and

1 native vegetation in riparian corridors, the approval shall include the following
2 conditions:

3 (A) Altered riparian corridor areas that can be reasonably restored, shall
4 be restored; and

5 (B) In no case shall alterations to the riparian corridor:

6 (i) Occupy more than 50 percent of the width of the riparian
7 corridor measured from the upland edge of the corridor; or

8 (ii) Result in less than 15 feet of vegetated corridor on each side of
9 the waterway.

10 **808.050. Tree Planting Requirements.**

11 (a) Within development proposals for the creation of lots or parcels to be used for
12 Single Family or Two Family uses, each lot or parcel shall contain, at a minimum, the
13 number of trees set forth in Table 808-1.

14 (b) If there are insufficient existing trees on a lot or parcel to satisfy the number of
15 trees required under Table 808-1, additional trees sufficient to meet the requirement
16 shall be planted. The additional trees shall be a minimum 1.5 inch caliper.

17 **TABLE 808-1**

18 **TREE PLANTING REQUIREMENTS**

19 **Table 808-1: Tree Planting Requirements**

20 Lot or Parcel Size	21 Minimum Trees Required
22 6,000 ft. ² or less	2
23 6,001 ft. ² to 7,000 ft. ²	3
24 7,001 ft. ² to 8,000 ft. ²	4
25 8,001 ft. ² to 9,000 ft. ²	5
26 Greater than 9,000 ft. ²	6

27 **808.055. Tree and Native Vegetation Replacement Standards within Riparian Corridors.**

28 Where replacement of trees and native vegetation within a riparian corridor is required by this
29 Chapter, the replacement shall comply with the following:

30 (a) Trees and native vegetation removed shall be replaced at an area replacement ratio
of one-to-one. If there is inadequate space for replanting at or near the location where

1 the tree or native vegetation was removed, replanting may occur elsewhere within the
2 riparian corridor on the property.

3 (b) Replacement trees shall have a minimum 1.5 inch caliper and shall be of species
4 authorized in the Tree and Vegetation Technical Manual.

5 (c) Replacement vegetation shall be of sizes and species authorized in the Tree and
6 Vegetation Technical Manual.

7 **808.060. Tree Canopy Preservation Fund.**

8 (a) Funds collected from any grants and donations for the planting, maintenance, and
9 preservation of trees shall go into a tree canopy preservation fund, 95 percent of which
10 funds shall be designated for the acquisition, maintenance, and preservation of groves
11 of trees within the city or the Salem-Keizer Urban Growth Boundary. The remaining 5
12 percent shall be used to promote the planting of new trees as follows, at the discretion
13 of the Director:

14 (1) In a public or private park, school yard, riparian corridor, or nature area;

15 (2) In public rights-of-way, except in storm or sewer easements; or

16 (3) In the form of a donation to non-profit organizations for the purposes of
17 planting trees within the city or the Salem-Keizer Urban Growth Boundary.

18 (b) The City shall conduct a tree canopy study every census year, using the most
19 economically feasible method, for the purposes of measuring the effectiveness of this
20 Chapter and other development-related ordinances in preserving and improving the
21 amount of tree canopy area within the City or the Salem-Keizer Urban Growth
22 Boundary.

23 **808.065. Enforcement.** In any action brought under SRC 110.110 to enforce this Chapter, the
24 following shall apply:

25 (a) **Stop Work Order.** If the applicant's site plan contains a grid or phases that
26 designate areas in which work is to be performed, only that grid area or phase in which
27 any violation occurred shall be affected by any stop work order.

28 (b) **Permit Revocation.** In addition to the grounds set forth under SRC 110.110, a
29 permit may be revoked if the work is a hazard to property or public safety; is adversely
30 affecting or about to adversely affect adjacent property or rights-of-way, a drainage

1 way, waterway, riparian corridors, significant wetlands or storm water facility; or is
2 otherwise adversely affecting the public health, safety, or welfare.

3 **(c) Restoration.** Persons violating this Chapter, or any permit issued hereunder, shall
4 be responsible for restoring damaged areas in conformance with a plan approved by the
5 Planning Administrator which provides for repair of any environmental or property
6 damage and restoration of the site. The plan shall result in conditions upon the site
7 which, to the greatest extent practical, equal the conditions that would have existed had
8 the violation not occurred, as verified by a qualified professional. Costs of restoration
9 shall be not less than those determined equal to the monetary value of the regulated
10 trees and/or native vegetation removed in violation of this Chapter, or permit issued
11 hereunder, as set forth in an appraisal acceptable to the Planning Administrator, based
12 upon the latest edition of "Guide for Plant Appraisals" (International Society of
13 Arboriculture, Council of Tree & Landscape Appraisers).

14 **(d) Prohibition of Further Approvals.** The City shall not issue a Notice of Final
15 Completion for property on which a violation of this Chapter has occurred or is
16 occurring, until the violation has been cured by restoration or other means acceptable to
17 the Planning Administrator and any penalty imposed for the violation is paid.

18 **(e) Injunctive Relief.** The City may seek injunctive relief against any person who has
19 willfully engaged in a violation of SRC 808.035 or SRC 808.040, such relief to be in
20 effect for a period not to exceed 5 years.

21 **Section 81.** The following SRC Chapter 809 is added to the Salem Revised Code:

22 **809.001. Purpose.** The purpose of this Chapter is to identify those wetlands located within the
23 City of Salem which are significant and non-significant, and to establish the foundation for a
24 wetlands protection program that will provide for the long-term protection of wetlands within the
25 City of Salem.

26 **809.005. Definitions.** Unless the context otherwise specially requires, as used in this Chapter,
27 the following mean:

28 (a) Best available information: Information used in making the classification of a
29 wetland as Locally Significant, including, but not limited to the Salem-Keizer Local
30 Wetland Inventory, aerial photos taken in 2000; Oregon Natural Heritage Program data;

1 Department of Environmental Quality data for streams listed under the Clean Water
2 Act (CWA, 33 U.S.C. 1250, *et seq.*, at 1313 (d)), Section 303(d); Geographic
3 Information System (GIS) data from the City of Salem, including, but not limited to
4 location of city parks, local waterways, tax lot data and property ownership, fish-
5 bearing streams, FEMA and floodplain data; and any other data or information from a
6 trustworthy source which may be verified by observation, investigation, or research, or
7 which is considered authoritative by professionals in the scientific community.

8 **(b) Indigenous Salmonids:** Members of the family Salmonidae which are listed as
9 sensitive, threatened or endangered by a federal or state authority, including Chum,
10 Sockeye, Chinook and Coho salmon, and steelhead and cutthroat trout.

11 **(c) Inhabited by:** The plant or animal species uses the site for rearing, feeding, or
12 breeding, or as a migration or dispersal corridor. As used in this definition, “inhabited
13 by” does not include the incidental use of the site by an animal species.

14 **(d) Locally significant wetland:** A wetland which provides functions or exhibits
15 characteristics that are pertinent to planning decisions, including planning decisions
16 within the UGB, and which has been determined to be significant under the criteria
17 listed in OAR 141-086-0350.

18 **(e) Local Wetland Inventory:** A systematic survey of an area to identify, classify, and
19 map the approximate boundaries of wetlands, and that includes the supporting
20 documentation required by OAR 141-086-0180.

21 **(f) Native plant community:** A recognized assemblage of plant species indigenous to
22 Oregon, as identified in the “Classification and Catalog of Native Wetland Plant
23 Communities in Oregon,” published by the Oregon Natural Heritage Program.

24 **(g) Non-significant wetland:** Those wetlands that are part of the Salem-Keizer Local
25 Wetland Inventory which were not identified as Locally Significant Wetlands using the
26 OFWAM analysis.

27 **(h) Oregon Freshwater Wetland Assessment Methodology (OFWAM):** A wetland
28 function and quality assessment methodology developed by the Oregon Division of
29 State Lands. Local governments are required to use OFWAM, or an equivalent
30 methodology that is approved in writing by the Director of the Oregon Division of State

1 Lands, to assess wetland functions and determine significance.

2 (i) Rare plant communities: Plants which are uncommon, unique, or relictual in
3 Oregon, as determined by the number of occurrences and threats according to Oregon
4 Natural Heritage Program criteria. Listings of wetland plant communities in Oregon
5 which meet this standard for rarity may be found in "Oregon Freshwater Wetland
6 Assessment Methodology," Appendix G (1996), published by the Oregon Division of
7 State Lands, and the Classification and Catalog of Native Wetland Plant Communities
8 in Oregon, published by the Oregon Natural Heritage Program.

9 (j) UGB: The City of Salem Urban Growth Boundary.

10 (k) Wetland: An area inundated or saturated by surface water or groundwater at a
11 frequency and duration sufficient to support, and under normal circumstances does
12 support, a prevalence of vegetation typically adapted for life in saturated soil
13 conditions.

14 **809.010. Criteria for Identification.** Using the Local Wetlands Inventory, a functional and
15 quality assessment of all inventoried wetlands within the city and the UGB, and the best
16 available information, the Director shall identify local wetlands as Locally Significant or Non-
17 Significant.

18 (a) A wetland shall be identified as Locally Significant if it meets one or more of the
19 following criteria:

20 (1) The wetland performs any of the following functions according to the
21 OFWAM:

22 (A) Provides diverse wildlife habitat;

23 (B) Provides intact fish habitat;

24 (C) Provides intact water quality function; or

25 (D) Provides intact hydrologic control function.

26 (2) The wetland or a portion of the wetland occurs within a horizontal distance of
27 less than one-fourth mile from a water body listed by the Department of
28 Environmental Quality as a water quality limited water body under Clean Water
29 Act (CWA, 33 U.S.C. 1250, *et seq.*, at 1313(d)), Section 303 (d), and the
30 wetland's water quality function is described as "intact" or "impacted or

1 degraded" using OFWAM. The 303(d) List specifies which parameters (e.g.,
2 temperature, pH) do not meet state water quality standards for each listed water
3 body. The Director may determine a wetland is Not Significant under this
4 paragraph upon documentation that the wetland does not provide water quality
5 improvements for the specified parameter or parameters.

6 **(3)** The wetland contains one or more rare plant communities.

7 **(4)** The wetland is inhabited by any species listed by the federal government as
8 threatened or endangered, or listed by the state as sensitive, threatened, or
9 endangered, unless the appropriate state or federal agency indicates that the
10 wetland is not important for the maintenance of the species.

11 **(A)** The use of the site by listed species must be documented, not
12 anecdotal. Acceptable sources of documentation may include, but are not
13 limited to, field observations at the wetland sites during the local wetlands
14 inventory and functional assessments, and existing information on rare
15 species occurrences maintained by agencies including, but not limited to,
16 the Oregon Natural Heritage Program, Oregon Department of Fish and
17 Wildlife, Oregon Department of Agriculture, the U.S. Fish and Wildlife
18 Service, and the National Marine Fisheries Service.

19 **(B)** Input originating from other locally knowledgeable sources
20 constitutes documentation for the purposes of this subparagraph if it is
21 verified by one of the agencies identified under subparagraph (A) of this
22 paragraph, or in a university or college reference collection.

23 **(5)** The wetland has a direct surface water connection to a stream segment
24 mapped by the Oregon Department of Fish and Wildlife as habitat for indigenous
25 salmonids, and the wetland is determined to have "intact" or "impacted or
26 degraded" fish habitat function using OFWAM.

27 **(b)** A wetland may be identified as Locally Significant if the wetland meets one or
28 more of the following criteria:

29 **(1)** The wetland represents a locally unique native plant community or, if the
30 entire UGB has been inventoried, the wetland contains the only representative of

1 a particular native wetland plant community in the UGB. To be identified as
2 Locally Significant under this paragraph, the wetland must also have been
3 assessed to perform at least one of the following functions according to OFWAM:

4 (A) The wetland provides diverse habitat, or provides habitat for some
5 wildlife species;

6 (B) Its fish habitat is either intact, or impacted or degraded;

7 (C) Its water quality function is either intact, or impacted or degraded; or

8 (D) Its hydrologic control function is either intact, or impacted or
9 degraded.

10 (2) The wetland is publicly owned and determined to "have educational uses"
11 using OFWAM, and such use by a school or organization is documented for that
12 site.

13 (c) **Exclusions.** Notwithstanding subsections (a) and (b) of this section, wetlands shall
14 not be designated as Locally Significant if they fall within any one of the following
15 categories:

16 (1) Wetlands artificially created entirely from upland that are:

17 (A) Created for the purpose of controlling, storing, or maintaining
18 stormwater; or

19 (B) Active surface mining or active log ponds; or

20 (C) Ditches without a free and open connection to natural waters of the
21 state, as defined in OAR 141-085-0510, and which do not contain food or
22 game fish as defined in ORS 496.009; or

23 (D) Less than one acre in size and created unintentionally as the result of:

24 (i) Irrigation water overflow or leakage; or

25 (ii) Construction activity not related to compensatory mitigation
26 for permitted wetland impacts; or

27 (E) Of any size and created for the purpose of wastewater treatment,
28 cranberry production, farm or stock watering, settling of sediment, cooling
29 industrial water, or as a golf course hazard.

30 (2) Wetlands or portions of wetlands that are contaminated by hazardous

1 substances, materials, or wastes under the following conditions:

2 (A) The wetland is documented as contaminated on either the U.S.
3 Environmental Protection Agency's National Priority List ("Superfund
4 List") or the Oregon Department of Environmental Quality's Inventory of
5 Hazardous Substance Sites.

6 (B) Only that portion of the wetland affected by such hazardous
7 substances or wastes shall be excluded from the Locally Significant
8 Wetland analysis. Affected portions shall be delineated in consultation
9 with EPA and DEQ, and shall include areas potentially disturbed by clean-
10 up activities.

11 (C) Contaminated wetlands that have subsequently been removed from
12 the NPL or DEQ Inventory following clean-up shall be re-evaluated under
13 the Locally Significant Wetlands criteria no later than the City of Salem's
14 next periodic review.

15 **809.015. Notification of Identification; Request for Redesignations; Delineations.**

16 (a) Each property owner whose property contains a wetland which is identified under
17 SRC 809.010, and each person owning property within 100 feet of such affected
18 property, shall receive written notice of such designation. The notice shall contain the
19 following:

- 20 (1) A description of the affected property;
- 21 (2) A statement that a wetland exists on the property, with a map of the
22 approximate location of the wetland, which has been subject to evaluation and
23 identification as Locally Significant or Non-Significant;
- 24 (3) A statement that such identification was performed according to the
25 requirements of the Oregon Division of State Lands and the Department of Land
26 Conservation and Development pursuant to ORS 197.279(3)(b);
- 27 (4) A statement that the wetlands may be subject to local, state, or federal
28 regulation; and
- 29 (5) The name and contact information for the staff person for additional
30 information.

1 (b) Any property owner who receives notice under subsection (a) of this section may
2 file a request for redesignation or delineation with the Director within 90 days of the
3 date the notice is issued. No redesignation shall occur unless the property owner can
4 show, using the best available information, that the designation fails to satisfy the
5 criteria for local significance under SRC 809.010(a) or SRC 809.010(b). No
6 adjustment to the official wetlands map based on a delineation shall be made unless the
7 delineation has been approved by the Oregon Division of State Lands.

8 **809.020. Locally Significant and Non-Significant Wetlands Maps; Adoption and**
9 **Amendment.**

10 (a) The Director shall develop a map depicting each wetland, using the criteria set
11 forth under SRC 809.010. The map shall show the boundary of the wetland, based on
12 the best available information, and shall identify each wetland as Locally Significant or
13 Non-Significant. The wetland map shall be adopted or amended by resolution of the
14 City Council. Any wetland identified as Locally Significant on the official map shall
15 be subject to the regulations for Locally Significant Wetlands under SRC Chapter 808.

16 (b) Wetlands not identified in the Local Wetlands Inventory shall be assessed for local
17 significance pursuant to SRC 809.010 as soon as practicable after discovery, and added
18 to the official wetlands map, if determined by the Director to be locally significant.

19 (c) Amendments to the official wetland map may be made if the property owner
20 demonstrates, using the best available information, that the designation fails to satisfy
21 the criteria for a locally significant wetland under SRC 809.010(a) and 809.010(b), or
22 the delineation is no longer accurate. No adjustment to the official wetlands map based
23 on the accuracy of a delineation shall be made unless a redelineation has been approved
24 by the Oregon Division of State Lands.

25 (d) Notice of proposed amendments to the official wetlands map shall be made
26 pursuant to SRC 809.015(a). Any property owner who receives a notice of under
27 subsection (d) of this section may file a request for redesignation or delineation with the
28 Director within 90 days of the date the notice is issued. Appeals of decisions amending
29 the official wetlands map shall be made to the hearings officer and shall follow the
30 procedures set forth in SRC 300.1000 through SRC 300.1040.

1 **809.025. Required Notification of the Oregon Division of State Lands.** Within 5 working
2 days of receiving a completed application for development or land use in an area designated as a
3 wetland on the official wetlands map, the City shall:

4 (a) Send a Wetland Land Use Notification form to the Division of State Lands of any
5 application for development or land use in an area designated as a wetland on the
6 official wetlands map; and

7 (b) Send a letter to the applicant, and, if different, the owner of the real property, and
8 the watershed council functioning in the area within which the wetland lies, stating that
9 Division of State Lands is being notified, along with a copy of the completed Wetland
10 Land Use Notification form.

11 **Section 82.** The following SRC Chapter 810 is added to the Salem Revised Code:

12 **810.001. Purpose.** The purpose of this Chapter is to implement the Geologic Hazards policy of
13 the Scenic and Historic Areas, Natural Resources, and Hazards section of the Salem Area
14 Comprehensive Plan and to promote the public health, safety and welfare by:

15 (a) Assessing the risk that proposed uses or activities will adversely affect the stability
16 and slide susceptibility of an area;

17 (b) Establishing standards and requirements for the use and development of land
18 within landslide hazard areas; and

19 (c) Mitigating risk within landslide hazard areas.

20 **810.005. Applicability.** This chapter applies to all areas of land designated as Moderate
21 Landslide Hazard Risk or High Landslide Hazard Risk pursuant to this Chapter.

22 **810.010. Definitions.** Unless the context otherwise specifically requires, as used in this Chapter,
23 the following mean:

24 (a) Certified Engineering Geologist: Any Registered Geologist who is certified in the
25 specialty of Engineering Geology under provisions of ORS 672.505 to 672.705.

26 (b) Geological assessment: An assessment prepared and stamped by a Certified
27 Engineering Geologist, detailing the surface and subsurface conditions of the site and
28 delineating the areas of a property that might be subject to specified geologic hazards.

29 (c) Geotechnical Engineer: A Professional Engineer, registered in the State of Oregon
30 as provided by ORS 672.002 to 672.325, who by training, education and experience is

1 qualified in the practice of geotechnical or soils engineering practices.

2 (d) Geotechnical report: A report prepared and stamped by a Certified Engineering
3 Geologist and Geotechnical Engineer, evaluating the site conditions and mitigation
4 measures necessary to reduce the risks associated with development in geologically
5 hazardous areas.

6 (e) Graduated response tables: Those tables under SRC 810.025 that are used to
7 determine the total landslide hazard risk and required level of site investigation for
8 regulated activities under this Chapter.

9 (f) Landslide: The down slope movement of soil, rocks, or other surface matter on a
10 site. Landslides may include, but are not limited to, slumps, mudflows, earthflows,
11 debris flows, and rockfalls.

12 (g) Landslide Hazard Susceptibility Map: Cumulatively, the Oregon Department of
13 Geology and Mineral Industries (DOGAMI) Interpretive Map Series IMS-5, IMS-6,
14 IMS-17, IMS-18, and IMS-22 maps, together with the slope contour map.

15 (h) Mitigation measure: An action designed to reduce project-induced geologically
16 hazardous area impacts.

17 (i) Tree: Any living, woody plant, which grows to 15 feet or more in height, having a
18 trunk which is 10 inches or more dbh.

19 (j) Tree removal: To cut down a tree or remove all or 30% or more of the crown,
20 trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or
21 die. "Removal" includes, but is not limited to, topping, damage inflicted upon a root
22 system by application of toxic substances, operation of equipment and vehicles, storage
23 of materials, change of natural grade due to unapproved excavation or filling, or
24 unapproved alteration of natural physical conditions. "Removal" does not include
25 normal trimming or pruning of trees.

26 **810.015. Map Adoption.** Areas subject to this Chapter shall be shown on Landslide Hazard
27 Susceptibility Maps, which shall be adopted by administrative rule by the Director pursuant to
28 SRC Chapter 20J. The Landslide Hazard Susceptibility Maps shall indicate the general location
29 of areas of low, moderate, and high susceptibility to landslides, areas of known slide hazards,
30 and slope contours. These maps shall be based on the best available information.

1 **810.020. Landslide Hazard Construction Permit.**

2 **(a) Applicability.**

3 **(1)** Except as provided in paragraph (2) of this subsection, no person shall engage
4 in any of the following activities in areas designated as moderate or high total
5 landslide hazard risk without first obtaining a landslide hazard construction
6 permit.

7 **(A)** Excavation or fill, as independent activity, exceeding 2 feet in depth
8 or 25 cubic yards of volume;

9 **(B)** Installation or construction of any structure greater than 500 square
10 feet in area;

11 **(C)** Alteration, enlargement, reconstruction, or relocation of a structure
12 greater than 500 square feet in area that requires any modification to the
13 foundation;

14 **(D)** Land division, planned unit development, or manufactured dwelling
15 park; or

16 **(E)** Tree removal, as an independent activity, on regulated slopes greater
17 than 60%.

18 **(2) Exemptions.** A landslide hazard construction permit is not required for the
19 following:

20 **(A)** Excavation and fill exceeding 2 feet in depth or 25 cubic yards of
21 volume within a public right-of-way or public utility easement.

22 **(B)** Activities otherwise identified in paragraph (1) of this subsection
23 which must be undertaken immediately to prevent an imminent threat to
24 public health or safety, or prevent imminent danger to public or private
25 property; provided, however:

26 **(i)** The person undertaking such emergency activity shall notify
27 the Director within one working day following the commencement
28 of the activity.
29
30

1 (ii) If the Director determines that the activity, or any part thereof,
2 is beyond the scope of allowed emergency activity, enforcement
3 action may be taken.

4 (b) **Procedure Type.** A landslide hazard construction permit is processed as a Type I
5 procedure under SRC Chapter 300.

6 (c) **Submittal Requirements.** In lieu of the application submittal requirements under
7 SRC Chapter 300, an application for a landslide hazard construction permit shall
8 include the following:

9 (1) A completed application form.

10 (2) A geological assessment, geotechnical report, or both, as applicable.

11 (d) **Criteria.** A landslide hazard construction permit shall be granted if:

12 (1) The geological assessment, geotechnical report, or both, as applicable, meets
13 the standards of this chapter; and

14 (2) The geological assessment, geotechnical report, or both, as applicable:

15 (A) Indicates the development can proceed without a risk of landslide
16 hazard; or

17 (B) Sets forth mitigation measures that will reduce or eliminate the risk of
18 landslide hazard.

19 (e) The Director may, at the City's expense, elect to have an independent Certified
20 Engineering Geologist or Geotechnical Engineer, selected from a list of prequalified
21 consultants, review the report or its conclusions.

22 (f) Conclusions and recommendations set forth in an approved geological assessment or
23 geotechnical report shall be incorporated as conditions of approval of the landslide
24 hazard construction permit. The landslide hazard construction permit shall be
25 incorporated into any land use approval connected with the regulated activity.

26 **810.025. Landslide Hazard Risk Assessment.**

27 (a) **Graduated Response Tables.** The Graduated Response Tables set forth in this
28 subsection are used to determine the total landslide hazard risk and required level of
29 site investigation for regulated activities under this Chapter. To determine the total
30 landslide hazard risk, follow the steps set forth in this subsection. Where any portion of

a proposed activity is identified under multiple landslide susceptibility ratings, the highest rating shall apply.

(1) Step One: Earthquake Induced Landslide Susceptibility. Select one assigned point value from Table 810-1A and proceed to step two.

TABLE 810-1A

EATHQUAKE-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS

Table 810-1A: Earthquake-Induced Landslide Susceptibility Ratings	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under Very Low or Low Categories on IMS-17 or IMS-18.	0 Points
Property identified under a Moderate Category on IMS-17 or IMS-18.	2 Points
Property identified under a High Category on IMS-17 or IMS-18.	3 Points
<u>References:</u> Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18)	

(2) Step Two: Water-Induced Landslide Susceptibility. Select one assigned point value from Table 810-1B and proceed to step 3.

TABLE 810-1B

WATER-INDUCED LANDSLIDE SUSCEPTIBILITY RATINGS

Table 810-1B: Water-Induced Landslide Susceptibility Ratings	
Physiographic and Geologic Categories	Assigned Point Value
Property identified under Category 1 on IMS-5 and IMS-6 Reports.	0 Points
Property identified under Categories 2 or 3 on IMS-5 or IMS-6 Reports.	2 Points
Property outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 and between 15% - 25 % slopes, including 25%.	2 Points
Property identified under Categories 4, 5a, 5b, or 6 on IMS-5 or IMS-6 Reports.	3 Points
Property identified in IMS-22 Report.	3 points
Property outside the boundaries of IMS-5, IMS-6, IMS-17, IMS-18, and IMS-22 and over 25% slopes.	3 Points
<u>References:</u> Interpretive Map Series (IMS-5), Interpretive Map Series (IMS-6), Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18), Interpretive Map Series (IMS-22) and Slope Contour Map	

(3) Step Three: Activity Susceptibility Ratings. Select one assigned point value from Table 810-1C and proceed to step four.

**TABLE 810-1C
ACTIVITY SUSCEPTIBILITY RATINGS**

Table 810-1C: Activity Ratings		
Type of Activity		Assigned Point Value
Excavation or fill, as an independent activity, exceeding 2 feet in depth or 25 cubic yards of volume.		3 Points
Installation or construction of any structure greater than 500 square feet in area.	Single Family, Duplex, or Manufactured Dwelling Building Permit	1 Point
	Multiple Family Building Permit	2 Points
	Schools, Hospital, or Public Building Permit	3 Points
	Commercial or Industrial Building Permit	3 Points
Alteration, enlargement, reconstruction, or relocation of a structure greater than 500 square feet in area that requires any modification to the foundation.	Single Family, Duplex, or Manufactured Dwelling Building Permit	1 Point
	Multiple Family Building Permit	2 Points
	Schools, Hospital, or Public Building Permit	3 Points
	Commercial or Industrial Building Permit	3 Points
Installation or construction of any structure greater than 500 square feet, not otherwise identified in table.		1 Point
Land division, planned unit development, or manufactured dwelling park.	Partition	2 Points
	Subdivision, Planned Unit Development, Manufactured Dwelling Park	3 Points
Tree removal, as an independent activity, on regulated slopes greater than 60% .		3 Points

(4) Step Four: Cumulative Score. Add the sub-totals from Tables 810-1A, 810-1B, and 810-1C. Proceed to step five.

**TABLE 810-1D
CUMULATIVE SCORE**

Table 810-1D: Cumulative Score			
Step 1. Earthquake-Induced Landslide Susceptibility Rating	Step 2. Water-Induced Landslide Susceptibility Rating	Step 3. Activity Susceptibility Rating	Step 4. Cumulative Score
Points: _____	Points: _____	Points: _____	Total Points: _____

(5) Step Five: Total Landslide Risk. Determine the total landslide hazard risk from Table 810-1E. If the total landslide hazard risk meets or exceeds the thresholds for moderate or high landslide hazard risk set forth in Table 810-1E, a geological assessment, geotechnical report, or both, as applicable, shall be provided by the applicant, and the action specified therein undertaken or insured before any regulated activity may be permitted or approved.

**TABLE 810-1E
TOTAL LANDSLIDE HAZARD RISK**

Table 810-1E: Total Landslide Hazard Risk		
Cumulative Score (From Table 810-1D)	Landslide Hazard Risk	Requirement
4 or fewer points	Category A - Low	No Requirements
5 - 8 points	Category B - Moderate	Geologic Assessment/ Geotechnical Report
9 or more points	Category C - High	Geotechnical Report

(b) After determining the total landslide hazard risk under subsection (a) of this section, the following shall be required:

(1) Low Landslide Hazard Risk. If application of Table 810-1E indicates a Low Landslide Hazard Risk, all regulated activities may proceed without further investigation, permitting, or approval required by this Chapter.

(2) Moderate Landslide Hazard Risk. If application of Table 810-1E indicates a Moderate Landslide Hazard Risk, a geological assessment shall be submitted for all regulated activities. If the geological assessment indicates that mitigation measures are necessary to safely undertake the regulated activity, a geotechnical report prepared by a Certified Engineering Geologist and Geotechnical Engineer shall be submitted.

(3) High Landslide Hazard Risk. If application of Table 810-1E indicates a High Landslide Hazard Risk, a geotechnical report prepared by a Certified Engineering Geologist and Geotechnical Engineer shall be submitted for all regulated activities.

1 **810.030. Standards for Geological Assessments and Geotechnical Reports.** Geological
2 assessments and geotechnical reports required under this Chapter shall include the information
3 required by this section.

4 (a) **Geological Assessment.** A geological assessment shall include information and
5 data regarding the nature, distribution of underlying geology, and the physical and
6 chemical properties of existing soils; an opinion as to stability of the site; and
7 conclusions regarding the effect of geologic conditions on the proposed development.
8 The geological assessment shall bear the stamp of a Certified Engineering Geologist.

9 (b) **Geotechnical Report.** A geotechnical report shall include a comprehensive
10 description of the site topography and geology; an opinion as to the adequacy of the
11 proposed development from an engineering standpoint; an opinion as to the extent that
12 instability on adjacent properties may adversely affect the project; a description of the
13 field investigation and findings; conclusions regarding the effect of geologic conditions
14 on the proposed development; and specific requirements for plan modification,
15 corrective grading, and special techniques and systems to facilitate a safe and stable
16 development. The report shall provide other recommendations, as necessary,
17 commensurate with the project grading and development. The geotechnical report shall
18 bear the stamp of a Certified Engineering Geologist and Geotechnical Engineer.

19 **810.035. Certification of Compliance.** No regulated activity requiring a geotechnical report
20 shall receive final approval or be permitted for properties located in areas of High Landslide
21 Hazard Risk until the Director receives a written statement by a Geotechnical Engineer that all
22 measures contained in the geotechnical report are completed, in place, and operable.

23 **Section 83.** SRC 41.150 is amended to read as follows:

24 **41.150. Exemptions.**

25 (a) The charge imposed under this chapter shall not apply to the following:

26 (1) Development for which applications for building permits, or mobile home
27 park use permits have been filed prior to the effective date of the resolution
28 initially establishing the methodology for the SDC, providing the information
29 accompanying the application was sufficiently complete to meet the requirements
30 for issuance of a permit for the entire structure.

1 (2) Reconstruction or repair of a building or structure, or portion thereof, which
2 was damaged or destroyed by earthquake, fire, flood, or other natural causes over
3 which the owner had no control, but only if:

4 (A) Such reconstruction or repair is done pursuant to a building permit
5 issued within one year after such damage or destruction; and

6 (B) There is no change in the size of the water meter, development or
7 impervious area.

8 (3) Replacement structures for any forced acquisition wherein a building or
9 structure is acquired for city purposes through eminent domain provided that:

10 (A) The owner obtains a building permit for the replacement structure
11 within two years of the acquisition; and

12 (B) There is no change in the size of the water meter, development, or
13 impervious area.

14 (4) Any public use or development which is or by agreement will be undertaken
15 by the City of Salem, Oregon; the Housing Authority of the City of Salem,
16 Oregon; or the Urban Renewal Agency of the City of Salem, Oregon.

17 (5) Any housing unit which is located in a housing project of one or more
18 housing units, if the project receives federal housing funds administered by the
19 city and is affordable to families at or below the city's 80% median income level
20 as defined by the US Dept of Housing and Urban Development.

21 (6) In the event of a redevelopment, that portion of the development which was
22 pre-existing, as determined from city records or other source acceptable to the
23 public works director.

24 (7) Development occurring within a development district established pursuant to
25 SRC 200.200-200.275.

26 (8) Other development exempted from the charge according to a methodology
27 adopted pursuant to SRC 41.170.

28 (b) The charge imposed under this Chapter for water supply service connections that
29 provide water supply and fire sprinkler systems through the same meter shall be the
30 charge for the meter size required to provide water supply as if the fire sprinkler

1 system was not included.

2 (c) Nothing in this Chapter shall be construed as imposing a charge upon any person when
3 imposition of such charge upon that person would be in violation of the Constitution of the
4 United States or the Constitution of the State of Oregon.

5 **Section 84.** SRC 41.160 is amended to read as follows:

6 **41.160. System Development Charge Credit.**

7 (a) A credit against the improvement fee (SDCi) shall be allowed for the construction
8 of a qualified public improvement and may be a 'true credit,' a 'pass-thru,' or a
9 combination of the two. The credit shall be only for the SDCi for the type of
10 improvement being constructed. The credit shall not exceed the developer's
11 allowable costs as determined by the Public Works Director under SRC 41.300 and
12 41.305. ~~66.160 and SRC 66.170.~~ No credit shall be given for the cost of that portion
13 of any water or sewer line, eight inches or less in diameter, or any storm drainage line
14 twelve inches or less in diameter, where lots representing twenty-five percent or more
15 of the front footage take service from such lines; nor shall any credit be given for any
16 facility built larger than the above minimums if such capacity is needed by the
17 development itself.

18 (b) In addition to the requirements of subsection (a) of this section, a transportation
19 credit shall be given only for the cost of any capital improvement to be partially
20 funded by the Transportation SDC as identified in the adopted Transportation SDC
21 Methodology.

22 (c) A credit against the Transportation SDC of up to fifteen percent is allowed for an
23 approved transportation demand management plan as defined in the City of Salem
24 Public Works Street Design Standards adopted by the Public Works Director and on
25 file in the Department of Public Works, prepared by the applicant, approved by the
26 Public Works Director and designed to reduce generated trips as set forth in the
27 adopted Transportation SDC Methodology.

28 (d) When the construction of a qualified public improvement gives rise to a credit
29 amount greater than the SDC that would otherwise be levied against the project
30 receiving development approval, the excess credit may be applied against

1 improvement fees that accrue in subsequent phases of the original development
2 project.

3 (e) Credits shall be used no later than ten years from the date the credit is given.

4 **Section 85.** SRC 41.190 is amended to read as follows:

5 **41.190. Reimbursement in Excess of Credits for Allowable Costs.** Developers may be
6 eligible for a reimbursement in excess of credits for construction of a qualified public
7 improvement as provided in SRC 41.310, ~~66.195~~.

8 **Section 86.** SRC 50.255 is amended to read as follows:

9 **50.255. Outside Storage Prohibited.**

10 (a) Unless otherwise specifically allowed by law, it shall be unlawful to store
11 items of personal property out-of-doors, or outside a building or structure that is
12 not wholly enclosed.

13 (b) Notwithstanding subsection (a) of this section, the following items of
14 personal property may be stored outside of a building or structure:

15 (1) Firewood that is stacked and useable. "Useable" firewood has more
16 wood than rot and is cut to lengths that will fit a lawful fireplace or wood
17 stove on the premises;

18 (2) Construction material, if the construction material is stored in a manner
19 to protect its utility and to prevent its deterioration and the construction
20 material is reasonably expected to be used for construction on the premises;

21 (3) Open storage of materials directly associated with the primary activity of
22 a business, provided the business is a permitted, special, or conditional use
23 within any CR, CG, or Industrial zone, and the materials are enclosed by a
24 sight obscuring fence erected in conformance with SRC 807.015(e), ~~431.130~~,
25 are safely stacked, bundled, or otherwise source-separated, and will remain in
26 the stream of commerce with an articulable future use; and

27 (4) All other items of personal property which are of a type, condition or
28 quantity consistent with normal and intended use. By way of illustration, but
29 not limitation, as used in this section, items of personal property include
30 barbeque grills, lawn furniture, and solid waste disposal containers.

1 **Section 87.** SRC 50.260 is amended to read as follows:

2 **50.260. Keeping Junk Prohibited.**

3 (a) No person shall deposit or keep junk within a public right of way, or out-of-
4 doors on any premises within the city, or in a building or structure that is not
5 wholly enclosed.

6 (b) Notwithstanding subsection (a) of this section, the following junk may be
7 deposited or kept out-of-doors on premises within the city:

8 (1) Any wrecked, neglected or derelict motor vehicle, or parts thereof, kept
9 in a motor vehicle wrecking business licensed by the city.

10 (2) Any derelict or neglected motor vehicle displayed by a business offering
11 new and used motor vehicles for sale.

12 (3) Any wrecked motor vehicle stored outside an approved enclosure at a
13 business offering motor vehicle services, as described under SRC 400.055(b), or
14 Heavy Vehicle and Trailer Service and Storage, as described under SRC 400.055(g),
15 ~~repair as defined in the Standard Industrial Classification Manual as Industry~~
16 ~~Group No. 753,~~ provided that no more than eight vehicles in an industrial
17 zone or four vehicles in a commercial zone shall be kept outside of an
18 approved enclosure at any one time. The enclosure shall conform with the
19 sight obscuring requirements of SRC 807.015(e)(2). ~~131.130.~~

20 (4) Any neglected or derelict vehicle stored at a business offering motor
21 vehicle services, as described under SRC 400.055(b), or Heavy Vehicle and Trailer
22 Service and Storage, as described under SRC 400.055(g). ~~repair as defined in the~~
23 ~~Standard Industrial Classification Manual as Industry Group No. 753.~~

24 (5) Recyclable solid waste that has been source separated and collected in
25 conformance with this chapter.

26 (6) Recyclable materials or source separated solid waste kept at a scrap and
27 waste material establishment, ~~as defined by the Standard Industrial~~
28 ~~Classification Manual as Industrial Group No. 5093,~~ operating in compliance
29 with all applicable laws and where the materials or solid waste are enclosed
30 by a sight obscuring fence in conformance with SRC 807.015(e)(2) ~~131.130~~
or in a container.

1 (7) Any waste tire kept for storage, collection, transportation, or disposal by
2 a person licensed for that purpose by the State of Oregon.

3 **Section 88.** SRC 65.020 is amended to read as follows:

4 **65.020. Definitions.** Except as the context otherwise specifically requires, as used in
5 this Chapter: ~~except where the context otherwise requires~~

6 (a) "Adjacent" or "adjoining" means within ~~twenty-five (25)~~ feet horizontally
7 from the edge of the easement or right-of-way described or a distance sufficient to
8 protect the stability of a slope supporting a public facility whichever is greater.

9 (b) "Approved" means having the approval of the Director ~~of public works.~~

10 (c) "Approved discharge point" means a gutter, ditch, or receptacle approved by
11 the director of public works for the removal of storm water.

12 (d) "Backfill" means the replacement of removed earth to its original grade.

13 (e) "Director" means the Director of Public Works, or the Director's designee. ~~of~~
14 ~~the City of Salem, Oregon.~~

15 (f) "Drainage course" means any land surface, ditch, or other land feature which
16 serves as a course for the transmission of surface and storm water.

17 (g) "Excavation" means the mechanical disturbance or removal of earth material.

18 (h) "Fill" means the deposit of earth placed by artificial means.

19 (i) "Floodplain" has the meaning given in SRC Chapter 601.140-080.

20 (j) "Qualified engineer" means an engineer licensed in Oregon who, in the
21 judgment of the director, possesses the knowledge, experience, and ability to
22 successfully design and oversee a project involving excavations or fills regulated
23 by this chapter.

24 (k) "Waterway" means any perennial river, stream, or creek within the City of
25 Salem designated by the Director ~~of public works.~~

26 **Section 89.** SRC 65.070 is amended to read as follows:

27 **65.070. Prohibited Fills; Particular Standards.**

28 (a) No fill shall obstruct a natural drainage course unless provisions for an
29 alternative drainage method are made and approved by the Oregon Division of
30 State Lands and the Director.

1 (b) No fill shall be placed in a recorded or platted easement designated for public
2 utilities without consent of the easement holder or, in the case of platted
3 easements, the Director ~~of public works.~~

4 (c) Fills are prohibited in floodplain overlay zones and waterways, except as
5 provided in SRC 65.080, SRC Chapter ~~601, 140,~~ or when such fills are placed
6 under a permit issued by the Oregon Division of State Lands.

7 **Section 90.** SRC 65.160 is amended to read as follows:

8 **65.160. Appeals.** Any person aggrieved by an action of the Director denying a permit,
9 imposing conditions on a permit, revoking or suspending a permit, or disapproving an
10 alternative offered pursuant to SRC 65.080, may appeal such action to Hearings Officer,
11 in the manner provided in SRC Chapter 20J. ~~the community development board of~~
12 ~~appeals as provided in SRC 4.040 to 4.070.~~

13 **Section 91.** SRC 66.010 is renumbered SRC 200.001 and amended to read as follows:

14 **200.001. 66.010. Intent and Purpose.** ~~The purpose of this Chapter 66 creates an is to~~
15 ~~implement program for the City of Salem. In order to direct, control, and accommodate the~~
16 ~~growth of the city within the Urban Growth Boundary, and to insure compliance with the urban~~
17 ~~growth policies of the Salem Area Comprehensive Plan in order to control and accommodate the~~
18 ~~growth within the Urban Growth Boundary.~~ it is the intent and purpose of this chapter to
19 provide for implementation of the following concepts:

20 ~~(a) Growth creates a demand for new facilities and services, and because of widespread~~
21 ~~public reluctance to accept continual increases in the cost of local government, an~~
22 ~~increased share of the costs of growth should be funded through System Development~~
23 ~~Charges collected from that growth. A flexible Urban Service Area should be established~~
24 ~~and should be adjusted periodically to insure that land is made available for development~~
25 ~~in sufficient amounts to maintain an adequate supply in the marketplace. A continuous~~
26 ~~ten-year supply of serviced, developable land should be maintained to avoid unnecessary~~
27 ~~increases in land prices created by artificial shortages of land.~~

28 ~~(b) The city should construct required facilities to serve growth in a timely, orderly and~~
29 ~~economically efficient manner consistent with facility master plans, the Capital~~
30 ~~Improvement Plan and available funding. Bonding may be used initially to fund~~

1 construction of needed facilities to support additions to the Urban Service Area. The City
2 has full discretion in allocating funds through the Capital Improvement Plan, which
3 decisions impact whether or where expansions to the Urban Service Area may be
4 feasible.

5 ~~(e) The required public facilities which serve growth should be paid for by growth
6 through System Development Charges (SDCs). SDCs may be used to retire the bonds
7 referred to above. As a component to the adoption of this revised Chapter 66 urban
8 growth management program, the SDCs under SRC Chapter 41 were substantially
9 increased in order to fund growth's share of these required facilities.~~

10 ~~(d) Growth could occur anywhere in the city limits within the Urban Growth Boundary,
11 if that growth provides and pays for the required facilities. The urban growth
12 management program also addresses those circumstances where the developer desires to
13 construct the required facilities in the Urban Service Area ahead of the City's capital
14 improvement program, or proposes development outside the Urban Service Area.~~

15 ~~(e) When considering expansions to the Urban Service Area, priority is to be given to
16 areas which require the least public cost to provide the required facilities. Other public
17 benefits or detriments will also be considered.~~

18 ~~(f) The growth management program requirements and procedures apply to land brought
19 into the Urban Service Area and to land lying within the Urban Growth Area.~~

20 ~~(g) Development subject to this chapter should include residential, commercial, and
21 industrial development.~~

22 **Section 92.** SRC 66.020 is renumbered SRC 200.005 and amended to read as follows:

23 **200.005. 66.020. Definitions.** Unless the context otherwise specifically requires, as used in
24 this Chapter, ~~except where the context otherwise clearly requires~~ the following mean:

25 (a) Adequate Facilities: ~~means those Major major and minor public facilities that are in~~
26 place and meet the , the nature, capacity and location of which are specifically designated
27 in an adopted master plan requirement for service. ~~master plan or CIP or, in the absence~~
28 of such designation, those major and minor public facilities designed and constructed
29 according to all applicable provisions of this code and the standards and specifications on
30 file in the office of the director of public works.

1 ~~(b) Area facility means a public facility which provides service to an entire area,~~
2 ~~including, but not limited to, a water reservoir, a water or sewer pump station, a sewer~~
3 ~~force main, a park or a regional stormwater detention facility. (See also "Linear facility")~~

4 (b) Area Facility Plan: A public facility plan establishing minor facilities for a defined
5 geographic area that was not fully planned in the applicable Master Plan.

6 ~~(e) Arterial street means a street so designated and mapped in the Salem Transportation~~
7 ~~System Plan.~~

8 ~~(d) Capital Improvement Plan or CIP means the plan referred to in SRC 41.130.~~

9 ~~(e) Collector street means a street so designated and mapped in the Salem Transportation~~
10 ~~System Plan.~~

11 (c) Complex: A group of structures, or a single structure containing multiple businesses
12 that is functionally or conceptually integrated, regardless of the ownership of the
13 development or underlying land.

14 ~~(f) Developer means one who undertakes development. Such term includes owners and~~
15 ~~lessees of property to the extent that they are directly responsible for the development of~~
16 ~~that property.~~

17 ~~(dg) Developer contributions: means the Voluntary voluntary and non-reimbursable~~
18 ~~funding by a private developer of all or a portion of all of the costs of construction of a~~
19 ~~proposed new public major or minor facility, intended to reduce the public costs of a~~
20 ~~potential new Urban Service Area expansion area.~~

21 ~~(eh) Development means:~~

- 22 ~~(1) Any The subdivision of land or Planned Unit Development;~~
- 23 ~~(2) The construction of a planned unit development;~~
- 24 ~~(32) The establishment of a any-mobile home park;~~
- 25 ~~(43) The construction or structural alteration of a any-building or structure which~~
26 ~~will result in connection with the establishment of any use not previously existing~~
27 ~~on the property, or the substantial improvement, as that term is defined in SRC~~
28 ~~140.020(y), of an existing building or structure, resulting in increased usage of a~~
29 ~~public facility; - EXCEPT for the following types of uses, without regard to the~~
30 ~~zoning classification of the property: provided, however that any such~~

1 construction or structural alteration undertaken in connection with one of the
2 following shall not be considered development for purposes of this Chapter:

3 (A) Construction or alteration of any building or structure in the following
4 land use classifications under SRC Chapter 400: Any single family or
5 duplex dwelling, whether or not including a home occupation, as those terms are
6 defined in SRC chapter 111;

7 (i) Single Family;

8 (ii) Two Family;

9 (iii) Basic Utilities;

10 (iv) Wireless Communication Facilities.

11 ~~(B) Any use listed in Division E (Transportation, electric, gas, and~~
12 ~~sanitary services) of the Standard Industrial Classification, EXCEPT~~
13 ~~Major Group 48 (Communication), which latter uses are not excluded~~
14 ~~from the definition of "development";~~

15 ~~(C) Any surface mining operation;~~

16 ~~(D) Any solid waste disposal site;~~

17 ~~(E) Any use made of a historic or architecturally significant building~~
18 ~~under a conditional use permit issued pursuant to SRC chapter 118,~~
19 ~~provided that is the only development of the property;~~

20 ~~(BF) Any use established and conducted by the City.~~

21 (D) Construction or structural alteration of a building or structure to
22 comply with existing state or local health, sanitary, or safety code
23 specifications that are solely necessary to assure safe living conditions;

24 (E) Construction or structural alteration undertaken for purposes of
25 adaptive reuse under SRC Chapter 230, provided that such construction or
26 structural alteration is for the purposes of adaptive reuse only.

27 (F) Construction or structural alteration of any building or structure in a
28 complex, provided there is no cumulative increase in total floor area of all
29 buildings and structures within the complex that exceeds 60 percent of the
30 total floor area within any period of three consecutive years. Example:
Construction or alteration would not be exempt from this Chapter if the

1 total floor area of existing buildings and structures in the complex =
2 100,000 square feet and cumulative new floor area = 61,000 square feet in
3 the years 2010, 2011, and 2012. For the purposes of this subparagraph,
4 the percent increase shall be based on the building square footage before
5 the construction or structural alteration is started, or if the building or
6 structure has been damaged and is being restored, before the damage
7 occurred.

8 **(fi)** Fair market value: ~~means~~ The the appraised value, as of the date of the Urban
9 Growth Area Preliminary Declaration, of a ~~parcel of~~ land reserved for ~~dedication~~
10 conveyance to the City for public park use. The ~~value~~ appraisal shall be procured by the
11 City at the developer's expense, and will be an allowable cost for reimbursement to the
12 developer.

13 **(gk)** Fully committed: ~~means~~ All all major and minor facilities ~~public facility projects~~
14 required to adequately serve a defined geographic an area are provided for in one or more
15 of the following:

16 (1) The City's capital construction budget or Capital Improvement Program, but
17 including any major and minor facilities that will be funded by a general
18 obligation bond or other mechanism that requires a vote of the electors of the
19 City; Are contained in the funded section of the capital improvement plan,
20 excluding funds requiring a public vote, or that all public facilities will be fully
21 constructed or funded pursuant to an improvement agreement.

22 (2) An improvement agreement secured by performance guarantees executed
23 prior to approval of construction plans or the expenditure of any matching public
24 funds, if any, by the City.

25 (3) A project in an urban renewal plan;

26 (4) Commitment to fund and build the major or minor facility within five years of
27 the date of the development will commence has been made by some entity other
28 than the City, including, but not limited to, the State of Oregon.

29 **(hj)** Improvement agreement: ~~means~~ An an agreement between a developer and the City
30 that implements the conditions of a land use approval. ~~between the city and the developer~~

1 requiring the developer to provide certain public improvements or other considerations as
2 a condition of a development permit. The agreement shall be as described in SRC
3 3.052(b)(5)(b), except that the 18-month time limit shall not apply.

4 (i) In place: Means that a required facility has been constructed and is in service.

5 ~~(l) Linear facility means a public facility which provides direct service to abutting~~
6 ~~property, including, but not limited to a street, water line, sewer line or storm drainage~~
7 ~~line. (See also Area facility)~~

8 (j) Master Plans: Means, collectively, the following:

9 (1) Comprehensive Park System Master Plan, adopted May 13, 2013.

10 (2) Salem Area Wastewater Management Master Plan, adopted December 16,
11 1996, and amended September 23, 2002; February 7, 2005; and April 9, 2007.

12 (3) Salem Transportation System Plan, adopted June 28, 1998, and amended
13 February 14, 2000; May 14, 2001; January 24, 2005; March 28, 2005; April 23,
14 2007; and April 26, 2010, and December 10, 2012

15 (4) Stormwater Master Plan, adopted September 25, 2000.

16 (5) Water System Master Plan, adopted April 25, 1994, and amended September
17 23, 1996; October 25, 1999; February 7, 2005; and July 9, 2007.

18 ~~(km) Major facility: means One or more of the following public facilities: an arterial or~~
19 ~~collector a major street as shown in the Salem Transportation System Plan; TSP a sewer~~
20 ~~collection line or sewer pump station shown in the Salem Area Wastewater Management~~
21 ~~Master Plan; or water distribution line, water pump station, or a water reservoir~~
22 ~~specifically shown in the Water System Master Plan; a sewer or water master plan, a~~
23 ~~sewage or water pumping station, a water reservoir, or a storm drainage facility shown in~~
24 ~~identified within the Stormwater Master Plan; or a park facility shown in the~~
25 ~~Comprehensive Park System Master Plan.~~

26 ~~(n) Major street means an arterial or collector street.~~

27 ~~(o) Minor facility: means A a public facility other than a major facility.~~

28 ~~(p) Parks Master Plan or Comprehensive Parks System Master Plan means a master plan~~
29 ~~for the development, location, size and classification of parks facilities to serve properties~~
30 ~~within the Urban Growth Boundary adopted under SRC 64.230.~~

- 1 ~~(q) Pre-planned means as shown on the appropriate Transportation System Plan, Sewer~~
 2 ~~or Water Master Plan, Parks Master Plan or Stormwater Master Plan.~~
- 3 ~~(ml) Planned; means The the nature, capacity and location of the major or minor facility~~
 4 ~~have has been specifically designated in a Master Plan.~~
- 5 ~~(nr) Public facility; means Infrastructure to provide transportation, water, wastewater,~~
 6 ~~stormwater or parks for the benefit of the general public. a park, street, alley, sewer~~
 7 ~~collection line, water distribution line, sewage or water pumping station, water reservoir,~~
 8 ~~or storm drain line, channel, or detention facility.~~
- 9 ~~(os) Required facilities; means All these major and minor facilities necessary to provide~~
 10 ~~adequate for water, sewer, storm drainage, transportation and parks required in this~~
 11 ~~Chapter. for a development for which a Urban Growth Area Preliminary Declaration~~
 12 ~~must be obtained, and including any major facility which falls within two hundred and~~
 13 ~~sixty feet of the boundaries of the development, measured at right angles to the length of~~
 14 ~~the boundary of the development site.~~
- 15 ~~(t) TSP means the Salem Transportation System Plan as adopted under SRC 64.230.~~
- 16 ~~(pu) Secondary Benefit Value; means The the dollar value , as determined using master~~
 17 ~~plans and cost tables adopted by the director of public works, of that portion of a~~
 18 ~~proposed new growth area of a public facility that which will provide a new or improved~~
 19 ~~or new service to already developed areas either in or out of the existing Urban Service~~
 20 ~~Area.~~
- 21 ~~(v) Sewer Master Plan means a master plan for development, location, size and~~
 22 ~~classification of sewer collection and treatment facilities to serve property within the~~
 23 ~~Urban Growth Boundary, adopted under SRC 64.230.~~
- 24 ~~(w) Stormwater Master Plan means a master plan for location, size, and classification of~~
 25 ~~storm drainage facilities to serve property within the Urban Growth Boundary, adopted~~
 26 ~~under SRC 64.230.~~
- 27 ~~(qx) Urban Growth Area (UGA); means That that territory of the City lying between the~~
 28 ~~Urban Service Area and the Urban Growth Boundary.~~
- 29 ~~(y) Urban Growth Boundary (UGB) means the Urban Growth Boundary as adopted as~~
 30 ~~part of the Salem Area Comprehensive Plan and shown on the General Plan Map referred~~

1 to in SRC 64.210.

2 ~~(r)~~ Urban Service Area (USA): means That that territory portion of the City Salem
3 ~~urban area~~ where all required facilities are in place or fully committed, and so designated
4 as such pursuant to SRC 200.010. ~~SRC 66.030.~~

5 ~~(aa)~~ Water Master Plan means a master plan for location, size, and classification of
6 water treatment, transmission and distribution facilities to serve the property within the
7 Urban Growth Boundary, adopted under SRC 64.230.

8 **Section 93.** SRC 66.030 is renumbered SRC 200.010 and amended to read as follows:

9 **200.010. 66.030. Urban Service Area Establishment; Effect.**

10 (a) Following adoption of a capital improvement plan and upon consideration of the
11 extent to which the five required facility types defined in SRC 200.005. 66.020(s) are in
12 place or fully committed, the City Council may, by ordinance, designate an Urban
13 Service Area (USA).

14 (b) Within the USA, public facilities will be constructed by the city consistent with the
15 scheduling and funding of such facilities in the capital improvement plan. Development
16 may occur anywhere in the USA upon annexation if all required facilities adequate to
17 serve the development are in place or constructed and accepted by the city.

18 (c) Development proposed outside the USA, or inside the USA if development precedes
19 city construction of required facilities, shall require an Urban Growth Area Development
20 Permit and must conform to the requirements of this Chapter. ~~SRC 66.050 through SRC~~
21 ~~66.195.~~

22 **Section 94.** SRC 66.140 is renumbered SRC 200.035 and amended to read as follows:

23 **200.035. 66.140. Determination of Extent of Required Improvement.**

24 (a) To the extent that they have not already been provided, a development shall provide
25 the following facilities, located and constructed according to SRC 200.055 through
26 200.075: ~~as determined by SRC 66.100 to 66.125:~~

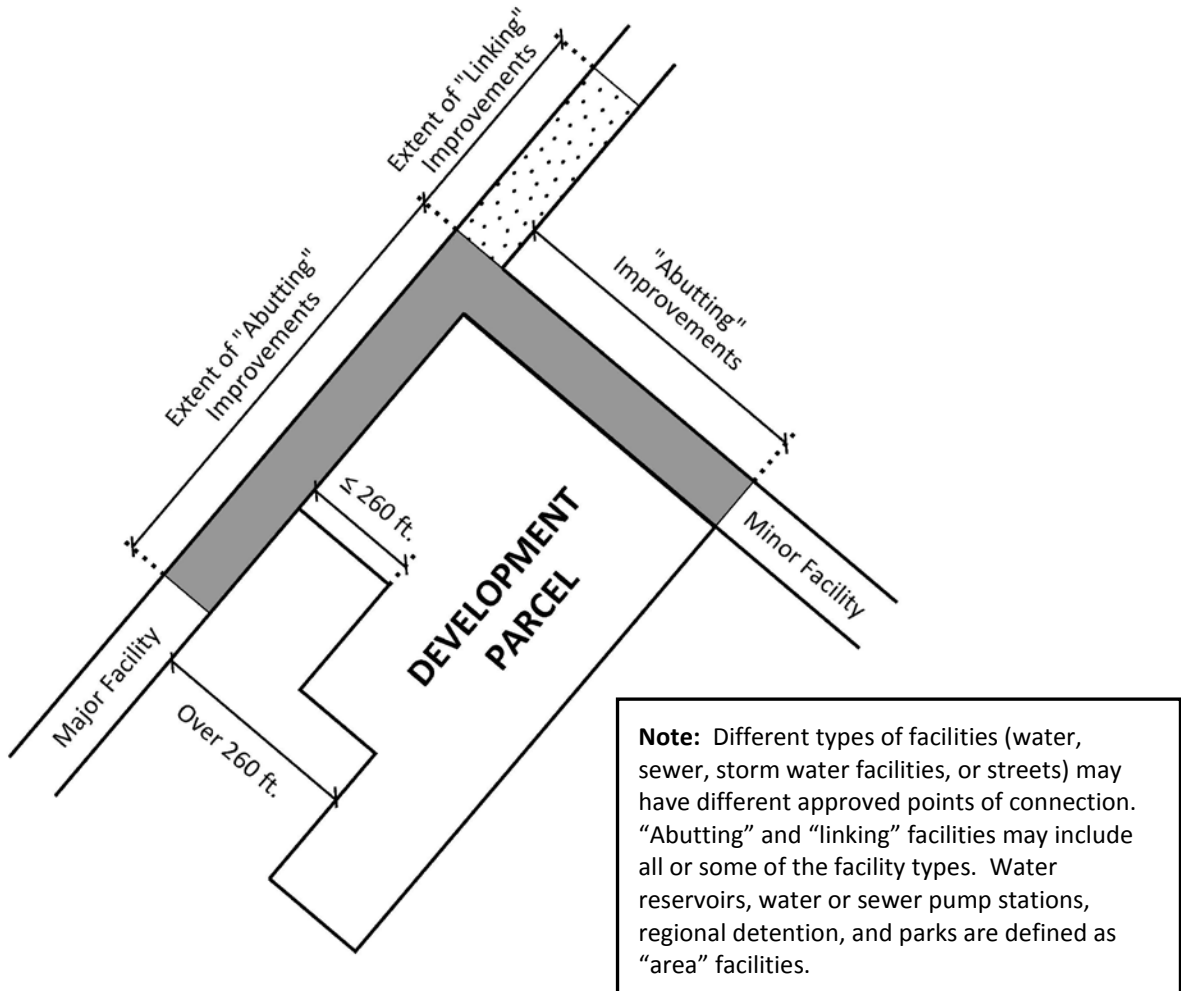
27 (1) All major linear and area facilities which serve the development.

28 (2) All major linear and area linking facilities.

29 (3) Minor facilities necessary to link the development to the major facilities
30 specified in subsections (1) and (2) of this section.

1 (4) All major and minor facilities abutting or within the development parcel.
2 This includes the construction of any major facility which falls within 260 feet of
3 the boundaries of the development parcel, measured at right angles to the length
4 of the facility. (see figure 200-1.66-1.)
5

6 **FIGURE 200-1**



28 (5) Parks facilities as specified in SRC 200.075.66-125, to the extent those
29 facilities have not been provided by the public.

30 (b) Water, storm drainage, streets and sewer facilities need not, in all cases, link to the
same locations. Water, storm drainage, streets and sewer facilities shall be provided as

1 necessary to link the development to a point where existing water, storm drainage, streets
2 and sewer service facilities are adequate, along the shortest preplanned route.

3 (c) Water facilities shall conform with existing city service levels and shall be looped
4 where necessary to provide adequate pressure during peak demand at every point within
5 the system in the development to which the water facilities will be connected.

6 (d) Where two facilities must be built to their point of intersection, the entire intersection
7 shall be built as well.

8 (e) All facilities constructed as required in this section shall be and become the property
9 of the City on final acceptance of the work.

10 **Section 95.** SRC 66.050 is renumbered SRC 200.020 and amended to read as follows:

11 **200.020. 66.050. Urban Growth Area Preliminary Declaration Development Permit**
12 **Required; Term and Fee.**

13 (a) Prior to subdivision plat approval for a residential or commercial subdivision, or
14 application for a building permit for any development where no subdivision is
15 contemplated, a developer shall first obtain an Urban Growth Preliminary Declaration
16 Area Development Permit if the development is within the Urban Growth Area (UGA),
17 or is within the Urban Service Area (USA), but precedes city construction of required
18 facilities that are shown in the adopted capital improvement plan, public facilities plan or
19 comparable plan for the area of the development.

20 (b) Prior to issuance of a building permit for a single family residence or duplex in a
21 subdivision subject to subsection (a) of this section, and prior to issuing a certificate of
22 occupancy for any other development subject to subsection (a) of this section, the
23 Building Official shall ascertain that all conditions of the Urban Growth Preliminary
24 Declaration Area Development Permit have been complied with.

25 (c) It shall be unlawful for any person to construct or commence construction of any
26 single family residence or duplex in a subdivision subject to subsection (a) of this section,
27 or to occupy (except under a temporary occupancy certificate issued pursuant to UBC
28 Sec. 306(d) and subsection (d) of this section) any other development subject to
29 subsection (a) of this section without first obtaining ~~and fully complying with all~~
30 ~~conditions of an~~ an Urban Growth Preliminary Declaration. Area Development Permit.

1 (d) Notwithstanding the provisions of subsection (b) of this section, the Building Official
2 may issue a temporary occupancy certificate as provided in UBC Sec. 306(d) if the
3 holder has substantially complied with the conditions of an Urban Growth Preliminary
4 Declaration ~~Area Development Permit~~ and agrees in writing to complete all remaining
5 conditions by a date certain not more than 180 days from the issuance of the temporary
6 certificate. Failure to comply with such a written agreement shall result in revocation of
7 the temporary certificate without further notice.

8 ~~(e) A UGA Development Permit shall be valid for a period of two years from its date of~~
9 ~~issuance; provided, however, that once a development has received tentative plan~~
10 ~~approval (in the case of a subdivision) or been granted a building permit, the developer~~
11 ~~and his successors in interests shall be bound to complete all terms and conditions of the~~
12 ~~permit.~~

13 ~~(e)~~ (f) The fee for a Urban Growth Preliminary Declaration ~~UGA Development Permit~~
14 shall be as prescribed by resolution of the City Council.

15 **Section 96.** The following SRC 200.025 is added to the Salem Revised Code:

16 **200.025. Urban Growth Preliminary Declaration.**

17 (a) **Applicability.** This section applies to development within the Urban Growth Area, or
18 within the Urban Service Area prior to construction of required facilities by the City. An
19 Urban Growth Preliminary Declaration may be obtained prior to, or concurrent with, an
20 application for development.

21 (b) **Procedure Type.** Applications for Urban Growth Preliminary Declarations are
22 processed as a Type II procedure under SRC Chapter 300.

23 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
24 application under SRC Chapter 300, an application for an Urban Growth Preliminary
25 Declaration shall contain the following:

26 (1) The legal description of the total contiguous ownership on which the
27 development is to occur;

28 (2) A vicinity map showing the outline of the proposed development and its
29 relation to all existing designated arterial and collector streets within a one mile
30 radius;

- 1 (3) The proposed or anticipated use;
- 2 (4) If property is to be subdivided for residential purposes, the proposed dwelling
- 3 unit density of the subdivision; and
- 4 (5) Such other information as the Director deems necessary to evaluate the
- 5 application.

6 **(d) Determination.** The Director shall review a completed application for an Urban
7 Growth Preliminary Declaration in light of the applicable provisions of the Master Plans
8 and the Area Facility Plans and determine:

- 9 (1) The required facilities necessary to fully serve the development;
- 10 (2) The extent to which the required facilities are in place or fully committed.

11 **(e) Contents.** The Urban Growth Preliminary Declaration shall list all required
12 facilities necessary to fully serve the development and their timing and phasing which the
13 developer must construct as conditions of any subsequent land use approval for the
14 development.

15 **(f) Nature and Effect.**

16 (1) An Urban Growth Preliminary Declaration is not an approval to develop land,
17 and does not confer any right or authority to undertake any development for
18 which the Urban Growth Preliminary Declaration is obtained.

19 (2) Issuance of an Urban Growth Preliminary Declaration does not relieve the
20 applicant of the obligation to obtain other permits required by the Salem Revised
21 Code, or to proceed through any other land use process required by the UDC.

22 (3) If a required facility is included in two or more Urban Growth Area
23 Preliminary Declarations, the obligation to provide the required facilities shall be
24 a condition of each land use approval.

25 **(g) Duration.** Notwithstanding SRC 300.850, the Preliminary Declaration shall be
26 valid as follows:

27 (1) If the Preliminary Declaration is issued in connection with a subdivision,
28 phased subdivision, planned unit development, manufactured dwelling park, or
29 site plan review approval, the Preliminary Declaration shall be valid so long as the
30 subdivision, phased subdivision, planned unit development, manufactured

1 dwelling park, or site plan review approval remains valid; provided, however, that
2 once a development has received tentative plan approval, in the case of a
3 subdivision, or been granted a building permit in all other cases, the developer
4 and his successors in interests shall be bound to complete all terms and conditions
5 of the permit..

6 (2) If the Preliminary Declaration is issued in connection with any land use
7 approval other than a subdivision, phased subdivision, planned unit development,
8 manufactured dwelling park, or site plan review approval, the Preliminary
9 Declaration shall remain valid for a period of 4 years following the effective date
10 of the decision; provided, however, that once a development has been granted a
11 building permit, the developer and his successors in interests shall be bound to
12 complete all terms and conditions of the permit.

13 (3) If the Preliminary Declaration is issued independent of any other land use
14 approval, the Preliminary Declaration shall remain valid for a period of 4 years
15 following the effective date of the decision.

16 **Section 97.** The following SRC 200.030 is added to the Salem Revised Code:

17 **200.030. Amendment to Urban Growth Preliminary Declaration.**

18 (a) **Applicability.** A change the list of required projects, timing, or phasing of an Urban
19 Growth Preliminary Declaration shall be made in the manner provided by this section.

20 (b) **Procedure Type.** An amendment to an Urban Growth Preliminary Declaration is
21 processed as a Type II procedure under SRC Chapter 300.

22 (c) **Submittal Requirements.** In addition to the submittal requirements specified in
23 SRC Chapter 300, an application to amend an Urban Growth Preliminary Declaration
24 shall include:

25 (1) A copy of the Urban Growth Preliminary Declaration.

26 (2) A statement of the circumstances giving rise to the reason for the change.

27 (d) **Criteria.** An amendment to an Urban Growth Preliminary Declaration shall be
28 granted if:

29 (1) A change in the circumstances has occurred which has the effect of making
30 the list of required public facilities inappropriate or inadequate.

1 (2) The proposed amendment does not simply reduce the developer's costs by
2 shifting construction to later phases or to another developer or the public, unless
3 the benefits received by such other developer and the public are significantly
4 increased.

5 (3) The change does not result in a development that does not otherwise meet all
6 requirements of this Chapter.

7 **Section 98.** SRC 66.080 is renumbered SRC 200.040 and amended to read as follows:

8 **200.040. 66.080. Plan Approval. Issuance of Permit.**

9 (a) Upon issuance of a Urban Growth Preliminary Declaration the applicant shall cause a
10 competent registered professional engineer to design the improvements required by the
11 Urban Growth Preliminary Declaration. Such plans shall be drawn to the specifications
12 of the Director of Public Works and submitted to the Director of Public Works for his
13 approval in accordance with the provisions and fees stated in Chapters 72, 73 and 77.
14 ~~Upon Approval of the applicant's plans and execution of an the improvement agreement,~~
15 ~~described in SRC 66.035(f), the director of public works shall issue a UGA Development~~
16 ~~Permit. Completion of the required improvements according to the approved plans and~~
17 ~~specifications shall be a condition of any land use approval for development on the~~
18 ~~property that is the subject of the Urban Growth Preliminary Declaration. the permit.~~

19 (b) Issuance of an Urban Growth Preliminary Declaration ~~a UGA Development Permit~~
20 shall not relieve the applicant of the obligation to obtain other permits required by the
21 Salem Revised ~~this~~ Code, or of the obligation to proceed through the subdivision or
22 partitioning review and approval process. ~~specified in SRC chapter 63.~~

23 (c) ~~The UGA Development Permit shall be valid for a period of two years following the~~
24 ~~date of the issuance of the Development Permit by the director of public works. Two~~
25 ~~extensions of up to two years each may be granted by the director of public works upon~~
26 ~~good cause shown.~~

27 **Section 99.** SRC 66.082 is renumbered SRC 200.045 and amended to read as follows:

28 **200.045. 66.082. Development Permits for Areas Not Fully Master Planned.**

29 (a) Notwithstanding SRC 200.025, ~~the provisions of SRC 66.070~~, upon receipt of a
30 completed ~~UGA Development Permit~~ application for an Urban Growth Preliminary

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~~Declaration for property that lies within an area not fully planned in the Master facility Plans, the planning administrator shall determine if the application is complete, if the application is for development within the city limits and if the fee for the UGA Development Permit has been paid. If these conditions have been met and if the applicant so requests, the planning administrator shall forward the application to the director of public works.~~

~~(b)~~ Upon receipt of the application, the Director of Public Works shall determine whether an area facilities plan for major public facilities shall be prepared administratively to accommodate the development proposal or whether an amendment to a the applicable Master Plan shall be required. The purpose of an area facilities plan is to establish the major facilities necessary to serve the proposal and the required linkage to existing adequate facilities. The decision shall be based upon:

- (1) The amount of time and staff costs required to complete an area facilities plan;
- (2) The impact of preparation of an area facilities plan on scheduled work programs in those city departments responsible for that preparation;
- (3) The impact of an area facilities plan for the development on overall facilities planning for the entire area;
- (4) Such other considerations as may be relevant to the implementation of the intent and purpose of this chapter.

~~(b)(e)~~ Should the Director of Public Works determine that an area facilities plan should be developed, upon completion of that plan, the review of the application for the Urban Growth Preliminary Declaration UGA Development Permit Application shall proceed as otherwise provided in this Chapter.

~~(c)(d)~~ Should the Director of Public Works determine that an amendment to one or more Master Plans is warranted, the process shall proceed through the public hearing requirements specified in SRC Chapter 64. After public hearing, the council may either reject the application and refund applicant's fee or direct the preparation of a Preliminary Declaration.

Section 100. SRC 66.090 is renumbered SRC 200.050 and amended to read as follows:
200.050. 66.090. Acquisition of Property, Easements and Right-of-Way.

1 (a) The developer shall obtain all rights-of-way necessary for street improvements,
2 easements for sewer, drainage and water lines, and fee title to property for parks,
3 pumping stations and reservoirs needed to construct the required facilities identified in
4 the Urban Growth Preliminary Declaration. If the developer is unable to acquire any
5 necessary property, easements, or right-of-way after documented good faith attempts to
6 negotiate and purchase the same, the developer shall prepare the legal descriptions
7 thereof and transmit them to the City Attorney. The City Attorney shall refer the matter
8 to the City Council which shall, after public hearing, proceed to determine whether the
9 developer made good faith attempts to acquire the property, easement or right-of-way,
10 and whether to acquire the property, easement, or right-of-way through exercise of
11 eminent domain. The hearing shall be conducted in the manner provided for quasi-
12 judicial hearings in matters other than quasi-judicial land use matters.

13 (b) The City Attorney and other city departments shall keep account of time and
14 expenses incurred in acquiring the property, easements, and title, rights of way, ~~and~~
15 ~~easements,~~ including the amount of court costs and attorney fees awarded the other party
16 by the court, and the developer shall pay all such expenses together with the amount of
17 the judgment or settlement. ~~as a condition of the UGA Development Permit.~~ In instances
18 where the City and the a developer have responsibility for acquiring abutting portions of
19 ~~street~~ right-of-way at the same time, the ~~administrative and legal~~ expenses delineated in
20 this subsection shall be shared in proportion to the area acreage acquired by each party.

21 (c) Any settlement of a condemnation action must be concurred in by the developer;
22 provided, however, the developer ~~he~~ shall ~~accept and~~ be bound by a final judgment
23 rendered in any eminent domain ~~such~~ action unless, within ten days of the verdict being
24 rendered, the developer ~~he~~ notifies the City Attorney, in writing, of the developer's ~~his~~
25 intention to abandon the development. If the developer, ~~in the event he,~~ at any time,
26 decides to abandon the development, the developer ~~he~~ shall pay to the City all costs
27 incurred in preparing for and prosecuting the action, including any costs and attorney fees
28 awarded the defendant in the action.

29 (d) All property, easements, and rights-of-way, ~~easements and titles to property~~ acquired
30 by the developer shall be acquired by the developer in the name of, and conveyed to, the

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~~City, deeded or dedicated, free of all liens and encumbrances, no later than the time of recording of the final plat, to the city prior to commencement of any construction of required facilities.~~

~~(e) Park sites shall be dedicated to the city as a condition of final plat approval.~~

Section 101. SRC 66.100 is renumbered SRC 200.055 and amended to read as follows:

200.055. 66.100. Standards for Street Improvements.

(a) ~~The Development Review Committee shall require that~~ the proposed development shall be linked by construction of and improvements to public streets which shall extend from the development to an adequate street or streets by the shortest preplanned routes available. Specific locations and classifications of such linking streets shall be based upon the street network adopted in the TSP, and as further specified in any Transportation Impact Analysis (TIA) prepared by public works staff during the adoption of the USA or its amendments. Development proposals for which the public works standards require preparation of an individual TIA may be required to provide more than one linking street or other improvements to accommodate traffic volumes generated by the proposal.

(b) For purposes of this section, an adequate street is defined as the nearest point on a collector or arterial street which has, at a minimum, a 34 foot wide turnpike improvement within a 60 foot wide right-of-way. ~~The Director Development Review Committee~~ shall designate the location or locations where the linking street will connect to the existing street system, based on the definition of adequate street given herein, the results of the TIA studies, and the information in the TSP. A linking street is required to meet the same minimum standard of a 34 foot wide turnpike improvement within a 60 foot wide right-of-way if it is a collector or arterial street. A linking street is required to meet a minimum standard of a 30 foot wide turnpike improvement within a 60 foot wide right-of-way if it is a local street. Where physical or topographical constraints are present to a degree that the standard linking street pavement width cannot be reasonably constructed, the director of public works may specify a lesser standard which meets the functional levels necessary to improve the existing conditions and meet the increased demands.

(c) Within the boundaries of the property on which development is to occur, all streets

1 shall be fully improved. All streets abutting the property boundaries shall be designed
2 and improved by the developer to the greater of the standards specified in SRC Chapter
3 803 SRC 63.225 and 63.235 and the standards for linking streets in this section.

4 (d) Standards for geometric design, construction, and materials shall be as specified for
5 the appropriate classification of street, arterial, collector, or local, as contained in the
6 Public Works Design Standards, ~~and specifications on file in the office of the director of~~
7 ~~public works.~~

8 **(e) Exemption for Industrial Infill Development.**

9 (1) Industrial infill development may be partially exempted from the linking street
10 requirements set forth in this section if the industrial development:

11 (A) Is located on a lot where more than 60 percent of the lots of record
12 between the lot and the point of linkage have already been developed;

13 (B) Generates fewer than 100 peak hour trips onto an arterial or collector
14 street, or fewer than 20 peak hour trips onto a local street;

15 (C) Generates less than 100,000 new Equivalent Axle Loads on the linking
16 street; and

17 (D) Is an industrial use as defined in SRC Chapter 400.

18 (2) An industrial infill development that meets the criteria set forth in paragraph (1)
19 of this subsection may have the linking street standards reduced to the lesser of:

20 (A) a two-inch structural overlay onto the existing pavement base with no
21 widening, if the base is suitable; or (B) if the pavement base has serious failures, a
22 series of Class A patches followed by a chipseal overlay. The reduced standard
23 shall be determined by the Public Works Director and based on the needs of the
24 street. The reduced standard shall be specified in the Urban Growth Preliminary
25 Declaration.

26 **Section 102.** SRC 66.110 is renumbered SRC 200.060 and amended to read as follows:

27 **200.060. 66.110. Standards for Sewer Improvements.** ~~The Development Review Committee~~
28 ~~shall require that the~~ proposed development shall be linked to existing adequate facilities, by the
29 construction of sewer lines and pumping stations, which are necessary to connect to such
30 existing sewer facilities. Specific location, size and capacity of such facilities will be determined

1 with reference to any one or combination of the following: 1) Sewer Master Plan or, 2) specific
2 engineering capacity studies approved by the Director of Public Works. With respect to facilities
3 not shown in the master plan but necessary to link to adequate facilities, the location, size and
4 capacity of such facilities to be constructed or linked to shall be determined by the Director of
5 Public Works. ~~Development Review Committee.~~ Temporary sewer facilities, including
6 pumping stations, will be permitted only if the temporary facilities include all facilities necessary
7 for transition to permanent facilities, and are approved by the Director of Public Works. Design,
8 construction, and material standards shall be as specified by the ~~Director of Public Works~~ Design
9 Standards for the construction of all such public sewer facilities in the City.

10 **Section 103.** SRC 66.115 is renumbered SRC 200.065 and amended to read as follows:

11 **200.065. 66.115. Standards for Storm Drainage Improvements.** The ~~Development Review~~
12 ~~Committee shall require that~~ the proposed development shall be linked to existing adequate
13 facilities by the construction of storm drain lines, open channels, and detention facilities which
14 are necessary to connect to such existing drainage facilities. Specific location, size, and capacity
15 of such facilities will be determined with reference to any one or a combination of the following:
16 (1) the Stormwater Management Plan or, upon adoption, a superseding Stormwater Master Plan
17 or (2) specific engineering capacity studies approved by the Director of Public Works. With
18 respect to facilities not shown in the applicable Management or Master Plan, but necessary to
19 link to adequate facilities, the location, size, and capacity of such facilities to be constructed or
20 linked to shall be determined by the Director of Public Works. ~~Development Review~~
21 ~~Committee.~~ Temporary storm drainage facilities will be permitted only if the temporary
22 facilities include all facilities necessary for transition to permanent facilities and are approved by
23 the Director of Public Works. Design, construction, and material standards shall be as specified
24 by the ~~director of Public Works~~ Design Standards for the construction of all such public storm
25 drainage facilities in the City.

26 **Section 104.** SRC 66.120 is renumbered SRC 200.070 and amended to read as follows:

27 **200.070. 66.120. Standards for Water Improvements.** The ~~Development Review Committee~~
28 ~~shall require that the~~ proposed development shall be linked to existing adequate facilities by the
29 construction of water distribution lines, reservoirs and pumping stations which connect to such
30 existing water service facilities. Specific location, size and capacity of such facilities will be

1 determined with reference to any one or combination of the following: (1) the Water Master Plan
2 or (2) specific engineering capacity studies approved by the Director of Public Works. With
3 respect to facilities not shown in the master plan but necessary to link to adequate facilities, the
4 location, size and capacity of such facilities to be constructed or linked to shall be determined by
5 the Director of Public Works. ~~Development Review Committee.~~ Temporary water facilities,
6 including pumping stations and reservoirs, will be permitted only if the temporary facilities
7 include all facilities necessary for transition to permanent facilities, and are approved by the
8 Director of Public Works. Design, construction and material standards shall be as specified by
9 the ~~director of~~ Public Works Design Standards for the construction of all such public water
10 facilities in the City.

11 **Section 105.** SRC 66.125 is renumbered SRC 200.075 and amended to read as follows:

12 **200.075. 66.125. Standards for Park Sites.**

13 (a) ~~The Development Review Committee shall required that a UGA Development Permit~~
14 applicant shall reserve for dedication prior to development approval that property within
15 the development site that is necessary for an adequate neighborhood park, access to such
16 park, and recreation routes, or similar uninterrupted linkages, based upon the Salem
17 Comprehensive Parks System Master Plan.

18 (b) For purposes of this section, an adequate neighborhood park site is one that meets the
19 Level of Service (LOS) of 2.25 acres per 1000 population, utilizing an average service
20 radius of 1/2 mile.

21 **Section 106.** SRC 66.135 is renumbered SRC 200.080 and amended to read as follows:

22 **200.080. 66.135. Temporary Facilities, Expansion Permit**

23 **(a) Temporary Facilities Access Agreement.**

24 (1) Where a development precedes construction of permanent facilities that are
25 specified to ultimately serve development, the Urban Growth Preliminary
26 Declaration may allow an alternative to use temporary facilities under conditions
27 specified in a temporary facilities access agreement.

28 (2) The terms and conditions of the temporary facilities access agreement shall
29 specify the temporary facilities being constructed or used, the amount of the
30 temporary facility access fee, the provisions for transitioning the use of temporary

1 facilities to permanent facilities once the permanent facilities are constructed, and
2 any other provisions pertinent to the use of temporary facilities.

3 (3) The temporary facility access fee shall be calculated by the Public Works
4 Director and shall be a reasonable contribution toward the construction of
5 permanent facilities that will ultimately serve the development. The temporary
6 facility access fee shall be held by the City in a dedicated fund and use pay the
7 costs of construction of the permanent facilities. The applicant shall not be
8 entitled to receive, or have any claim to, any temporary facility access fees
9 collected by the City.

10 (4) The temporary facility access fee shall be due and payable by the person or
11 persons seeking a building permit at the time of the granting of a building permit,
12 and payment of the temporary facility access fee, in full, shall be a condition
13 precedent for obtaining building permits within the property.

14 **(b) Temporary Facilities Expansion Permit.**

15 (a) Any person who has been granted the use of a temporary sewer facility under
16 SRC 200.060 SRC 66.110, a temporary storm drainage facility under SRC
17 200.065 SRC 66.115, or a temporary water facility under SRC 200.070 SRC
18 66.120 may apply for a Temporary Facilities Expansion Permit under this section,
19 which may allow modifications to, or expansion of, the temporary facility in order
20 to better serve the development for which the Urban Growth Preliminary
21 Declaration UGA Permit was issued. The applicant for a Temporary Facilities
22 Expansion Permit shall make application therefor on forms promulgated by the
23 Director of Public Works. Fees for Temporary Facilities Expansion Permits shall
24 be established by resolution of the City Council.

25 (b) The Director of Public Works may issue a Temporary Facilities Expansion
26 Permit if the Director finds that expansion of the facility is not inconsistent with
27 this Chapter, the applicant's Urban Growth Preliminary Declaration UGA Permit,
28 or with any master plan, public facilities plan, or other similar plan that is
29 applicable to the development for which the Urban Growth Preliminary
30 Declaration UGA Permit was issued. Any expansion of a temporary facility shall

1 be at the applicant's sole cost and expense, and at the applicant's sole risk. The
2 Director of Public Works may impose such conditions on a Temporary Facilities
3 Expansion Permit as the Director deems are in the public interest.

4 (c) The Director of Public Works may revoke a Temporary Facilities Expansion
5 Permit upon a finding that the permittee is not maintaining the temporary facility
6 in a manner that is consistent with the permit, the provisions of this Chapter, or
7 any other applicable federal, state or local law. Appeals of revocations of
8 Temporary Facilities Access permits are contested cases under SRC Chapter 20J.
9 Unless a stay is granted in the case of an appeal If the Temporary Facilities Permit
10 is revoked, then the use of the temporary facility shall immediately cease until
11 such time as the violation has been cured, and a new Temporary Facilities
12 Expansion Permit has been issued.

13 **Section 107.** SRC 66.160 is renumbered SRC 41.300 and amended to read as follows:

14 **41.300 . 66.160. Certification of Costs by Developer.**

15 (a) Where a qualified public improvement as defined by SRC 41.100(h) is constructed
16 by a developer as required by ~~this SRC~~ Chapter 200, for which reimbursement or SDC
17 credits may be available, the developer shall, within thirty days of City acceptance of the
18 facility, prepare a sworn statement of all allowable costs incurred in the construction, and
19 submit the same, together with proof of payment thereof, to the Public Works Director.
20 The Public Works Director may require the developer to provide additional
21 documentation prior to certification by the City.

22 (b) Allowable costs include:

- 23 (1) The actual price paid to an independent contractor or contractors for the
24 construction of the facility or any part thereof.
- 25 (2) The cost of labor and materials plus fifteen percent thereof for the work
26 performed by the developer directly.
- 27 (3) The actual cost charged by an independent engineer or engineers for the
28 design of the facility or any part thereof, or for supervision or inspection of its
29 construction.
- 30 (4) The amount of wages or salary paid plus fifteen percent thereof, based on

1 actual hours worked by engineers and draftsmen and other technicians who are
2 directly employed by the developer for the design of the facility or any party
3 thereof or for supervision or inspection of its construction.

4 (5) The actual cost of independent tests performed in aid of design of the facility,
5 or to determine whether the materials and workmanship employed in the
6 construction are within the approved specifications.

7 (6) The actual price paid to an independent surveyor for establishing lines,
8 locations and grades (construction staking) for construction of the facility or to
9 establish property lines, rights-of-way and easements for acquisition of property
10 interests necessary to the facility.

11 (7) The amount of wages or salary paid, plus the cost of materials, plus fifteen
12 percent thereof based on the actual hours worked by surveyors and their assistants
13 who are employed by the developer for establishing lines, locations and grades
14 (construction staking) for construction of the facility or to establish property lines,
15 rights-of-way and easements for acquisition of property interests necessary to the
16 facility.

17 (8) The costs of acquiring real property interests for the facility, escrow fees and
18 fees related to litigation charged by the City Attorney and other involved City
19 departments pursuant to SRC 200.050. ~~66.090~~.

20 (9) The fair market value of real property within the development that is reserved
21 for dedication to the City for public park use.

22 (c) "Allowable costs" do not include developer's personal oversight or superintendence
23 of the project unless the developer is also the contractor, or interest or finance charges on
24 money borrowed to finance the project

25 **Section 108.** SRC 66.170 is renumbered SRC 41.305 and amended to read as follows:

26 **41.305. 66.170. Certification of Costs by City.** Upon completion and final acceptance of a
27 qualified public improvement as defined by SRC 41.100(h), including right-of-way or easement
28 acquisition costs, where the cost thereof is not to be assessed against benefitted property through
29 the normal assessment procedure, the Public Works Director shall certify the allowable costs
30

1 thereof to the Finance Director. Allowable costs include all costs which are allowable under
2 SRC ~~41.300.66.160.~~

3 **Section 109.** SRC 66.300 is renumbered 200.200 and amended to read as follows:

4 **200.200. 66.300. Definitions.** For the purposes of SRC 200.200 through 200.275. ~~66.300-~~
5 ~~66.450,~~ the following terms mean:

6 (a) Construction: The construction of a new public improvement or, the reconstruction,
7 major rehabilitation, enhancement or upgrade of an existing public improvement.

8 (b) Developer: Any person who owns or has an interest in surplus public property, or
9 who by contract or other agreement affecting the surplus public property, that will
10 undertake the construction of a public improvement on surplus public property to satisfy
11 the conditions of an urban growth development permit.

12 (c) Development district: An area which will derive benefits from the construction of
13 public improvements that are financed in whole or in part by a developer and formed
14 pursuant to SRC 200.200 through 200.275. ~~66.300-66.450.~~

15 (d) Director: The Director of Public Works, or the Director's designee.

16 (e) EDU: Equivalent dwelling unit.

17 (f) Infrastructure agreement: An agreement between a developer and the City which
18 provides for the construction and financing of public improvements required as a
19 condition of the issuance of an urban growth area development permit.

20 (g) Infrastructure fee: The fee required to be paid by persons obtaining building permits,
21 or connecting to public improvements, for property within a development district, as set
22 forth in the order establishing the development district and the infrastructure agreement
23 adopted pursuant to such order.

24 (h) Person: A natural person; partnership; corporation; limited liability company;
25 association; any governmental entity or municipal corporation other than the City, but
26 including the Urban Renewal Agency for the City of Salem and the State of Oregon; or
27 any other entity in law or fact.

28 (i) Public improvement: A capital facility or asset used for water supply, treatment and
29 distribution; wastewater collection, transmission, treatment and disposal; transportation;
30 parks or recreation; or stormwater drainage or flood control.

1 (j) Surplus Public Property: Any real property which was not subject to ad valorem real
2 property taxation due to ownership of the real property by a governmental entity; which
3 has, within three years prior to the date of the application for an urban growth area
4 development permit, been committed to be sold or has been sold by the governmental
5 entity for development purposes; and which will, in order for development to occur,
6 require off-site or over-sized on-site capital improvements that were not included in the
7 applicable master plan for the specific type of public improvement because no further
8 development of the property was anticipated due to ownership by the governmental entity
9 and that can have reasonable estimates of the timing and costs of the needed capital
10 improvements projected under this Chapter.

11 **Section 110.** SRC 66.330 is renumbered 200.215 and amended to read as follows:

12 **200.215. 66.330. Area Facilities Plan; Estimated Infrastructure Fee.**

13 (a) Upon receipt of a complete application for the formation of a development district,
14 the Director shall prepare an area facilities plan pursuant to SRC 200.045. 66.082(b).
15 The area facilities plan shall identify those public improvements which are required to
16 adequately serve development within the proposed development district, and may include
17 public facilities which are required to be built with greater capacity than is necessary to
18 serve the particular development proposed by the developer. ~~The area facilities plan shall~~
19 ~~be completed no later than the date the urban growth development permit is issued~~
20 ~~pursuant to SRC 66.080.~~

21 (b) Upon completion of the area facilities plan, the Director shall calculate the total
22 estimated construction cost of the required public improvements contained in the area
23 facilities plan, and calculate the estimated amount of the infrastructure fee by EDU or
24 other equivalent unit, based on the estimated cost of construction for each required public
25 improvement.

26 **Section 111.** SRC 66.350 is renumbered 200.225 and amended to read as follows:

27 **200.225. 66.350. Order Approving Formation.**

28 (a) After the public hearing is held pursuant to SRC 200.220, 66.340, the City Council
29 shall adopt an order, adopting the Director's report and recommendations and approving
30 the formation of the proposed development district, rejecting the Director's report and

1 recommendations, or remanding the Director’s report and recommendation back to the
2 Director for further review.

3 **(b)** An order approving the formation of a development district shall:

4 **(1)** Establish the boundaries of the development district;

5 **(2)** Establish a methodology for calculating the infrastructure fee which considers
6 the cost of financing the construction of the public improvements and related
7 administrative costs;

8 **(3)** Establish the amount of the infrastructure fee to be collected on behalf of the
9 developer per EDU or other equivalent unit. The total infrastructure fee shall be
10 an amount not less than the total amount of system development charges that
11 would have been collected from development on the property but for the inclusion
12 of the property within the development district;

13 **(4)** Specify that payment of the infrastructure fee is a condition precedent for
14 obtaining any building permits or connections to the city’s infrastructure for
15 property within the district;

16 **(5)** Require that the developer enter into an infrastructure agreement in
17 compliance with SRC 200.235 ~~SRC 66.370~~; and

18 **(6)** Provide that the obligation imposed by the order run with the land and bind
19 the developer’s heirs, successors and assigns.

20 **(c)** The order approving the development district shall be accepted or rejected by the
21 developer within sixty days of adoption. If accepted by the developer, the order shall
22 be signed by the developer and acknowledged before a notary public.

23 **(d)** The date of formation of a development district shall be the date that the developer
24 accepts the order approving the formation of the district.

25 **Section 112.** SRC 66.370 is renumbered 200.235 and amended to read as follows:

26 **200.235. 66.370. Infrastructure Agreement.** Not more than one hundred and eighty days
27 after acceptance of the order establishing the development district, the developer shall enter into
28 an infrastructure agreement with the City, which shall include at a minimum:

29 **(a)** A description of the boundaries of the district;

30 **(b)** A list of all public improvements to be built;

- 1 (c) A requirement that the proposed public improvements meet City standards.
- 2 (d) A conceptual site plan with the location of all public improvements to be built;
- 3 (e) The estimated cost of each public improvement to be built;
- 4 (f) The triggering event for, and the approved priority for the construction of, the public
- 5 improvements;
- 6 (g) The estimated date of construction of each public improvement;
- 7 (h) The process for modifying the development agreement;
- 8 (i) A provision to establish a separate account into which the infrastructure fee will be
- 9 deposited and held by the City pending authorized expenditure, and specify the manner of
- 10 distributions from the account by the Director;
- 11 (j) A provision to make progress payments for planning and construction of the public
- 12 improvements;
- 13 (k) Payment of an administration fee to the City for its administration of the
- 14 development district and infrastructure agreement;
- 15 (l) Provisions establishing events of default by the developer, and providing remedies
- 16 therefor;
- 17 (m) A clause in a form acceptable to the City Attorney providing that the Developer
- 18 voluntarily consents to the obligations imposed by the development district and
- 19 infrastructure agreement, and waiving any claims, demands, and causes of action of
- 20 whatsoever nature, including demands for costs or attorneys fees, arising out of or
- 21 resulting from the formation of the development district or from the obligations imposed
- 22 by the infrastructure agreement, and that the developer is estopped from filing any claim,
- 23 demand or cause of action of whatsoever nature, including a claim in inverse
- 24 condemnation, arising out of, or resulting from, the formation of the development district
- 25 or from the obligations imposed by the infrastructure agreement.
- 26 (n) Provisions to ensure the payment of the infrastructure fee at the time building permits
- 27 are issued or connections made to public improvements, including, but not limited to,
- 28 ensuring payment through covenants, conditions and restrictions including in the deeds
- 29 conveying the developer's interest in the real property;
- 30 (o) A provision that the obligations imposed by the infrastructure agreement shall be

1 binding on the developer, and the developer’s heirs, successors, and assigns; and
2 (p) Such other provisions the City determines necessary and proper to carry out the
3 provisions of SRC 200.200 through 200.275, ~~66.300-66.450~~.

4 **Section 113.** SRC 66.450 is renumbered 200.275 and amended to read as follows:

5 **200.275. 66.450. No Limitation on Authority; Infrastructure Fee Not a Tax.**

6 (a) The infrastructure fee is not intended to replace or limit, and is in addition to, any
7 other fees or charges assessed or collected by the City. Nothing in SRC 200.200 through
8 200.275 ~~66.300-66.460~~ is intended to modify or limit the authority of the City:

- 9 (1) To provide or require access management;
- 10 (2) To enforce conditions of approval that have been imposed against specific
11 properties; or
- 12 (3) To impose, in the future, conditions of approval against specific properties as the
13 properties develop.

14 (b) Formation of a development district shall not result in an assessment upon or lien
15 against real property by the City, and infrastructure fees collected on behalf of a
16 developer are not taxes, and are not subject to the property tax limitations of Article XI,
17 section 11(b) of the Oregon Constitution.

18 **Section 114.** SRC 66.500 is renumbered 200.300 and amended to read as follows:

19 **200.300. 66.500. Definitions.** Unless the context otherwise specifically requires, as used in
20 SRC 200.300 through 200.385, ~~66.500-66.670~~, the following terms mean:

- 21 (a) City: The City of Salem, Oregon.
- 22 (b) Construction: The construction, reconstruction, major rehabilitation, enhancement or
23 upgrade of a public improvement undertaken pursuant to a development approval.
- 24 (c) Developer: Any person who undertakes, as a condition of development approval, the
25 construction of a public improvement that is available to provide services to properties, in
26 addition to property owned by the person.
- 27 (d) Development approval: Any final land use decision, limited land use decision,
28 expedited land division decision, urban growth area permit, master plan approval,
29 building permit, or other similar authorization needed in order to develop land.
- 30 (e) Director: The Public Works Director of the City of Salem, or the Director’s

1 designee.

2 **(f)** Infrastructure agreement: An agreement between a Developer and the City which
3 provides for the reimbursement of the costs of public improvements that were or will be
4 constructed as a condition of development approval.

5 **(g)** Person: A natural person, partnership, corporation, limited liability company,
6 association, governmental entity other than the City, or any other entity in law or fact.

7 **(h)** Public improvement: A capital facility or asset used for water supply, treatment and
8 distribution; wastewater collection, transmission, treatment and disposal; transportation;
9 parks or recreation; or stormwater drainage or flood control.

10 **(i)** Reimbursement district: An area which will derive benefits from the construction of
11 public improvements that are constructed in whole or in part by a Developer.

12 **(j)** Reimbursement fee: The fee required to be paid by persons developing property
13 within a reimbursement district, as set forth in the resolution establishing the
14 reimbursement district.

15 **Section 115.** SRC 66.505 is renumbered SRC 200.305 and amended to read as follows:

16 **200.305. 66.505. Reimbursement Districts Authorized.**

17 **(a)** A reimbursement district may be formed if the public improvement required to be
18 constructed as a condition of development approval can or will provide direct service to
19 property other than the property being developed by the Developer.

20 **(b)** To be eligible for inclusion as public improvement within a reimbursement district,
21 the public improvement must provide a public benefit by constructing a new public
22 improvement or by enhancing or increasing the capacity of an existing public
23 improvement, ~~must be of a size greater than that ordinarily needed to serve the~~
24 ~~Developer's property~~, and must be available to serve other lots or parcels within the
25 proposed reimbursement district.

26 **(c)** A reimbursement district shall provide for the deposit of funds with the City from
27 persons developing property within the reimbursement district, to be used for the
28 reimbursement to the Developer who funds the construction, reconstruction or upgrade of
29 public improvements within the reimbursement district.

1 (d) Formation of a reimbursement district shall not result in an assessment upon or lien
2 against real property and reimbursement fees collected by the City on behalf of a
3 Developer are not taxes subject to the property tax limitations of Article XI, section 11(b)
4 of the Oregon Constitution.

5 **Section 116.** SRC 66.525 is renumbered 200.325 and amended to read as follows:

6 **200.325. 66.525. City Council Action.**

7 (a) After the public hearing held pursuant to SRC 200.320, 66.520, the City Council
8 shall, by resolution, approve, reject or modify the recommendations contained in the
9 Public Works Director's report. If a reimbursement district is established, the resolution
10 shall include the Public Works Director's report as approved or modified, and specify
11 that payment of the reimbursement fee, as designated for each parcel, is a precondition of
12 receiving any city permits applicable to development of that parcel.

13 (b) The City Council resolution shall establish the boundaries of the reimbursement
14 district and shall determine the methodology for setting the reimbursement fee that
15 considers the cost of financing the construction of the public improvement.

16 (c) The resolution shall establish an interest rate to be applied to the reimbursement fee
17 as a return on the investment of the Developer. The interest rate shall be fixed, and shall
18 be computed on the reimbursement fee as simple interest.

19 (d) The resolution shall authorize the City Manager to enter into an infrastructure
20 agreement with the Developer pertaining to the reimbursement district improvements,
21 which shall be contingent upon the improvements being accepted by the City. The
22 agreement shall contain the following:

23 (1) The total or estimated amount of potential reimbursement to the Developer, along
24 with a rate of interest;

25 (2) That the total amount of reimbursement shall not exceed the actual cost of the
26 public improvements, plus interest, exclusive of the Developer's share of the cost of
27 the public improvements.

28 (3) That the Developer shall guarantee the public improvements for a period of
29 twelve months after the date of installation.

30 (4) That the Developer defend, indemnify and hold harmless the City from any and

1 all losses, claims, damage, judgments or other costs or expense arising as a result of
2 or related to the City's establishment or administration of the reimbursement district.

3 (5) That the Developer agrees that the City cannot be held liable for any of the
4 Developer's alleged damages, including all costs and attorney fees, or as a result of
5 any aspect of the formation of the reimbursement district, or the reimbursement
6 district process, and that the Developer waives, and is stopped from bringing, any
7 claim, of any kind, including a claim in inverse condemnation, because the Developer
8 has benefitted by the City's approval of its development and the required
9 improvements.

10 (6) Other provisions the City determines necessary and proper to carry out the
11 provisions of SRC 200.300 through 200.385. ~~66.500-66.670.~~

12 (e) The date of formation of a reimbursement district shall be the date that the City
13 Council adopts the resolution establishing the district.

14 (f) If establishment of the reimbursement district occurs prior to construction of the
15 public improvement, the Director shall report the final costs to the City Council who shall
16 then modify the resolution to reflect the actual cost of the improvements.

17 **Section 117.** SRC 66.560 is renumbered 200.360 and amended to read as follows:

18 **200.360. 66.560. No Limitation on Authority.** Nothing in SRC 200.300 through 200.385
19 ~~66.600-66.670~~ is intended to modify or limit the authority of the City:

20 (a) To provide or require access management;

21 (b) To enforce development conditions which have already been imposed against
22 specific properties; or

23 (c) To impose, in the future, development conditions against specific properties as the
24 properties develop.

25 **Section 118.** SRC 66.565 is renumbered 200.365 and amended to read as follows:

26 **200.365. 66.565. When Reimbursement Fee Not Charged.** No person shall be required to
27 pay a reimbursement fee for development upon property upon which a reimbursement fee has
28 been previously paid, unless such payment is for a different public improvement than that for
29 which the fee was originally paid. No permit shall be issued for any of the activities listed in
30 SRC 200.355(a) ~~66.555(a)~~ unless the reimbursement fee, together with any interest, has been

1 paid in full. Where development approval has been given, but no development permit is issued,
2 or if the development permit is no longer valid and no development has occurred, the
3 requirement to pay the reimbursement fee lapses.

4 **Section 119.** SRC 66.590 is renumbered 200.400 and amended to read as follows:

5 **200.400. 66.590. Definitions.** Unless the context otherwise specifically requires, as used in
6 SRC 200.400 through 200.420, 66.590-66.610, the following terms mean:

7 (a) City: The City of Salem, Oregon.

8 (b) Construction: The construction, reconstruction, major rehabilitation, enhancement or
9 upgrade of a public improvement undertaken pursuant to a development approval.

10 (c) Developer: Any person who undertakes, as a condition of development approval, the
11 construction of a public improvement that is available to provide services to properties, in
12 addition to the property owned by the person, or that person's assignee or successor-in-
13 interest.

14 (d) Development: Means "devevelopment" as defined in SRC 200.005. 66.020(h).

15 (e) Development approval: Any final land use decision, limited land use decision,
16 expedited land division decision, urban growth area permit, master plan approval,
17 building permit, construction permit, or other similar authorization needed in order to
18 develop land.

19 (f) Director: The Public Works Director of the City of Salem, or the Director's designee.

20 (g) Person: A natural person, partnership, corporation, limited liability company,
21 association, governmental entity other than the City, or any other entity in law or fact.

22 (h) Public improvement: A capital facility or asset used for water supply, treatment and
23 distribution; wastewater collection, transmission, treatment and disposal; transportation;
24 or stormwater drainage or flood control.

25 **Section 120.** SRC 66.595 is renumbered 200.405 and amended to read as follows:

26 **200.405. 66.595. Fee-In-Lieu of Construction Authorized.**

27 (a) The Director may allow a Developer to enter into an agreement with the City for the
28 payment of a fee-in-lieu of making a public improvement, required as a condition of a
29 development approval, when the following conditions are met:

30 (1) The development approval only requires the construction of a portion of the

1 public improvement, and additional portions are required to be constructed in order to
2 have an operational, fully functioning public improvement;

3 (2) Construction of the additional portions of the public improvement will not or
4 cannot occur simultaneously with the construction of the portion required as the
5 condition of development approval because funding for other portions is unavailable
6 at the time the developer would construct the developer's portion of the public
7 improvement; and

8 (3) Construction of only a portion of the public improvement would impede the
9 construction of the additional portions or otherwise affect the physical integrity of the
10 public improvement at a future date.

11 (b) Notwithstanding any provision of SRC 200.400 through 200.420, ~~66.590-610~~
12 construction of the public improvement shall be preferred over the payment of a fee-in-
13 lieu.

14 (c) No building permits for any structures within the development subject to the
15 condition of development approval will be issued until the fee-in-lieu of construction is
16 paid.

17 (d) The Director of Finance shall deposit the fee-in-lieu into a trust and agency account,
18 and the fee-in-lieu shall only be used to fund construction of the public improvement for
19 which the fee was paid.

20 (e) An agreement to pay a fee-in-lieu of construction shall be in a form approved by the
21 City Attorney and recorded in the deed records of the appropriate county. The agreement
22 to pay a fee-in-lieu of construction shall not result in an assessment upon or lien against
23 real property, and the fee-in-lieu collected by the City from a Developer are not taxes
24 subject to the property tax limitations of Article XI, section 11(b) of the Oregon
25 Constitution.

26 **Section 121.** SRC 66.605 is renumbered 200.415 and amended to read as follows:

27 **200.415. 66.605. Payment of Fee-In-Lieu of Construction as Substantial Compliance.**

28 Payment of an approved fee-in-lieu of construction as provided in SRC 200.400 through 200.420
29 ~~66.590-66.610~~ shall be considered substantial compliance with the condition of land use
30 approval requiring the construction of the public improvement.

1 **Section 122.** SRC 66.610 is renumbered 200.420 and amended to read as follows:

2 **200.420. ~~66.610.~~ No Limitation on Authority.** A fee-in-lieu of construction is not intended to
3 replace or limit, and is in addition to, any other existing fees or charges collected by the City.
4 Nothing in SRC 200.400 through 200.420 ~~66.590-66.610~~ is intended to modify or limit the
5 authority of the City:

- 6 (a) To provide or require access management;
- 7 (b) To enforce other development conditions contained in the land use approval; or
- 8 (c) To require, in the future, the construction of the public improvement as a condition of
9 development approval against other properties.

10 **Section 123.** SRC 73.260 is amended to read as follows:

11 **73.260. Mill Creek Industrial Park Stormwater Management Requirements.**

12 (a) The requirements of this section shall be applicable to that certain land
13 located within the corporate limits of the City of Salem south of Highway 22 and
14 east of Kuebler Boulevard, designated “Employment Center” pursuant to City’s
15 land use regulations, SRC Chapter 161, and commonly known as “The Mill Creek
16 Industrial Park” (MCIP).

17 (b) All development within the MCIP shall be in accordance with the provisions
18 of this Chapter, and shall include stormwater management for both quantity and
19 quality. Site-specific stormwater management requirements, in conformance with
20 the City’s Standards for Stormwater Management, shall be developed to address
21 quantity and quality of stormwater that will enter the wetlands located within the
22 MCIP and subject to the Section 404 Permit No. 200400803-2 issued to the State
23 of Oregon Department of Administrative Services by the U.S. Army Corps of
24 Engineers (COE) and the Oregon Department of State Lands (DSL) for
25 development occurring within the MCIP, and to address the quantity and quality
26 of water entering the water quality limited streams known as Mill Creek and the
27 Little Pudding River from the wetlands and from development occurring within
28 the MCIP.

29 (c) No person shall construct any improvements within the MCIP, or make any
30 new connection or modify any existing connection to the City’s stormwater

1 system from within the MCIP, without first obtaining the City’s written approval
2 of construction plans in accordance with SRC 77.091 and the associated permits
3 required by SRC 77.090. Construction plans shall conform to the City’s Design
4 Standards for Stormwater Management as prescribed by the Director pursuant to
5 SRC 70.050.

6 **Section 124.** SRC 75.020 is amended to read as follows:

7 **75.020. Definitions.**

8 (a) Words and phrases defined in SRC Chapter 111 shall have the meanings set
9 forth therein, unless another definition is set forth in this section.

10 (b) Except where the context otherwise specifically requires, as used in this
11 Chapter: ~~unless the context clearly requires otherwise, the following mean:~~

12 (1) Applicant: means the owner of real property or the owner’s
13 authorized agent, ~~and. For the purposes of this Chapter, and as the~~
14 ~~context may require, “applicant” includes any person who would be~~
15 required to obtain an Erosion Control Permit, but neglects or otherwise
16 fails to do so.

17 (2) Approved: means having received official confirmation by the
18 Director.

19 (3) Authorized agent: means the developer, contractor, engineer, builder,
20 personal representative, or anyone designated by the owner to have control
21 or supervision of a site involving a ground disturbing activity.

22 (4) Certified professional: means any person licensed as a civil engineer,
23 architect, landscape architect, or landscape designer who is qualified, in
24 the judgment of the director, to design erosion prevention and sediment
25 control plans or facilities; or any person certified by the State of Oregon or
26 the International Erosion Control Association as a Certified Professional
27 in Erosion and Sediment Control; or any person certified by other
28 appropriate national association and who in the judgment of the director
29 has the knowledge, skills, and abilities to design erosion prevention and
30 sediment control facilities.

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- (5) Clearing- means any activity that removes vegetative cover of land.
- (6) Director- means the Director of Public Works of the City or the Director's designee.
- (7) Drainage course- means any land surface, ditch, waterway, or other feature which serves as a course for the transmission of surface water and stormwater.
- (8) Erosion- means the wearing away of the ground surface, or the movement, detachment or dislocation and transport of sediment including soil particles by the action of water or wind.
- (9) Erosion prevention- means a measure that prevents or reduces the creation of sediment.
- (10) Erosion control permit- means a permit issued by the city for the construction of facilities for the prevention or control of erosion, runoff, or sediment.
- (11) EPSC Plan- or Erosion Prevention and Sediment Control Plan- means a set of plans indicating the specific measures and sequencing or phasing to be used to control erosion and sediment on a development or construction site during and after construction or other ground disturbing activities.
- (12) Grading- means excavation or fill of material, including the resulting conditions, spoils, or by-products.
- (13) Ground disturbing activities- means any activity that exposes soil through the use of mechanical equipment, including, but not limited to, grading, excavating, filling, clearing, or working of land. Such disturbance may be permanent (i.e., gravel mining, farming, gardening, sports fields, etc.); or temporary or short-term duration such as construction, excavation, fill, grading, landscape installation, or other vegetative clearing activities.
- (14) Perimeter control- means a barrier that prevents sediment from leaving a site by filtering runoff or diverting it to a sediment trap or basin.
- (15) Sediment- means finely divided loose material that can be

1 suspended and transported in water or air and may originate from
2 disturbed soil, landscaping, and construction activities or materials.

3 **(16) Sediment control-** means a measure that prevents or reduces the
4 amount of eroded material leaving the site.

5 **(17) Site-** means a parcel of land or contiguous lots or parcels of land
6 where ground disturbing activities are performed as a single unified
7 operation.

8 **(18) Slope-** means an inclined earth surface, the inclination of which is
9 expressed as the ratio of horizontal distance to vertical distance. Slopes
10 are expressed as a percentage and measured across a horizontal rise and
11 run calculation within any horizontal twenty-five foot distance.

12 **(19) Stabilization-** means the use of practices that prevent, or reduce to
13 the maximum extent practicable, exposed soil from eroding.

14 **(20) Storm drainage system-** means all conduits, ditches, gutters, catch
15 basins, or any other facilities convenient or necessary to carry away and
16 dispose of stormwater and subsurface drainage, surface water, or
17 unpolluted surplus water.

18 **(21) Technical Guidance Handbook-** means the “Erosion Prevention and
19 Sediment Control (EPSC) Plans Technical Guidance Handbook.” The
20 Technical Guidance Handbook shall be the reference for erosion
21 prevention and sediment control design standards.

22 **(22) Visible and measurable erosion or sediment-** means

23 **(A)** Deposits or tracking of mud, dirt, sediment, or similar material
24 which exceeds one-half cubic foot in volume, on public or private
25 streets, adjacent property, or into the storm drainage system or a
26 drainage course, either by direct deposit, dropping, discharge, or as
27 a result of the action of erosion; or

28 **(B)** Evidence of concentrated flows of water over bare soils;
29 turbid or sediment laden flows; or evidence of on-site erosion such
30 as rivulets on bare soil slopes, where the flow of water is not

1 filtered or captured before leaving the site; or

2 (C) Earth slides, mud flows, earth sloughing, or other earth
3 movement in excess of one-half cubic foot in volume, which
4 leaves the site.

5 (23) Waterway- means any river, stream, or creek within the city,
6 designated by the Director.

7 (24) Wetland- means any area that is inundated or saturated by surface
8 water or groundwater at a frequency and duration sufficient to support,
9 and that under normal circumstances does support, a prevalence of
10 vegetation typically adapted for life in saturated soil conditions.

11 **Section 125.** SRC 72.086 is amended to read as follows:

12 **72.086. Reimbursement of Developer.** Reimbursement to any person constructing a qualified
13 public improvement shall be as provided in SRC Chapter 200.66.

14 **Section 126.** SRC 75.160 is amended to read as follows:

15 **75.160. Existing Vegetation and Slope Stability.** The applicant shall conduct all ground
16 disturbing activities in compliance with ~~the city's tree and vegetation preservation requirements~~
17 ~~contained in SRC Chapter 68 and of this Code, as well as the requirements of SRC Chapter 69,~~
18 Landslide Hazards.

19 **Section 127.** SRC 76.040 is amended to read as follows:

20 **76.040. Barbed Wire Prohibited along Streets and Alleys.** Except as provided in SRC
21 800.050(d), 431.120, it shall be unlawful for any person to erect or maintain within one foot of
22 any street, sidewalk, or alley line or in or across any street, sidewalk, landscape strip, or alley any
23 barbed wire or barbed wire fencing, either independent of or in connection with any fencing
24 material.

25 **Section 128.** SRC 77.160 is amended to read as follows:

26 **77.160. Sidewalk Improvement Requirements.**

27 (a) Construction of sidewalks conforming to the Public Works Design Standards ~~of the~~
28 ~~department of public works~~ shall be a condition of the issuance of any building permit for
29 a development located on property lacking such sidewalks. As used in this section,
30 "development" means the erection, construction, or enlargement of any building or

1 structure requiring a building or occupancy permit under SRC Chapter 56, but excluding
2 building permits for improvements to existing single family or duplex dwelling unit
3 structures under the following conditions:

4 (1) Existing single family or duplex dwelling unit structure is located on property
5 abutting an unimproved street that lacks curbs; and

6 (2) The proposed development is less than a 50 percent enlargement of the existing
7 floor area square footage of the structure, including an attached garage.

8 (b) Deferral - city required. Construction of required sidewalks may be deferred at no
9 cost where street improvements are anticipated or where no sidewalks are presently
10 located within 150 feet and on the same side of the adjacent property.

11 (c) Variances and enforcement. Variance from and enforcement of the requirements of
12 this section shall be as provided in SRC 77.150 (f) and (g).

13 **Section 129.** SRC 77.120 is amended to read as follows:

14 **77.120. Bonds or Other Written Evidence to Be Filed.**

15 (a) No permit shall be issued pursuant to SRC 77.100 unless there is filed with the
16 application the following:

17 (1) A performance guarantee in the form specified in SRC 110.100, 63.053,
18 sufficient to satisfy the Director of Public Works that the work shall be done in
19 accordance with city standards and specifications.

20 (2) A maintenance bond or other written evidence in a form approved by the City
21 Attorney guaranteeing the work performed for a period of one year after completion
22 of the said project and written acceptance by the said Director of Public Works. The
23 maintenance bond may be incorporated in and made a part of the construction bond.

24 (b) The Director of Public Works ~~shall have the authority and~~ shall require an applicant
25 to file satisfactory evidence of insurance protecting and saving harmless the City, its
26 officers, agents, and employees from all claims for damages or injury to other persons by
27 reason of such alteration work prior to acceptance and for a period of one year thereafter.
28 Such insurance, ~~if required,~~ shall be in not less than the amounts specified in ORS
29 30.270, and the evidence thereof shall be in a form approved by the City Attorney.

30 (c) Prior to final acceptance and start of one-year warranty period, the private engineer

1 for the project must submit the following:

2 (1) Five sets of blackline prints of as-built drawings prepared and certified by a
3 registered professional engineer licensed by the State of Oregon;

4 (2) All additional easements required due to construction changes, accompanied by
5 a drawing showing area covered by said legal description;

6 (3) Such other information as the Director of Public Works shall deem necessary for
7 final acceptance.

8 (d) Prior to final acceptance and start of the one-year warranty period for a sanitary
9 sewer project, the project engineer shall notify the Director of Public Works that the
10 system is complete and ready for final inspection. The Director shall cause inspection of
11 the system by means of a closed circuit TV camera to assure that there are no cracks in
12 the pipe, that all joints are tight, that deflection is within acceptable tolerances, and that
13 there are no conditions apparent which would permit the infiltration of ground water into
14 the system.

15 (e) Prior to final acceptance and start of the one-year warranty period for a project other
16 than a sanitary sewer project, the Director of Public Works shall cause such inspection of
17 the project as the Director may consider necessary.

18 **Section 130.** SRC 78.040 is amended to read as follows:

19 **78.040. Width, Thickness, and Slope.** Sidewalk width, thickness, and slope shall conform to
20 the following standards:

21 (a) All sidewalks shall be a minimum of five feet in width.

22 (b) Sidewalks located within four hundred feet of, and that provide direct access to a
23 school, shall be a minimum of eight feet in width.

24 (c) For ~~alternative street standards reduced local street cross-sections~~, as described in
25 SRC ~~803.065(a)(1) or SRC 803.065(a)(3), 63.235~~, where site conditions otherwise
26 require, the Director may approve sidewalk width to be reduced to four feet and located
27 on the property line.

28 (d) In ~~business, commercial, or industrial zones districts~~ and at public buildings,
29 churches, or similar places, the Director may allow sidewalks more than five feet in
30 width.

1 (e) Sidewalks shall have an unobstructed clearance, four feet in width, around signs,
2 mailboxes, and other similar facilities.

3 **Section 131.** SRC 78.180 is amended to read as follows:

4 **78.180. Requirements for New Construction Abutting Improved Streets.**

5 (a) Except as otherwise provided by SRC 78.192, every property owner whose property
6 abuts upon any street that has been improved with hard surface pavement and curbs, shall
7 construct a sidewalk conforming to the provisions of this Chapter within one hundred
8 days from the completion of construction of any building located upon the property. For
9 the purposes of this section, sidewalks shall be required along the entire length of the
10 property abutting any improved street. As used in this section, the term building shall not
11 include accessory buildings, as defined in SRC 111.005, 111.020, in a residential zone.
12 ~~residentially zoned district.~~

13 (b) Whenever any property owner refuses to perform any duty imposed under this
14 section, the Director shall issue a notice and order the property owner to satisfy such
15 duty, and if the property owner fails to perform such duty within such time as the
16 Director may have specified in the notice and order, then the Director shall proceed as
17 provided in SRC 78.300.

18 **Section 132.** SRC 79.020 is amended to read as follows:

19 **79.020. Option of Property Owners.** Any person owning or controlling property abutting
20 ~~upon~~ any improved street having a right-of-way width of not less than 80 feet and located
21 ~~situated~~ in any commercial or industrial zone, district, ~~as such districts are defined in SRC~~
22 ~~113.010~~, upon complying with ~~the provisions of~~ this Chapter, may improve the landscape strip in
23 front of the ~~his~~ property by paving such area with a hard-surfaced pavement, for only the
24 following purposes:

25 (a) To expand the existing sidewalk area to create increased hard surface area for
26 pedestrian passage and compliance with the Americans With Disabilities Act.

27 (b) To create hard surface areas for pedestrian plazas, outdoor cafes, promenades, street
28 furniture, bicycle parking, and improved building access.

29 (c) To provide hard surface pedestrian waiting areas for transit stops and shelters.

30 (d) To create additional on-street parking areas.

1 **Section 133.** SRC 79.040 is amended to read as follows:

2 **79.040. Application; Generally.** Before paving any landscape strip, the abutting owner shall
3 make application in accordance with the provisions, standards, and fees prescribed for a street
4 construction permit in SRC Chapter 77, ~~of this code~~. As part of the permit application the
5 abutting owner shall demonstrate compliance with ~~provisions and requirements contained in~~
6 SRC Chapter 86, Chapter 807, ~~432~~ and this Chapter.

7 **Section 134.** SRC 86.015 is amended to read as follows:

8 **86.015. Shade Tree Policy and Responsibility.**

9 (a) ~~It is the policy of the City hereby adopts the policy~~ to line its streets with desirable
10 species of trees, to plant or cause to be planted such trees in all areas of the City, and to
11 provide a consistent and adequate program for maintenance and preservation of such
12 trees. The ~~Director City~~ shall establish comprehensive and specific plans for the planting
13 and maintenance of trees along the streets within the City.

14 (b) It is hereby declared that the public interest and welfare requires that the City
15 maintain the program for the planting, maintenance, and preservation of all trees on
16 public property in the City.

17 (c) Except as provided in this Chapter and SRC 807.015(g), ~~432.210~~, the city shall be
18 responsible for planting, treating, pruning, and removing dangerous or damaged trees
19 within the right-of-way adjacent to single family dwellings and duplex structures. After
20 initial occupancy, the abutting property owner shall be responsible for watering and
21 maintaining the area around the trees within the right-of-way, including shrubs, bushes
22 and other plant material, unless this responsibility is specifically withdrawn by the city.
23 The abutting property owner shall also be responsible for the maintenance of trees,
24 shrubs, or bushes on his or her own or adjacent public property in accordance with SRC
25 86.080 and in such a way as not to cause a hazard to the public safety.

26 **Section 135.** SRC 86.110 is amended to read as follows:

27 **86.110. Planting Trees and Shrubs on Street or Alley.**

28 (a) It shall be unlawful for any person to plant or set out any tree or shrub or cause or
29 authorize or procure any person to plant or set out any tree or shrub in or upon any part of
30 any public street or alley without obtaining from the Director a written permit to do so, or

1 the approval of a landscape plan pursuant to SRC 807.020, 132.140 and without first
2 complying in all respects with the conditions set forth in such permit or approval and
3 with the provisions of this Chapter.

4 (b) Except as provided in subsection (c) of this section, applications for permits shall
5 describe the work to be done and the variety, size, and precise location of each tree or
6 shrub. Plantings shall conform to the master street plan or official tree planting list.
7 After the receipt of such an application, the Director shall investigate the locality where
8 the tree or trees are to be placed and shall grant a permit only if the location is such as to
9 permit the normal growth and development of each tree. Such permit shall specify the
10 location, variety, and grade of each tree and method of planting, including among other
11 things the supplying of suitable soil. The permit shall be good only for the planting
12 season stated in the same year issued.

13 (c) Applications for such permits for new single family and duplex dwellings shall
14 specify the number of trees being planted, the species and the address of the dwelling.
15 Trees shall be a minimum of one and one-quarter inch caliper, on a six foot standard (first
16 branch no lower than six feet above ground level), be of a species approved by the
17 Director, and be planted in accordance with good arboricultural practices. Applications
18 for such permits shall be made at the time of application for building permits for the
19 dwellings. The only inspection shall be to verify that trees have been placed. This
20 inspection will occur during the final inspection of the dwellings.

21 (d) There shall be no fee for a permit under this section.

22 **Section 136.** SRC 102.040 is amended to read as follows:

23 **102.040. Prohibited Parking.** It shall be unlawful for any person to park:

- 24 (a) Any vehicle at any place prohibited by ORS 811.550;
- 25 (b) Any vehicle at any place adjacent to a curb which has been painted yellow or red by
26 the City;
- 27 (c) Any vehicle within the landscape strip;
- 28 (d) Any vehicle contrary to any parking control device;
- 29 (e) Any vehicle in any public alley, except for the purpose of loading or unloading
30 passengers or cargo, and then only for a period of time not to exceed thirty minutes;

1 (f) Any vehicle in any parking zone when the vehicle is parked for the principal purpose
2 of:

3 (1) Displaying the vehicle for sale;

4 (2) Selling, taking orders for, or attempting to sell or take orders for the present or
5 future delivery of goods or services of any nature, if such sales or orders are made,
6 taken, or attempted from the vehicle;

7 (3) Displaying advertising from the vehicle;

8 (4) Repairing, constructing, reconstructing, or servicing the vehicle;

9 (g) Any vehicle, or a combination of vehicles and trailers in excess of twenty-three feet
10 in overall length or eight feet in overall width:

11 (1) On a street within any district zoned residential, except while actually engaged
12 in the process of loading or unloading passengers or cargo or providing services in
13 the district; or

14 (2) On a street within that area bounded on the west by the west line of Front
15 Street, on the north by the south line of Union Street, on the east by the west line of
16 12th Street, and on the south by the center line of Trade Street, except while actually
17 engaged in the process of loading or unloading passengers or cargo or providing
18 services in the area, and then only for a period of time that shall not exceed thirty
19 minutes; or

20 (3) On any street which is less than thirty feet in overall width.

21 (h) Any motorized recreational vehicle:

22 (1) On a street within any district zoned residential between 10:00 p.m. and 6:00
23 a.m., if the motorized recreational vehicle is in excess of twenty-three feet in overall
24 length, or in excess of eight feet in overall width;

25 (2) On a street within that area bounded on the west by the west line of Front
26 Street, on the north by the south line of Union Street, on the east by the west line of
27 12th Street, and on the south by the center line of Trade Street, except while
28 actually engaged in the process of loading or unloading passengers or cargo or
29 providing services in the area, and then only for a period of time that shall not
30 exceed thirty minutes; or

- 1 (3) On any street which is thirty feet or less in overall width;
- 2 (i) Any vehicle that is not designed for self propulsion, or is not connected to a vehicle
- 3 designed for self propulsion and is parked on a street or off-street parking facility.
- 4 (j) Any vehicle in the same location on a street or in an off-street parking facility for a
- 5 continuous period of time of more than five days.
- 6 (k) Any junk motor vehicle as described in SRC 50.025(a)(26) on a street, or in an off-
- 7 street parking facility.
- 8 (l) Any vehicle in violation of SRC 806.025(a). ~~130.140 “No Parking in Yards Adjacent~~
- 9 ~~to Streets.”~~
- 10 (m) Any vehicle in any crime prevention zone designated in SRC Chapter 95 when the
- 11 vehicle is in the zone for the principal purpose of transporting a person in violation of an
- 12 exclusion order issued pursuant to SRC 95.740.
- 13 (n) Any vehicle within any area which is designated fire land.
- 14 (o) Any vehicle in violation of an administrative parking order relating to on-street and
- 15 off-street parking issued pursuant to SRC 102.020.

16 **Section 137.** SRC 215.005 is amended to read as follows:

17 **215.005. Definitions.** Unless the context otherwise specifically requires, as used in this
 18 Chapter, the following mean:

- 19 (a) Common open space: Open space designated in the NCMP, permanently set aside
- 20 for the common use of the public, and includes walkways and bicycle paths within
- 21 common open space.
- 22 (ab) Concept Plan: means †The component of an NCMP that is comprised of a non-
- 23 binding plan illustrating possible suitable development in a district.
- 24 (bc) Design Guidebook: means †The component of an NCMP that is comprised of a set
- 25 of illustrative building elevations and other design elements establishing a pattern of
- 26 architectural treatment for buildings and structures, other than single family detached
- 27 dwellings, which ensures community character, visual interest, and pedestrian scale
- 28 within a district.

29
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1 (ed) Detailed Plan: ~~means~~ means ~~the~~ component of an NCMP that is comprised of plans and
2 elevations for buildings and structures, providing detailed information about proposed
3 development, other than single family detached dwellings, in a district.

4 (de) Development Plan: ~~means~~ means ~~the~~ component of an NCMP that illustrates features
5 that will be part of the development, including, but not limited to, the natural features
6 proposed to be retained, topography, the location of the Core Area, and collector streets
7 within the district.

8 (ef) District: ~~means a~~ means ~~An~~ entire contiguous area zoned NCMU.

9 (fg) Ground floor area: ~~means only~~ means ~~the~~ floor area of a building or structure devoted to
10 a particular use, measured within the exterior walls that are at the grade plane of the
11 building or structure.

12 (gh) Major intersection: ~~means~~ means ~~the~~ intersection of two streets, one of which is
13 designated in the Salem ~~Area~~ Transportation System Plan as a major arterial; or minor
14 arterial, and the other which is designated as a major arterial, minor arterial, or
15 collector.

16 (hj) Neighborhood Center Master Plan or NCMP: ~~means~~ Means, collectively, the
17 Development Plan, Detailed Plan, Design Guidebook, Phasing Plan, and Concept Plan,
18 as required for the Class of Neighborhood Center Master Plan.

19 (ij) NCMU: ~~means~~ means ~~The~~ Neighborhood Center Mixed Use zone.

20 (jk) Open space: ~~means~~ means ~~Open~~ areas that are landscaped or left with a natural
21 vegetative cover. Open space does not include sidewalks in public right-of-way,
22 bicycle paths within the public right-of-way, parking areas, driveways, streets, ~~and or~~
23 required parking lot landscaping or screening.

24 (1) ~~Common open space means open space designated in the NCMP, permanently~~
25 ~~set aside for the common use of the public, and includes walkways and bicycle~~
26 ~~paths within common open space.~~

27 (2) ~~Private open space means open space associated with individual residential~~
28 ~~dwellings.~~

29 (kl) Pedestrian streets: ~~means~~ means ~~the~~ those streets in the Core Area that are designated in the
30 NCMP to provide direct access to key pedestrian attractions.

1 (lm) Phasing Plan: ~~means~~†The component of a Class 2 NCMP that illustrates and
2 establishes the sequence of proposed future development of a district over a specified
3 period of time.

4 (n) Private open space: Open space associated with individual residential dwellings.

5 (mq) Subarea: ~~means~~†The portion of a district designated in a Class 3 NCMP that is at
6 least three contiguous acres in size, and for which a Development Plan and a Detailed
7 Plan has been prepared.

8 (np) Total floor area: ~~means~~†The floor area of a building or structure devoted to a
9 particular use, measured within the exterior walls of all stories of the building or
10 structure.

11 **Section 138.** SRC 215.010 is amended to read as follows:

12 **215.010. Neighborhood Center Master Plans.**

13 (a) **Applicability.** Unless otherwise provided in ~~Except as specified in~~ SRC Chapter
14 532, "~~Neighborhood Center Mixed Use Zone,~~" an approved NCMP shall be required
15 prior to development within a district for a Class 1 NCMP and Class 2 NCMP, and
16 prior to development within each subarea for a Class 3 NCMP.

17 (b) **Classes.** There are three classes of neighborhood center master plans:

18 (1) **Class 1 NCMP:** A Class 1 NCMP is an NCMP for development of an entire
19 district that will not be phased. A Class 1 NCMP is comprised of:

20 (A) A Development Plan for the entire district; and

21 (B) A Detailed Plan for the entire district.

22 (2) **Class 2 NCMP:** A Class 2 NCMP is an NCMP for development of an entire
23 district that will be phased. NCMP approval is granted with the first phase.
24 Development of subsequent phases requires Detailed Plan approval for each
25 subsequent phase.

26 (A) A Class 2 NCMP is comprised of:

27 (i) A Development Plan for the entire district;

28 (ii) A Phasing Plan for the entire district;

29 (iii) A Design Guidebook for the entire district; and
30

(iv) A Detailed Plan for the first phase, and, as approved, a Detailed Plan for each subsequent phase.

(3) **Class 3 NCMP:** A Class 3 NCMP is an NCMP for development of an entire district that will occur through development of subareas. NCMP approval is granted with the first subarea. Development of subsequent subareas requires subarea approval for each subsequent subarea.

(A) A Class 3 NCMP is comprised of:

- (i) A Concept Plan for the entire district;
- (ii) A Design Guidebook for the entire district;
- (iii) A Development Plan for the first subarea; and
- (iv) A Detailed Plan for the first subarea.

(B) A Class 3 NCMP approval for each subsequent subarea is comprised of the approved Design Guidebook and:

- (i) An updated Concept Plan for the entire district;
- (ii) A Development Plan for the subsequent subarea; and
- (iii) A Detailed Plan for the subsequent subarea.

TABLE 215-1

NEIGHBORHOOD CENTER MASTER PLAN COMPONENTS

Table 215-1: Neighborhood Center Master Plan Components					
Master Plan Class	Development Plan	Detailed Plan	Design Guidebook	Phasing Plan	Concept Plan
Class 1	Yes	Yes	N/A	N/A	N/A
Class 2 (Phased)	Yes (Entire District)	Yes (Each Phase)	Yes (Entire District)	Yes	N/A
Class 3 (Subareas)	Yes (Each Subarea)	Yes (Each Subarea)	Yes (Entire District)	N/A	Yes

(c) **Procedure Type.** ~~A Class 1, Class 2, or~~ and Class 3 NCMP-Neighborhood Center Master Plans ~~is~~ are processed as a Type III procedure under SRC Chapter 300.

1 **(d) Pre-Application Conference Submittal Requirements.** In addition to the
2 submittal requirements for a pre-application conference under SRC Chapter 300, an
3 application for an NCMP pre-application conference shall include:

4 **(1)** A map in general schematic form containing:

5 **(A)** Topography of the district showing either contour lines or elevations at key
6 locations;

7 **(B)** Proposed land uses for the district;

8 **(C)** Approximate location of existing buildings to be retained and approximate
9 location of proposed buildings to be constructed within the district;

10 **(D)** Land uses and approximate location of existing buildings, structures and
11 uses

12 on the properties adjacent to the district;

13 **(E)** The approximate location of all proposed streets, walkways, and parking
14 facilities within the district;

15 **(F)** Public uses within the district, including, but not limited to, schools, parks,
16 playgrounds, open spaces and trails; and

17 **(G)** Public and private utilities that will serve the district.

18 **(2)** A preliminary written statement containing an explanation of:

19 **(A)** The character of the proposed development and the manner in which it will
20 take advantage of the master planned development concept;

21 **(B)** The names and addresses of all owners of land included within the district;

22 **(C)** The method proposed to maintain private common open areas, buildings,
23 private streets or other facilities, including, but not limited to, common space
24 maintenance agreements; and

25 **(D)** The proposed timing and schedule of development.

26 **(e) Notification to Neighborhood.** Within 5 City business days ~~of~~ after the pre-
27 application conference, ~~the~~ any City-recognized neighborhood organization-association
28 within whose boundary the proposed NCMP is located shall be notified of the proposal.
29
30

1 (f) **Submittal Requirements.** In addition to the submittal requirements for a Type III
2 applications under SRC Chapter 300, 300.610, an application for Class 1, 2, or 3
3 NCMP shall include the following:

4 (1) **Applications for Class 1, 2, and 3 Neighborhood Center Master Plans.**

5 Applications of Class 1, 2, and 3 NCMPs shall include:

6 (A) An Existing Conditions Plan for the entire district, including, at a
7 minimum, the following:

8 (i) Total area, dimensions and its orientation relative to north;

9 (ii) Topography showing either contour lines or elevations at key
10 locations;

11 (iii) Natural features of the site including, but not limited to, drainage
12 patterns, riparian areas, water bodies, wetlands, steep slopes and ravines;

13 (iv) The location of existing structures and other improvements, including
14 accessory structures, fences, walls and driveways, noting their distance
15 from property lines;

16 (v) The location of the 100-year flood plain, if applicable;

17 (vi) Driveway and driveway approach locations, public and private streets,
18 including bike paths, transit stops, sidewalks and other bike and pedestrian
19 pathways, curbs, and easements on all properties abutting the district;

20 (B) A Geological Assessment or Geotechnical Report, if required ~~by~~ under
21 SRC Chapter 810, 69, or a certification from an engineer that landslide risk is
22 low, and that there is no need for further landslide risk assessment;

23 (C) A Traffic Impact Analysis, if required, ~~shall be provided based on a format~~
24 ~~and thresholds specified in standards established by the Public Works Director~~
25 under SRC Chapter 803;

26 (D) A Riparian Area Corridor plan, if applicable, including:

27 (i) A designation of the riparian corridor boundary for each waterway, as
28 defined in SRC 808.005; ~~68.020~~;

29 (ii) Delineation of the riparian corridor as a separate tract; and
30

1 (iii) A restoration plan for the riparian corridor that includes a tree and
2 vegetation planting and replanting plan consistent with SRC 808.035(c)(2),
3 ~~68.100~~.

4 (E) A draft copy of the articles of the home owners association; and

5 (F) A written statement explaining how the standards of this Chapter and of the
6 applicable chapters of the ~~SR-UDC~~ will be met by the proposed NCMP.

7 **(2) Class Specific Requirements**

8 **(A) Class 1 Submittal Requirements.** In addition to the submittal
9 requirements set forth under paragraph (1) of ~~required by~~ this subsection, an
10 application for a Class 1 NCMP shall include:

11 (i) A Development Plan containing the following:

12 (aa) The total area of the district, dimensions, and orientation relative
13 to north;

14 (bb) Site topography shown~~The proposed elevation~~ at 2-foot contour
15 intervals, with specific identification of slopes in excess of 15 percent;

16 (cc) Natural features of the district including, but not limited to,
17 drainage patterns, riparian areas, water bodies, wetlands, steep slopes
18 and ravines, and significant stands of trees, proposed to be retained;

19 (dd) A designation of the size and location of the Core Area;

20 (ee) A traffic circulation plan for pedestrian, bicycle, and vehicular
21 movement within and through the district. The circulation plan shall
22 include the location of collector streets within the district;

23 (ff) A preliminary infrastructure plan showing capacity needs for
24 municipal water and sewer service and schematic location of
25 connection points to existing municipal water and sewer services; and

26 (gg) The proposed lot pattern, lot standards, and lot coverage
27 requirements.

28 (ii) A Detailed Plan containing the following:

29 (aa) Elevation drawings showing architectural features and proposed
30 colors and materials for all proposed buildings and structures, other

1 than detached single family dwellings. The drawings shall be accurate
2 and to scale but need not be the final working drawings;

3 **(bb)** The size and location of solid waste and recyclables storage and
4 collection areas, and amount of overhead clearance above such
5 enclosures;

6 **(cc)** The location of easements for water lines, fire hydrants, sewer
7 lines, storm water facilities, and the location of the electric, gas, and
8 telephone lines, television cable, and the lighting plans;

9 **(dd)** A landscaping and tree planting plan, including the location of
10 street trees, with a notation indicating existing trees, and an indication
11 of square footage and percentage of district area covered by the plan;

12 **(ee)** A tree conservation plan that complies with SRC ~~68.100~~ 808.035;

13 ~~**(ff)** The location, height and material of fences, buffers, berms, walls
14 and other proposed screening as they relate to bufferyard and
15 landscaping required by SRC Chapter 132;~~

16 **(gff)** The location and intended use of all proposed primary and
17 accessory structures and other improvements, including, but not
18 limited to, driveway and driveway approach locations, indicating
19 distance to such structures from all property lines and adjacent on-site
20 structures, and the number of dwelling units in each residential
21 building and gross floor area for each non-residential building;

22 ~~**(hgg)** The location, intended use, and proposed method of
23 maintenance ~~method~~ for all common open space;~~

24 ~~**(i hh)** The location, intended use, and proposed method of
25 maintenance ~~method~~ for all common improvements, including, but not
26 limited to, buildings, structures, and private streets, ~~and the method~~
27 ~~proposed to maintain them;~~~~

28 **(jii)** The location of areas proposed to be conveyed, dedicated, or
29 reserved for parks, scenic ways, playgrounds, schools, public
30

1 buildings, and similar public and semipublic ~~uses~~ activities, and
2 whether such areas are to be public or private;

3 ~~(kkj)~~ The location, layout, and ~~the~~ surfacing of all vehicle,
4 pedestrian, and bicycle parking and loading areas, including
5 identification of circulation areas, handicapped parking stalls,
6 disembarking areas, accessible routes of travel, and proposed ramps;
7 and

8 ~~(kkk)~~ A summary table that includes total district area, non-
9 residential gross floor area by use ~~(i.e. office, retail, institutional)~~,
10 ~~parcel~~ lot sizes, total number of dwelling units, gross residential
11 density per acre, proposed acreage of undeveloped natural area, and
12 the number of parking spaces provided, building height, and lot
13 coverage proposed, including areas to be paved for parking and
14 sidewalks.

15 **(B) Class 2 Submittal Requirements.** In addition to the submittal
16 requirements set forth under paragraph (1) of ~~required by~~ this subsection, an
17 application for a Class 2 NCMP shall include:

18 (i) A Development Plan that complies with paragraph (2)(a)(i) of this
19 subsection;

20 (ii) A Design Guidebook, to be used in all subsequent phases, containing
21 the following for all buildings and structures, other than single family
22 detached dwellings:

23 (aa) Color palettes;

24 (bb) Acceptable materials;

25 (cc) Typical elevations for all building types, showing building forms
26 and massing; building height; rooflines and parapet features;
27 architectural features, such as cornices, bases; fenestration, window
28 orientation, size and detailing; fluted masonry, bays, recesses, arcades,
29 towers, canopies, unique entry areas or other architectural treatments
30 for visual interest; artwork and any other special building features.

Elevations shall be accurate and to scale but need not be final working drawings.

(iii) A Development Phasing Plan that includes:

(aa) The area and intended use of each phase;

(bb) A demonstration of how a mix of uses will be provided through phasing, including the approximate locations, the amount in square footage of non-residential uses, and the number of residential dwelling units;

(cc) The general lot pattern and approximate building envelopes wherein future buildings will be located for each phase and/or identify the building setback standards that will be applied to future buildings;

(dd) Building orientation and relationship to the boundaries of each phase;

(ee) The general block pattern and location of streets, including designated pedestrian streets and walkways, their approximate widths and the nature of their improvement and whether they will be public or private;

(ff) A general description of how circulation, parking, landscaping and tree planting, lighting, and other improvements will be designed to function after the completion of each phase and following complete build out of the district;

(gg) The timeframe, order, and method that proposed public utilities, public facilities and other improvements and amenities necessary to support the development will be constructed, dedicated, or reserved; and

(hh) A development time schedule indicating the approximate date when construction of each phase will begin and will be completed.

(iv) A Detailed Plan for each proposed phase that complies with paragraph (2)(A)(ii) of this subsection; provided, however, ~~that if the~~ a density bonus

1 is proposed for the district pursuant to SRC 215.050(a)(2)(A)(ii),
2 ~~215.030(f)(2)~~, the following shall be provided for the entire district:

- 3 (aa) A tree conservation plan;
- 4 (bb) The use and location of common open space;
- 5 (cc) Parks, scenic ways, playgrounds, schools, public buildings, and
6 similar public and semipublic uses.

7 **(C) Class 3 Submittal Requirements.** In addition to the submittal
8 requirements set forth under paragraph (1) of ~~required by~~ this subsection, an
9 application for a Class 3 NCMP shall include:

- 10 (i) A Development Plan for the first subarea that complies with paragraph
11 (2)(A)(i) of this subsection;
- 12 (ii) A Detailed Plan for the first subarea that complies with paragraph
13 (2)(A)(ii) of this subsection; provided, however, if a density bonus is
14 proposed for the district pursuant to SRC 215.050(a)(2)(A)(ii),
15 ~~215.010(f)(2)~~, the following shall be ~~included~~ provided for the entire
16 district:

- 17 (aa) A tree conservation plan;
- 18 (bb) The use and location of common open space; ~~areas and space~~; and
- 19 (cc) Parks, scenic ways, playgrounds, schools, public buildings, and
20 similar public and semipublic uses.
- 21 (iii) A Design Guidebook for the entire district that complies with
22 paragraph (2)(B)(ii) of this subsection, that shall be binding on each
23 subsequent subarea; and
- 24 (iv) A Concept Plan showing general circulation patterns, location of land
25 uses by general categories, the general location of the Core Area, the
26 general location and amount of open space, the anticipated intensity of uses
27 in each use category, and approximate acreage for uses in each use
28 category. Categories of land uses may be identified by any descriptive
29 system or method generally acceptable by professionals engaged in the
30 production of master plans.

1 (D) The Planning Administrator may require the submittal of additional
2 information needed to review the proposed Development Plan, Detailed Plan,
3 Design Guidebook, Phasing Plan, and Concept Plan for conformance to the
4 applicable criteria.

5 (E) Submittals shall be of a size and form and in the number of copies meeting
6 standards established by the Planning Administrator.

7 (g) **Criteria.** An NCMP shall be approved if the NCMP:

8 (1) Represents innovative urban design;

9 (2) Ensures logical and harmonious development of the district;

10 (3) Provides for efficient use of land and energy;

11 (4) Has development patterns that are at a human scale and meet the needs of
12 pedestrians through the effective arrangement of buildings, circulation systems,
13 land uses, and utilities;

14 (5) Has a Core Area that is compact, pedestrian friendly, and composed of
15 neighborhood-scaled retail sales and service, office, civic or recreational uses that
16 are conveniently located for access from residential areas;

17 (6) Locates housing in close proximity to employment and shopping;

18 (7) Has a transportation system that provides for the safe, orderly, and efficient
19 circulation of traffic into and out of the proposed development, and that adequately
20 mitigates negative impacts from the transportation system on the surrounding area;

21 (8) Has a pedestrian street design that encourages interaction among residents of
22 the development and adjoining neighborhoods;

23 (9) Enhances pedestrian access and transit accessibility to and through the district
24 through a street pattern with connectivity to and through the district and with
25 adjacent areas;

26 (10) Emphasizes pedestrian mobility and accessibility and provides an effective
27 and convenient system of pedestrian facilities leading into, and within the district;

28 (11) Creates strong connections to available transit;

29 (12) Has parking areas and driveways that are designed to facilitate safe and
30 efficient movement of vehicles, bicycles, and pedestrians;

1 (13) Protects and enhances natural features, such as riparian areas and wetlands;

2 (14) Is compatible with existing and reasonably anticipated future land uses;

3 (15) Will be adequately served with City infrastructure;

4 (16) Meets all applicable standards of this Chapter and the ~~Salem Revised Code~~
5 UDC;

6 (17) Has a Detailed Plan and/or Design Guidebook for buildings and structures,
7 other than single family dwellings, that:

8 (A) Ensures the design of buildings and structures is compatible with the
9 neighboring buildings and structures in the district;

10 (B) Ensures the design of buildings and structures will create community
11 character and promote pedestrian scale;

12 (C) Contains architectural treatments that create visual interest and community
13 character and promote a sense of pedestrian scale; and

14 (D) For Class 2 and Class 3 NCMPs, the Detailed Plan for each phase or
15 subarea is consistent with the Design Guidebook.

16 (18) If the proposal is for a Class 2 NCMP, the NCMP has a Phasing Plan that
17 ensures that subsequent phases of development will be built in conformity with the
18 NCMP;

19 (19) If the proposal is for a Class 3 NCMP, the NCMP ensures that as development
20 occurs within each subarea, the development is designed to function as an integral
21 part of a coherent vision for the entire district and provides a benefit to the
22 community through compatible mixed use development, improved protection of
23 open spaces, and transportation options; and

24 (20) For any proposed alternative to a guideline, ~~that~~ the proposed alternative to the
25 guideline better meets the intent and purpose of this Chapter than the minimum
26 established in the guideline.

27 **(h) Expiration.** An NCMP shall expire within 2 years after the date of NCMP
28 approval, unless a building permit has been issued in which case the NCMP approval
29 shall remain valid for 2 years or until the date the building permit expires, whichever is
30 occurs later.

1 **(i) Recording.**

2 **(1)** Upon approval of Class 1 NCMP, the applicant shall record the NCMP in the
3 county land records.

4 **(2)** Upon approval of a Class 2 NCMP, the applicant shall record the NCMP in the
5 county land records. Upon approval of a Detailed Plan for a subsequent phase, the
6 applicant shall record the Detailed Plan in the county land records.

7 **(3)** Upon approval of the NCMP for a subarea in a Class 3 NCMP, the applicant
8 shall record the NCMP for that subarea in the county land records.

9 **Section 139.** SRC 215.015 is amended to read as follows:

10 **215.015. Class 2 Neighborhood Center Master Plan Detailed Plan Approval for**

11 **Subsequent Phases.**

12 **(a) Applicability.** No development within a subsequent phase of a Class 2 NCMP
13 shall occur without receiving Detailed Plan approval for that phase, as provided in this
14 section.

15 **(b) Procedure Type.** A Detailed Plan for a subsequent phase of a Class 2 NCMP is
16 processed as a Type II procedure under SRC Chapter 300.

17 **(c) Submittal Requirements.** In addition to the submittal requirements for a Type II
18 application under SRC 300, a Detailed Plan for a subsequent phase of a Class 2 NCMP
19 shall include:

20 **(1)** A Detailed Plan for the proposed phase that complies with SRC
21 215.010(f)(2)(A)(ii); provided, however, that if a density bonus is proposed for the
22 district pursuant to SRC 215.050(a)(2)(A)(ii), 215.010(f)(2), the following shall be
23 provided for the entire district:

24 **(A)** A tree conservation plan;

25 **(B)** The use and location of common open space; and

26 **(C)** Parks, scenic ways, playgrounds, schools, public buildings, and similar
27 public and semipublic uses.

28 **(2)** Evidence that any applicable conditions included as part of the earlier approved
29 components of the NCMP have been met.

1 (d) **Criteria.** A Detailed Plan for a subsequent phase of a Class 2 NCMP shall be
2 approved if the Detailed Plan:

- 3 (1) Conforms to the development standards in this Chapter; and
- 4 (2) Conforms to the approved NCMP, including any applicable conditions included
5 as part of the earlier approved components of the NCMP.

6 **Section 140.** SRC 215.025 is amended to read as follows:

7 **215.025. Neighborhood Center Master Plan with Land Division.**

8 ~~(a)~~ If the NCMP proposes to create individual lots or parcels in the district, ~~an~~
9 ~~application for a subdivision or partition or subdivision is required.~~ The subdivision or
10 partition may be:

- 11 ~~(a) consolidated~~ Consolidated with the NCMP application; or
- 12 ~~(b) processed~~ Processed concurrently with the NCMP application; or
- 13 ~~(c) processed~~ Processed subsequent to the NCMP application for NCMP.

14 ~~(b) The partition or subdivision shall comply with the standards in SRC Chapter 63,~~
15 ~~other than SRC 63.145 and SRC 63.155.~~

16 **Section 141.** SRC 215.035 is amended to read as follows:

17 **215.035. Amendments to Neighborhood Center Master Plans.**

18 (a) **Applicability.** No amendment to an NCMP shall be made without receiving
19 approval as ~~provided~~ set forth in this section.

20 (b) **Classes.**

21 (1) **Minor Amendment.** A minor amendment is any amendment to an NCMP that
22 does not substantially deviate from the approved NCMP.

23 (2) **Major Amendment.** A major amendment is any amendment, other than a
24 minor amendment, including, but not limited to, the following:

- 25 (A) A change in the overall appearance and character of the development;
- 26 (B) A change that would result in a change in the amount of parking by twenty
27 percent or more;
- 28 (C) An increase in density by more than twenty percent, provided the resulting
29 density does not exceed that allowed in the NCMU zone or development
30 standards;

- 1 (D) A change in setbacks or lot coverage by more than twenty percent;
- 2 (E) A change in the location of accessways affecting traffic outside of the
- 3 district;
- 4 (F) An increase in the floor area proposed for non-residential use by more than
- 5 fifteen percent;
- 6 (G) A relocation of the Core Area or a change in the area by more than ten
- 7 percent;
- 8 (H) A reduction of the area reserved for common open space by more than ten
- 9 percent; or
- 10 (I) A change to a condition of approval, or a change similar to any other
- 11 provision in this paragraph that will have a detrimental impact on adjoining
- 12 properties. The planning administrator shall have discretion in determining
- 13 detrimental impacts warranting a major amendment.

14 (c) **Procedure Type.**

15 (1) **Minor Amendment.** A minor amendment to an NCMP is processed as a Type

16 II procedure under SRC Chapter 300.

17 (2) **Major Amendment.** A major amendment to an NCMP is processed as a Type

18 III procedure under SRC Chapter 300.

19 (d) **Additional Submittal Requirements.** In addition to the submittal requirements

20 for Type II or Type III applications under SRC 300, an application for a minor or major

21 amendment to an NCMP shall include:

22 (1) A narrative statement describing how the proposed amendment meets the

23 applicable criteria;

24 (2) An amended NCMP using the same format as the original approval; and

25 (3) Any other relevant information the Planning Administrator requires, as

26 necessary, to evaluate the request.

27 (e) **Criteria.**

28 (1) **Minor Amendment.** A minor amendment to an NCMP shall be approved if all

29 of the following are met:

1 (A) The number of dwelling units is within 10 percent of those shown on the
2 approved NCMP. In no case shall any change in the number of residential units
3 exceed the maximum density limits established by this Chapter. Amendment of
4 a phase of a Class 2 NCMP, or a subarea of a Class 3 NCMP, shall not limit a
5 reduction in the number of dwelling units, provided that if a reduction is
6 approved for one phase or subarea, the number of dwelling units shall not be
7 transferred to another phase or subarea;

8 (B) The setbacks and distances between buildings are within 10 percent of
9 those shown on the approved NCMP;

10 (C) The amount of open space is equal to or ~~more~~ greater than the amount
11 approved in the NCMP. Amendment of a phase of a Class 2 NCMP, or a
12 subarea of a Class 3 NCMP, shall not limit an increase in the amount of open
13 space, provided that if an increase is approved for one phase or subarea, the
14 amount of open space shall not be reduced below that permitted in the NCMP
15 for another phase or subarea;

16 (D) The total ~~interior~~-square footage of building does not vary by more than 10
17 percent from the square footage shown on the approved NCMP, but in no case
18 shall any change exceed the maximum square footage allowed by this Chapter;

19 (E) There have been no material alternations to the transportation system;

20 (F) The proposed amendment is not substantially inconsistent with the NCMP
21 and the conditions of the original approval; and

22 (G) The proposed amendment will not result in significant changes to the
23 physical appearance of the development, the use of the site, and the impacts on
24 surrounding properties.

25 (2) **Major Amendment.** A major amendment to an NCMP shall be approved if
26 the amendment meets the approval criteria set forth in SRC 215.010(g).

27 (f) **Recording.** An amended NCMP shall be recorded in the same manner as the
28 original NCMP.

29 **Section 142.** SRC 215.040 is amended to read as follows:

30 **215.040. Development Standards, Generally.**

1 (a) There are three types of development standards applicable to an NCMP: (1)
2 Standards; (2) Guidelines; and (3) Applicant Determined Standards. Not every
3 development standard will have all three, in which case the NCMP must comply with
4 the development standard or standards set forth in the particular subsection, or with the
5 development standard established by the applicant.

6 (b) Standards are mandatory requirements for an NCMP, but may, unless specifically
7 noted in the standard, be varied or adjusted.

8 (c) Guidelines establish a development standard that is mandatory, unless the applicant
9 proposes and receives approval for an alternative development standard. Guidelines are
10 not subject to variances or adjustments; because the applicant may propose and receive
11 approval of an alternative development standard by the Planning Commission as part of
12 NCMP approval. The Planning Commission shall approve an alternative development
13 standard, if the development standard better meets the purpose stated in SRC 215.001.

14 (d) Applicant Determined Standards are mandatory requirements, but are applicant-
15 proposed and approved as part of the NCMP. Applicant Determined Standards are not
16 subject to variances or adjustments; because the applicant established the development
17 standard.

18 **Section 143.** SRC 215.045 is amended to read as follows:

19 **215.045. Development Plan Standards.** A Development Plan shall comply with the following
20 standards:

21 **(a) District.** The following development standards apply throughout the entire district:

22 **(1) Mixed Use.** A district must include a residential component and a Core Area
23 with commercial uses.

24 **(A) Standards.** A Core Area shall be provided in the district that is designed
25 to provide services at a neighborhood scale within a compact, pedestrian-
26 friendly environment. The total size of the Core Area shall not be less than one
27 acre ~~or and not greater more~~ than five acres. The total size of the Core Area is
28 not variable or adjustable. The size of the Core Area shall equal the sum of the
29 contiguous area within the district occupied by buildings housing retail sales
30 and service, office, or institutional uses, and the required parking areas for those

1 uses. Other uses are allowed in the Core Area (e.g., Parks and Open Space, or
2 Public Utilities); however, the area occupied by these uses shall not be included
3 when calculating the total size of the Core Area.

4 **(B) Guidelines.** The total amount of land used for residential uses within the
5 district shall not be less than one acre. In calculating the total amount of land
6 used for residential uses, the sum shall include the residential building
7 footprints, and the yard areas and parking areas required to be provided for the
8 residential uses.

9 **(C) Applicant Determined Standards.** None allowed.

10 **(2) Natural Resource Protection and Common Open Space.** A district must
11 include common open space, landscaped areas, and/or protected natural areas.

12 **(A) Standards.** None.

13 **(B) Guidelines.** At a minimum, 20 percent of the district shall be provided as
14 common open space, landscaped areas, and/or protected natural areas. As used
15 in this guideline, common open space, landscaped areas, and/or protected
16 natural areas do not include private open space.

17 **(C) Applicant Determined Standards.** None allowed.

18 **(3) Transportation and Circulation.** A district must include a transportation
19 system that emphasizes pedestrian mobility and accessibility, and demonstrates an
20 effective and convenient system of pedestrian pathways leading into, and ~~within~~
21 throughout the district.

22 **(A) Standards.**

23 **(i)** The transportation system shall be designed to connect to ~~the~~ existing
24 and planned facilities in the Salem Transportation System Plan.

25 **(ii)** Street and accessway connections shall be provided to existing or
26 planned streets and undeveloped properties adjacent to the district at no
27 greater than 600-foot intervals, unless one of the following conditions exist:

28 **(aa)** Physical or topographic conditions make a street or accessway
29 connection impracticable. Such conditions include, but are not limited
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1 to, freeways, railroads, steep slopes, and wetlands or other bodies of
2 water where a connection cannot be reasonably provided; or

3 **(bb)** Existing development on adjacent property that physically
4 precludes a connection now or in the future, taking into consideration
5 the adjacent property's potential for redevelopment.

6 **(iii)** Except where precluded by existing development, natural features, or
7 topography, block lengths shall not exceed 330 feet between public or
8 private streets, and pedestrian pathways, as measured along the nearside
9 curblineline of the public or private street or the centerline of the pedestrian
10 pathway.

11 **(iv)** Pedestrian mobility and accessibility shall be emphasized through an
12 effective and convenient system of pedestrian facilities leading into and
13 throughout the district.

14 **(v)** Pedestrian connections shall be provided to existing and planned public
15 transit routes and stops. If transit service to or through the district is
16 planned, provisions for the future improvement of such facilities and
17 improvements to facilitate public transit shall be made.

18 **(B) Guidelines.** None.

19 **(C) Applicant Determined Standard.** None.

20 **(4) Lot Standards.**

21 **(A) Standards.** None.

22 **(B) Guidelines.** None

23 **(C) Applicant Determined Standards.** The NCMP shall establish minimum
24 lot size, lot dimension, and lot coverage requirements for the district.

25 **(b) Outside the Core Area.** None.

26 **(c) Inside the Core Area.** None.

27 **Section 144.** SRC 215.050 is amended to read as follows:

28 **215.050. Detailed Plan Standards.** A Detailed Plan shall comply with the following standards:

29 **(a) District.** The following development standards apply throughout the entire district:

30 **(1) Transportation and Circulation.**

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(A) Standards.

(i) Pedestrian scale street lighting shall be provided along all streets.

(ii) Except as otherwise provided in this subsection, all streets shall be designed and constructed in conformance with the Public Works ~~Street~~ Design Standards.

(B) Guidelines. Pedestrian scale street lights shall be no taller than 20 feet.

(C) Applicant Determined Standards. None allowed.

(2) Residential Density.

(A) Standards.

(i) **Maximum Density.** Maximum residential density for the district, including the Core Area, shall be 6 dwelling units per acre, unless a density bonus is granted pursuant to subparagraph (A)(ii) of this paragraph, in which case the maximum residential density shall be 8 dwelling units per acre. The maximum residential density may not be varied or adjusted.

(ii) **Residential Density Bonus.** The maximum residential density may be increased to 8 dwelling units per acre for the district, including the Core Area, if either ~~an~~ increased riparian area protection and additional tree conservation is provided within the district Detailed Plan that meets the standards set forth in subclause (aa) and (bb) of this clause, or, where the district does not include any riparian areas suitable for protection, or trees suitable for conservation, the residential density bonus may be achieved by dedicating additional public open space, as provided in subclause (cc) of this clause.

(aa) Additional Riparian Area Protection. The riparian corridor boundary is increased from 50 feet to 75 feet horizontally from the top of the bank on each side of a the waterway, as defined in SRC 808.005, 68-020, is platted as a separate lot or parcel, and dedicated as a natural area in perpetuity.

1 **(bb) Additional Tree Conservation.** At least 50 percent of all trees,
2 as defined in SRC Chapter ~~808, 68~~, on the property will be preserved,
3 and the trees will receive continued protection through methods,
4 including, but not limited to, covenants, conditions, and restrictions
5 included in the deeds of lots and parcels that are sold.

6 **(cc) Additional Common Open Space.** The additional common
7 open space shall not be less than 10 percent of the area of the district,
8 including the Core. In calculating the 10 percent, any area reserved
9 for natural resource protection or common open space meeting the
10 requirements of SRC 215.045(a)(2), or private open space meeting
11 the requirements of subsection (a)(6) of this section, shall be
12 excluded. The additional common open space shall be appropriate to
13 the scale and character of the development proposed in the NCMP,
14 considering its size, types of uses, and the number and types of
15 dwellings being proposed, as well as appropriate for the
16 neighborhood of the City surrounding the district.

17 **(B) Guidelines.** None.

18 **(C) Applicant Determined Standards.** None allowed.

19 **(3) Setbacks.**

20 **(A) Standards.** None.

21 **(B) Guidelines.** The minimum setback from ~~adjacent~~ abutting property zoned
22 Residential Agriculture (RA) or Single Family Residential (RS) is 30 feet.

23 **(C) Applicant Determined Standards.** The NCMP shall establish minimum
24 front, side, and rear ~~and side yard~~ setbacks for development within the district.

25 **(4) Building Design.**

26 **(A) Standards.**

27 **(i) Height.** The height of buildings or structures, other than accessory
28 structures, shall not exceed 35 feet. The height of accessory structures
29 shall ~~comply with SRC Chapter 131~~ not exceed 9 feet at the lot line;
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1 provided, however, such height may be increased one foot for each one
2 foot of distance from the lot line, to a maximum height of 15 feet.

3 **(ii) Architectural Features.**

4 (aa) Buildings and structures in the district shall have design character
5 that is compatible with other buildings and structures in the district.

6 (bb) All buildings and structures, other than detached single family
7 dwellings, shall incorporate architectural features, including, but not
8 limited to, cornices, bases, fenestration, fluted masonry, bays, recesses,
9 arcades, display windows, unique entry areas, or other architectural
10 treatments to create visual interest, community character, and a sense
11 of pedestrian scale. Simple relief provided by window cutouts or sills
12 on an otherwise flat facade, in and of itself, does not within the overall
13 design of buildings or structures create visual interest, community
14 character or sense of pedestrian scale.

15 **(B) Guidelines.** None

16 **(C) Applicant Determined Standards.** None allowed.

17 **(5) Parking and Loading.**

18 **(A) Standards.**

19 (i) Off-street parking and loading shall comply with SRC Chapter 806.
20 ~~133. Because parking requirements in SRC Chapter 133 are established by~~
21 ~~reference to the Standard Industrial Classification (SIC) manual, the~~
22 ~~Planning Administrator shall determine the most appropriate SIC~~
23 ~~classification, based on comparison with uses and examples listed in this~~
24 ~~Chapter.~~

25 (ii) Each single family dwelling shall have, at the time of original
26 construction, a garage that is constructed of ~~the same like~~ materials and
27 color as the dwelling, ~~and that~~ The garage may be attached to, or
28 detached from, the dwelling. Nothing in this ~~sub~~clause shall prevent the
29 subsequent removal or conversion of a garage, so long as the minimum
30 number of required on-site off-street parking spaces ~~required~~ for the single

1 family dwelling is ~~provided~~ maintained. Exception to this ~~requirement~~
2 standard may be made if, at the time of the building permit review, the
3 applicant can shows that the construction of the single family dwelling is
4 being provided by a not-for-profit organization to families at or below the
5 City's 60 percent median income level, as defined by the U.S. Department
6 of Housing and Urban Development; ~~and provided, however, that~~
7 ~~provisions shall be~~ provision is made for a minimum of 480 cubic feet of
8 on-site storage in a portion of the single family dwelling, ~~or on-site~~ in a
9 detached accessory structure. Such exemption shall only be made for
10 those single family dwellings built on lots created through a subdivision.

11 **(B) Guidelines.** None.

12 **(C) Applicant Determined Standards.** None allowed.

13 **(6) Private Open Space.**

14 **(A) Standards.** Residential development shall contain private open space that
15 meets the following:

16 **(i)** For dwelling units located at or within 5 feet of finished grade, a
17 minimum of 96 square feet of private open space per dwelling unit shall
18 be provided, with no dimension that is less than 6 feet.

19 **(ii)** For dwelling units located more than 5 feet above finished grade, a
20 minimum of 48 square feet of private open space per dwelling unit shall
21 be provided, with no dimension that is less than 6 feet.

22 **(iii)** For each dwelling unit, a direct and accessible route to all private
23 open space by a doorway on the same level as the private open space shall
24 be provided.

25 **(iv)** Private open space shall be visually separated from abutting common
26 open space by landscaping or fencing.

27 **(B) Guidelines.** None

28 **(C) Applicant Determined Standards.** None allowed.

29 **(7) Landscaping.**

30 **(A) Standards.** None

1 **(B) Guidelines.**

2 (i) For every 2,000 square feet of gross district area, at least one tree shall
3 be planted, or one existing tree retained.

4 (ii) Trees shall be of a variety that will, within 15 years of planting,
5 provide at least one-third canopy coverage of common open space, private
6 open space, and setbacks.

7 (iii) A minimum of 2 plant units, as defined in SRC Chapter 807, 132,
8 shall be planted adjacent to the primary entry way of each dwelling unit.

9 (iv) Provide new trees, or retain existing trees, at a minimum density of
10 10 plant units per linear foot of each building's exterior wall, ~~and~~ The trees
11 shall be located not more than 25 feet from ~~each of~~ the exterior walls.

12 (v) Plant shrubs at a minimum density of one plant unit per 15 linear feet
13 of each building's exterior walls, ~~and~~ The shrubs shall be located not
14 more than 25 feet from ~~each of~~ the exterior walls.

15 (vi) Plant at least one canopy tree every 50 feet along the perimeter of ~~the~~
16 parking areas. The trunks shall be located within 15 feet of the edge of the
17 parking area.

18 **(C) Applicant Determined Standards.** None allowed.

19 **(8) Street Trees.**

20 **(A) Standards.**

21 (i) Street trees shall be planted in planting strips in public street rights-of-
22 way, unless the area is subject to one or more utility easements, in which
23 case the street trees shall be placed outside utility easements, or in sidewalk
24 tree wells on public streets without planting strips.

25 (ii) The planting area for street trees shall contain not less than 16 square
26 feet. Typical dimensions for a planting area are 4 feet by 4 feet.

27 (iii) The minimum caliper size for street trees at the time of planting shall
28 be 2 inches, measured 4 feet above grade.

29 (iv) Spacing of street trees shall be based upon the type of trees selected
30 and the canopy size at maturity. Generally, street trees should be spaced no

1 more than 30 feet apart, unless the spacing would conflict with existing
2 trees, retaining walls, utilities and similar features, in which case the trees
3 should be spaced as close to 30 feet apart as practicable.

4 **(B) Guidelines.** Within the public street right-of-way, plant trees at one of the
5 following ratios:

6 (i) One canopy tree within each 50 feet of street frontage or fraction
7 thereof; or

8 (ii) One columnar tree within each 30 feet of street frontage or fraction
9 thereof.

10 **(C) Applicant Determined Standards.** None allowed.

11 **(9) Subarea Size.**

12 **(A) Standards.** Each subarea of a Class 3 NMCP shall be at least 3 contiguous
13 acres. Subarea size is a non-variable standard.

14 **(B) Guidelines.** None.

15 **(C) Applicant Determined Standards.** None allowed.

16 **(b) Outside the Core Area.** The following development standards apply outside the
17 Core Area:

18 **(1) Garages and Carports.**

19 **(A) Standards.**

20 (i) **Setbacks.** Garages for single family dwellings, or garages or carports
21 for manufactured homes on individual lots, that have a vehicle entrance
22 facing a street or accessway shall be set back at least 20 feet from the
23 following line that is closest to the entrance of the garage or carport:

24 (aa) The right-of-way line, property line abutting an accessway, or most
25 interior access easement line;

26 (bb) The outside curblines; or

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

28 (ii) **Paving.** Between the line specified in clause ~~subclause~~ (i) of this
29 subparagraph ~~clause~~, and the required garage or carport, there shall be a
30 driveway serving the garage or carport ~~for each dwelling~~ with a minimum

1 paved area of 9 feet by 20 feet ~~and that is~~ available for the parking of a
2 vehicle.

3 **(B) Guidelines.** None.

4 **(C) Applicant Determined Standards.** None allowed.

5 **(c) Inside the Core Area.** The following development standards apply inside the Core
6 Area:

7 **(1) Transportation and Circulation.**

8 **(A) Standards.**

9 **(i)** Pedestrian streets shall be provided, with direct access to key pedestrian
10 attractions, including, but not limited to, nearby schools, retail areas, and
11 transit centers.

12 **(ii)** Pedestrian streets shall be designed to encourage interaction among
13 residents in the district and adjoining neighborhoods outside the district.

14 **(iii)** Pedestrian amenities shall be included as integral elements of the
15 streetscape design.

16 **(iv)** One or more pedestrian-scale amenities shall be provided at every 100
17 feet in the sidewalk area. Pedestrian amenities include, but are not limited
18 to, street furniture, plantings, distinctive paving, drinking fountains, public
19 plazas, sitting areas, covered walkways, public art, and significant water
20 features (i.e., creek and fountain).

21 **(v)** Pedestrian streets shall have minimum sidewalk widths of 8 feet.

22 **(vi)** Pedestrian amenities shall be proportionately scaled to the surrounding
23 walkways, landscaping, and buildings.

24 **(vii)** Except as otherwise provided in this subsection, streets shall be
25 designed and constructed in conformance with the Public Works ~~Street~~
26 Design Standards and specifications.

27 **(B) Guidelines.** None.

28 **(C) Applicant Determined Standards.** None allowed.

29 **(2) Setbacks.**

30 **(A) Standards.** None.

1 **(B) Guidelines.** The minimum setback for the Core Area from adjacent
2 property zoned Single Family Residential (RS) or Residential Agriculture (RA)
3 is 50 feet.

4 **(C) Applicant Determined Standards.** None allowed.

5 **(3) Building Orientation.**

6 **(A) Standards.**

7 (i) Buildings shall be located as close to the edge of pedestrian streets as
8 practicable, given final topographic contours and the location and size of
9 vehicular accessways, or shall have their entries oriented towards abutting
10 public streets.

11 (ii) Primary building entrances shall be oriented to maximize pedestrian
12 access and connectivity.

13 (iii) Direct and convenient pedestrian pathways shall be provided from
14 parking areas to building entrances.

15 **(B) Guidelines.** None.

16 **(C) Applicant Determined Standards.** None allowed.

17 **(4) Building Design.**

18 **(A) Standards.**

19 (i) The height of buildings or structures, other than accessory structures,
20 shall not exceed 35 feet. Height may be increased to a maximum of 40
21 feet, provided the visual impact of the additional height is mitigated by the
22 location's unique physical attributes, including, but not limited to, changes
23 in topography or significant stands of trees.

24 (ii) Along pedestrian streets, buildings shall be designed to provide
25 protection from sun and rain through canopies, arcades, pergolas, or similar
26 features.

27 **(B) Guidelines.**

28 (i) **Ground Floor Area.** The ground floor area of each individual building
29 or structure shall be not greater than 30,000 square feet.
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(ii) **Drive-through facilities.** Drive-through facilities, except those serving for pharmacies, are prohibited.

(C) **Applicant Determined Standards.** None allowed.

(5) Hours of Operation.

(A) **Standards.** None.

(B) **Guidelines.** Hours of operation for ~~retail sales and service, office and institutional~~ non-residential uses shall be limited to the time between 6:00 a.m. and 11:00 p.m., Sunday through Thursday, and between 6:00 a.m. and 1:00 a.m., Friday and Saturday.

(C) **Applicant Determined Standards.** None allowed.

Section 145. SRC 215.055 is amended to read as follows:

215.055. ~~Additional Standards~~ Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in other chapters of the UDC, including, but not limited to, the following chapters identified in this section. In the event of a conflict between the standards contained in the NCMU zone and ~~those the standards~~ contained within other chapters of the ~~SRC~~UDC, the standards contained in the NCMU zone shall apply govern.

- (a) Trees and Shrubs SRC Chapter 86
- (b) General Development Standards SRC Chapter 800
- (c) Public Improvements SRC Chapter 802
- (d) Streets and Right-of-Way Improvement SRC Chapter 803
- (e) Driveway Approaches SRC Chapter 804
- (f) Vision Clearance SRC Chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC Chapter 806
- (h) Landscaping and Screening SRC Chapter 807
- (i) Preservation of Trees and Vegetation SRC Chapter 808
- (j) Wetlands SRC Chapter 809
- (k) Landslide Hazards SRC Chapter 810
- (l) Sign Code SRC Chapter 900

- 1 ~~(a) Signs~~ _____ SRC Chapter 900
- 2 ~~(b) Preservation of Trees and Vegetation~~ _____ SRC Chapter 68
- 3 ~~(c) Landslide Hazards~~ _____ SRC Chapter 69
- 4 ~~(d) Trees and Shrubs~~ _____ SRC Chapter 86
- 5 ~~(e) Home Occupations~~ _____ SRC Chapter 124
- 6 ~~(f) Wetlands~~ _____ SRC Chapter 126
- 7 ~~(g) General Development Standards~~ _____ SRC Chapter 130
- 8 ~~(h) Accessory Structures~~ _____ SRC Chapter 131
- 9 ~~(i) Landscaping~~ _____ SRC Chapter 132
- 10 ~~(j) Off-Street Parking, Loading, and Driveways~~ _____ SRC Chapter 133
- 11 ~~(k) Flood Plain Overlay Zones~~ _____ SRC Chapter 140

12 **Section 146.** SRC 220.005 is amended to read as follows:

13 **220.005. Site Plan Review.**

14 **(a) Applicability.**

15 (1) Except as provided in paragraph (2) of this subsection, any development that
16 requires a building permit must receive site plan review approval prior to issuance
17 of the building permit.

18 (2) **Exemptions.** The following development that requires a building permit is
19 exempt from site plan review:

20 (A) The construction of single-family or duplex dwellings on an individual lot,
21 including the construction of accessory structures associated with such
22 dwellings.

23 (B) Sign installation.

24 (C) Ordinary maintenance or repair of existing buildings, structures, utilities,
25 landscaping, and impervious surfaces, and the installation or replacement of
26 operational equipment or fixtures.

27 (D) The alteration to the facade of a building.

28 (E) Interior construction or tenant improvements that involve no change of use.

29 **(b) Classes.** The three classes of Site Plan Review are:

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1 (1) **Class 1 Site Plan Review.** Class 1 Site Plan Review is site plan review for any
2 development that requires a building permit, that does not involve a land use
3 decision or limited land use decision, as those terms are defined in ORS 197.015,
4 and that involves a change of use or change of occupancy where only construction
5 or improvements to the interior of the building or structure are required.

6 (2) **Class 2 Site Plan Review.** Class 2 Site Plan Review is required for any
7 development that requires a building permit, other than development subject to
8 Class 1 Site Plan Review, and that does not involve a land use decision or limited
9 land use decision, as those terms are defined in ORS 197.015.

10 (3) **Class 3 Site Plan Review.** Class 3 Site Plan Review is required for any
11 development that requires a building permit, and that involves a land use decision
12 or limited land use decision, as those terms are defined in ORS 197.015. As used in
13 this paragraph, land use decisions and limited land use decisions include, but are not
14 limited to, any development application that:

15 (A) Requires a Transportation Impact Analysis pursuant to SRC Chapter 803;
16 ~~the Salem Transportation System Plan;~~

17 (B) Requires a geotechnical report or geologic assessment under SRC Chapter
18 810, 69, except where a geotechnical report or geologic assessment has already
19 been approved for the property subject to the development application;

20 (C) Requires deviation from clear and objective development standards of the
21 UDC relating to streets, driveways or vision clearance areas;

22 (D) Proposes dedication of right-of-way which is less than the requirements of
23 the Salem Transportation System Plan;

24 (E) Requires deviation from the clear and objective standards of the UDC and
25 where the review authority is granted the authority to use limited discretion in
26 deviating from the standard; or

27 (F) Requires a variance, adjustment, or conditional use permit.

28 (c) **Procedure Type.**

29 (1) Class 1 Site Plan Review is processed as a Type I procedure under SRC
30 Chapter 300.

1 (2) Class 2 Site Plan Review is processed as a Type I procedure under SRC
2 Chapter 300.

3 (3) Class 3 Site Plan Review is processed as a Type II procedure under SRC
4 Chapter 300.

5 (4) An application for site plan review may be processed concurrently with an
6 application for a building permit; provided, however, the building permit shall not
7 be issued until site plan review approval has been granted.

8 **(d) Submittal Requirements for Class 1 Site Plan Review.** In lieu of the application
9 submittal requirements under SRC Chapter 300, an application for a Class 1 Site Plan
10 Review shall include a completed application form that shall contain the following
11 information:

12 (1) The names and addresses of the applicant(s), the owner(s) of the subject
13 property, and any authorized representative(s) thereof;

14 (2) The address or location of the subject property and its assessor's map and tax
15 lot number;

16 (3) The size of the subject property;

17 (4) The comprehensive plan designation and zoning of the subject property;

18 (5) The type of application(s);

19 (6) A brief description of the proposal; and

20 (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly
21 authorized representative(s) thereof authorizing the filing of the application(s).

22 **(e) Submittal Requirements for Class 2 and Class 3 Site Plan Review.**

23 (1) **Class 2 Site Plan Review.** In addition to the submittal requirements for a Type
24 I application under SRC Chapter 300, an application for Class 2 Site Plan Review
25 shall include the following:

26 (A) A site plan, of a size and form and in the number of copies meeting the
27 standards established by the Planning Administrator, containing the following
28 information:

29 (i) The total site area, dimensions, and orientation relative to north;

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(ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;

(iii) Loading areas, if included in the proposed development;

(iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;

(v) An indication of future phases of development on the site, if applicable;

(vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;

(vii) The location, height, and material of fences, ~~buffers,~~ berms, walls, and other proposed screening as they relate to ~~buffer yard and landscaping and~~ screening required by SRC Chapter 807; ~~132;~~

(viii) The location of all trees and vegetation required to be protected pursuant to SRC Chapter ~~808;~~ 68;

(ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC Chapter 86; and

(x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

(B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and

(iii) The location of the one-hundred-year flood plain, if applicable.

1 (C) A completed trip generation estimate for the proposed development, on
2 forms provided by the City.

3 **(2) Class 3 Site Plan Review.** In addition to the submittal requirements for a Type
4 II application under SRC Chapter 300, an application for Class 3 Site Plan Review
5 shall include the following:

6 (A) All submittal requirements for a Class 2 Site Plan Review under subsection
7 (e)(1) of this section;

8 (B) The zoning district, comprehensive plan designation, and land uses for all
9 properties abutting the site;

10 (C) Driveway locations, public and private streets, bike paths, transit stops,
11 sidewalks, and other bike and pedestrian pathways, curbs, and easements;

12 (D) The elevation of the site at two-foot contour intervals, with specific
13 identification of slopes in excess of fifteen percent;

14 (E) The location of drainage patterns and drainage courses, if applicable;

15 (F) A preliminary utility plan showing capacity needs for municipal water,
16 stormwater ~~management facilities~~, and sewer service, and schematic location of
17 connection points to existing municipal water and sewer services;

18 (G) Summary table which includes site zoning designation; total site area;
19 gross floor area by use (e.g. manufacturing, office, retail, storage); building
20 height; itemized number of full size compact and handicapped parking stalls,
21 and the collective total number; total lot coverage proposed, including areas to
22 be paved for parking and sidewalks;

23 (H) A geological assessment or geotechnical report, if required by SRC
24 Chapter ~~810.69~~, or a certification from an engineering geologist or a
25 geotechnical engineer that landslide risk on the site is low, and that there is no
26 need for further landslide risk assessment; and

27 (I) A Transportation Impact Analysis, if required by SRC Chapter 803, ~~for the~~
28 ~~development, in the format specified, and based on thresholds specified in~~
29 ~~standards established, by the Director of Public Works.~~

30 **(f) Criteria.**

1 **(1) Class 1 Site Plan Review.** An application for a Class 1 Site Plan Review shall
2 be granted if:

3 **(A)** The application involves only a change of use or a change of occupancy,
4 and there is no pending application for an associated land use decision or
5 limited land use decision;

6 **(B)** Only construction or improvements to the interior of the building or
7 structure will be made;

8 **(C)** The new use or occupancy will not require exterior improvements to the
9 building or structure or alteration to existing parking, landscaping, or
10 bufferyards;

11 **(D)** Only clear and objective standards which do not require the exercise of
12 discretion or legal judgment are applicable to the site plan review application;
13 and

14 **(E)** The application meets all applicable standards of the UDC.

15 **(2) Class 2 Site Plan Review.** An application for a Class 2 Site Plan Review shall
16 be granted if:

17 **(A)** Only clear and objective standards which do not require the exercise of
18 discretion or legal judgment are applicable to the application.

19 **(B)** The application meets all the applicable standards of the UDC.

20 **(3) Class 3 Site Plan Review.** An application for Class 3 Site Plan Review shall
21 be granted if:

22 **(A)** The application meets all applicable standards of the UDC;

23 **(B)** The transportation system provides for the safe, orderly, and efficient
24 circulation of traffic into and out of the proposed development, and negative
25 impacts to the transportation system are mitigated adequately;

26 **(C)** Parking areas and driveways are designed to facilitate safe and efficient
27 movement of vehicles, bicycles, and pedestrians; and

28 **(D)** The proposed development will be adequately served with City water,
29 sewer, stormwater facilities, ~~storm drainage~~, and other utilities appropriate to
30 the nature of the development.

1 **Section 147.** SRC 220.010 is amended to read as follows:

2 **220.010. Modification of Site Plan Review Approval.**

3 (a) **Applicability.** A site plan review approval may be modified after its effective date
4 if the proposed modification meets the criteria in this section. Proposed modifications
5 that do not meet the criteria in this section require submittal of a new application for
6 site plan review.

7 (b) **Procedure Type.** Modification of a site plan review approval is processed as a
8 Type I procedure under SRC Chapter 300.

9 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type I
10 application under SRC Chapter 300, an application for modification of a site plan
11 review approval shall include the following:

12 (1) For modification of a Class 1 site plan review approval, the information
13 required under SRC 220.005(d);

14 (2) For modification of a Class 2 site plan review approval, the information
15 required under SRC 220.005(e)(1); and

16 (3) For modification of a Class 3 site plan review approval, the information
17 required under SRC 220.005(e)(2).

18 (d) **Criteria.**

19 (1) Modification of a Class 1 or Class 2 site plan review approval shall be granted
20 if the proposed modification will not result in significant changes to the physical
21 appearance of the development, use of the site, and the impacts on surrounding
22 properties.

23 (2) Modification of a Class 3 site plan review approval shall be granted if all of the
24 following criteria are met:-

25 (A) The proposed modification is not substantially inconsistent with the
26 conditions of the original approval; and

27 (B) The proposed modification will not result in significant changes to the
28 physical appearance of the development, the use of the site, and the impacts on
29 surrounding properties.

30 (e) **Expiration.** The effect of a modification upon the expiration period of the original

1 approval, if any, shall be established in the modification decision.

2 **Section 148.** SRC 225.005 is amended to read as follows:

3 **225.005. Design Review.**

4 (a) **Applicability.** Design review approval is required for development applications
5 that are subject to design review standards and guidelines.

6 (b) **Classes.**

7 (1) **Class 1 Design Review** is design review that requires the application of design
8 review standards only.

9 (2) **Class 2 Design Review** is design review that requires the application of design
10 review guidelines, for projects that are limited to building alterations that will be
11 contained within the footprint of the existing building and utilize the same building
12 materials and same window and facade designs.

13 (3) **Class 3 Design Review** is design review that requires the application of design
14 review guidelines.

15 (4) If any portion of the proposed development does not meet all of the applicable
16 design review standards, the entire development shall be subject to Class 3 Design
17 Review.

18 (c) **Procedure Type.**

19 (1) Class 1 Design Review is processed as a Type I procedure under SRC Chapter
20 300.

21 (2) Class 2 Design Review is processed as a Type II procedure under SRC Chapter
22 300.

23 (3) Class 3 Design Review is processed as a Type III procedure under SRC Chapter
24 300.

25 (d) **Submittal Requirements.**

26 (1) **Submittal Requirements for Pre-Application Conference.** In addition to the
27 submittal requirements for a pre-application conference under SRC Chapter 300, an
28 application for a Class 1, Class 2, or Class 3 Design Review pre-application
29 conference shall include the following:

30 (A) An existing conditions plan showing:

- (i) Existing site conditions;
- (ii) The use of all adjacent buildings;
- (iii) The zoning of the site and adjacent properties;
- (iv) Topography of the site; and
- (v) Location of all trees and prominent landscape features.

(B) Schematic plans for the proposed development.

(2) Submittal Requirements for Class 1, Class 2, and Class 3 Design Review.

In addition to the submittal requirements set forth under SRC Chapter 300, An an
application for Class 1, Class 2, or Class 3 Design Review shall, ~~in addition to the~~
~~submittal requirements under SRC Chapter 300,~~ include the following:

(A) A proposed site plan showing:

- (i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
- (ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.
- (iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
- (iv) Locations and dimensions of all existing and proposed outdoor storage areas including but not limited to trash collection and recycling areas.

(B) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.

(C) A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.

(D) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.

(E) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show

1 the total area of individual classifications of proposed open space and shall be
2 drawn to scale.

3 (F) A statement as to whether the application is intended to meet the standards
4 or the guidelines.

5 **(e) Criteria.**

6 (1) A Class 1 Design Review shall be approved if all of the applicable design
7 review standards are met.

8 (2) A Class 2 or Class 3 Design Review shall be approved if all of the applicable
9 design review guidelines are met.

10 **(f) Conditions of Approval.** Notwithstanding SRC 300.820, 300.830, the Review
11 Authority may not attach conditions to a Class 1 Design Review approval.

12 **Section 149.** SRC 225.010 is amended to read as follows:

13 **225.010. Modification of Design Review Approval.**

14 **(a) Applicability.** A design review approval may be modified after its effective date if
15 the proposed modification meets the criteria in this section. Proposed modifications
16 that do not meet the criteria in this section require submittal of a new application for
17 design review.

18 **(b) Procedure Type.**

19 (1) Modification of a Class 1 Design Review approval is processed as a Type I
20 procedure under SRC Chapter 300.

21 (2) Modification of a Class 2 Design Review approval is processed as a Type II
22 procedure under SRC Chapter 300.

23 (3) Modification of a Class 3 Design Review approval is processed as a Type II
24 procedure under SRC Chapter 300.

25 **(c) Submittal Requirements.**

26 (1) Modification of a Class 1 Design Review approval shall include, in addition to
27 the submittal requirements for a Type I application under SRC Chapter 300, the
28 information required under SRC 225.005(d)(2).
29
30

1 (2) Modification of a Class 2 or Class 3 Design Review approval shall include, in
2 addition to the submittal requirements for a Type II application under SRC Chapter
3 300, the information required under SRC 225.005(d)(2).

4 **(d) Criteria.**

5 (1) Modification of a Class 1 Design Review approval shall be granted if the
6 proposed modification meets all of the applicable design review standards.

7 (2) Modification of a Class 2 or Class 3 Design Review approval shall be granted if
8 all of the following criteria are met:

9 (A) The proposed modification is not substantially inconsistent with the
10 conditions of the original approval; and

11 (B) The proposed modification will not result in significant changes to the
12 physical appearance of the development, the use of the site, and the impacts on
13 surrounding properties.

14 (e) **Expiration.** The effect of a modification upon the expiration period of the original
15 approval, if any, shall be established in the modification decision.

16 **Section 150.** SRC 230.085 is amended to read as follows:

17 **230.085. Historic Resource Adaptive Reuse.**

18 (a) **Applicability.** This section allows adaptive reuse of historic-contributing buildings
19 and individually listed resources in all residential zones, in all public zones, and in the
20 Commercial Office zone, in order to preserve these buildings or structures, where other
21 uses would not be economically practical, and where a zone change would be
22 inappropriate.

23 (b) **Procedure Type.** Historical resource adaptive reuse is a Type III procedure under
24 SRC Chapter 300.

25 (c) **Additional Submittal Requirements.** In addition to the submittal requirements
26 for a Type III application under SRC Chapter 300, an application for historic resource
27 adaptive reuse shall include:

28 (1) Cost/benefit analysis.
29
30

1 (2) Documentation of good faith efforts by the property owner to put the property to
2 economically beneficial use including but not limited to leasing the building or
3 resource;

4 (3) Any capital expenditures associated with the building or structure during the
5 two years immediately preceding the application for adaptive reuse.

6 (4) Site plan identifying the following:

7 (A) All streets that abut the site and their designation (i.e., arterial, collector
8 etc); and

9 (B) Proposed parking, if applicable.

10 (d) **Criteria.** An application for historic resource adaptive reuse shall be granted if the
11 following criteria are met:

12 (1) The building is a historic contributing building or an individually listed
13 resource.

14 ~~(2) Adaptive reuse is allowed in the zone.~~

15 ~~(3)~~ (23) Use of the building or structure for any other use allowed in the zone is not
16 economically practical, and the property does not meet the criteria for a zone
17 change.

18 ~~(4)~~ (34) Allowing the proposed use will encourage preservation of the resource.

19 ~~(5)~~ (45) The building or structure will not be structurally expanded, or if historic non-
20 contributing, will be restored.

21 ~~(6)~~ (56) The building or structure is located on an arterial or collector street.

22 ~~(7)~~ (67) Parking that meets the requirements of SRC Chapter 806 433 will be provided.

23 ~~(8) The proposed limited commercial use will not have a substantial adverse impact~~
24 ~~on public health, safety, and welfare and any other reasonably likely adverse~~
25 ~~impacts of the limited commercial use on the immediate neighborhood can be~~
26 ~~minimized through the imposition of conditions. The following shall apply in~~
27 ~~making the determination of substantial adverse impact:~~

28 ~~(A) To preserve the integrity of residential historic districts, limited commercial~~
29 ~~uses in residential buildings or structures located within a residential historic~~
30 ~~district is discouraged.~~

1 ~~(B) In the RS or RD zones, adaptive reuse shall only be allowed on arterial or~~
2 ~~collector streets that form the perimeter of the zone.~~

3 (79) The proposed ~~limited commercial use, as conditioned,~~ will be compatible with
4 and have minimal impact on the livability or appropriate development of
5 surrounding property.

6 (e) **Conditions.** The review authority shall impose such conditions on the historic
7 resource adaptive reuse permit as are necessary to establish compliance with the
8 approval criteria.

9 (f) **Approval to Run with the Land.** Unless otherwise provided in the decision
10 granting, historic adaptive reuse permits shall run with the land.

11 (g) **Historic Design Review.** Historic design review is required for any exterior
12 alterations to a building or structure that has received historic resource adaptive reuse
13 approval.

14 (h) **Uses Permitted.** The uses permitted for adaptive reuse pursuant to this section,
15 either singularly or in combination, are:

16 (1) **Additional dwelling units:**

17 (A) RS - maximum of four units;

18 (B) RD - maximum of four units;

19 (2) **Telephone answering service;**

20 (3) **Professional offices:**

21 (A) Accounting services; ~~(SIC 8721);~~

22 (B) Artists;

23 (C) Engineering, architectural, and surveying services; ~~(SIC 871);~~

24 (D) Legal services; ~~(SIC 81);~~

25 (E) Offices of physicians; ~~(SIC 801);~~ dentists; ~~(SIC 802);~~ osteopathic
26 physicians; ~~(SIC 803);~~ and other health practitioners; ~~(SIC 804).~~

27 (4) **Retail:**

28 (A) Used merchandise store; ~~(SIC 5931);~~

29 (B) Men's and boys' clothing and accessory stores; ~~(SIC 561);~~

30 (C) Women's ready-to-wear stores; ~~(SIC 562);~~

1 (D) Women's accessory and specialty stores; ~~(SIC 563)~~;

2 (E) Children's and infants' wear stores; ~~(SIC 564)~~;

3 (F) Art gallery and framing shop;

4 (5) **Services:**

5 (A) Interior decorating studio;

6 (B) Child day care services; ~~(SIC 835)~~;

7 (C) Residential care; ~~(SIC 836)~~.

8 (6) **Other:** Other office, service, and retail uses not otherwise enumerated in this
9 subsection that are substantially similar in traffic generation, noise generation,
10 parking demand, hours of operation, and other similar characteristics relating to
11 compatibility with surrounding uses.

12 **Section 151.** SRC 240.005 is amended to read as follows:

13 **240.005. Conditional Use Permits.**

14 (a) **Applicability.**

15 (1) No building, structure, or land shall be used or developed for any use which is
16 designated as a conditional use in the UDC unless a conditional use permit has been
17 granted pursuant to this Chapter.

18 (2) No use for which a conditional use permit has been granted shall be expanded,
19 relocated, or changed to another conditional use, and no building or structure
20 devoted to such use shall be structurally altered or enlarged, unless a new
21 conditional use permit, or a modification of an existing conditional use permit, has
22 been granted pursuant to this Chapter for such expansion, relocation, change,
23 structural alteration, or enlargement ~~pursuant to this Chapter~~; provided, however,
24 ~~that~~ a new conditional use permit, or modification of an existing conditional use
25 permit, shall not be required for interior construction or tenant improvements that
26 involve no change of use, or for alterations required to address a building code
27 violation or to comply with the Americans with Disabilities Act.

28 (b) **Procedure Type.** A conditional use permit is processed as a Type III procedure
29 under SRC Chapter 300.

1 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type III
2 application under SRC Chapter 300, an application for a conditional use permit shall
3 include the following:

4 (1) A site plan, of a size and form and in the number of copies meeting the
5 standards established by the Planning Administrator, containing the following
6 information:

7 (A) The total site area, dimensions, and orientation relative to north;

8 (B) The location of all proposed primary and accessory structures and other
9 improvements, including fences, walls, and driveway locations, indicating
10 distance to such structures from all property lines and adjacent on-site
11 structures;

12 (C) Loading areas, if included with proposed development;

13 (D) All proposed landscape areas on the site, with an indication of square
14 footage and as a percentage of site area;

15 (E) The location, height, and material of fences, ~~buffers,~~ berms, walls, and
16 other proposed screening as they relate to ~~buffer yard and landscaping and~~
17 screening required by SRC Chapter 807; ~~132~~;

18 (F) The location of all trees and vegetation required to be protected ~~pursuant~~
19 ~~to~~ under SRC Chapter 808; ~~68~~; and

20 (G) Identification of vehicle, pedestrian, and bicycle parking and circulation
21 areas, including handicapped parking stalls, disembarking areas, accessible
22 routes of travel, and proposed ramps.

23 (2) An existing conditions plan of a size and form and in the number of copies
24 meeting the standards established by the Planning Administrator, containing the
25 following information:

26 (A) The total site area, dimensions, and orientation relative to north;

27 (B) The location of existing structures and other improvements on the site,
28 including accessory structures, fences, walls, and driveways, noting their
29 distance from property lines and whether they are to be removed;

30 (C) The location of the 100-year flood plain, if applicable; and

1 (D) The location of drainage patterns and drainage courses, if applicable.

2 (3) A completed Trip Generation Estimate for the proposed development, on forms
3 provided by the City.

4 (4) A Traffic Impact Analysis, if required ~~for the development~~ by SRC Chapter
5 803.

6 (d) **Criteria.** An application for conditional use permit shall be granted if all of the
7 following criteria are met:

8 (1) The proposed use is allowed as a conditional use in the zone;

9 (2) The reasonably likely adverse impacts of the use on the immediate
10 neighborhood can be minimized through the imposition of conditions; and

11 (3) The proposed use will be reasonably compatible with and have minimal impact
12 on the livability or appropriate development of surrounding property.

13 (e) **Transfer of Conditional Use Permit.** Unless otherwise provided in the decision
14 granting the conditional use permit, conditional use permits shall run with the land.

15 **Section 152.** SRC 240.010 is amended to read as follows:

16 **240.010. Modification of Conditional Use Approval.**

17 (a) **Applicability.** A conditional use permit approval may be modified after its
18 effective date if the proposed modification meets the criteria in this section. Proposed
19 modifications that do not meet the criteria in this section require submittal of a new
20 application for conditional use permit.

21 (b) **Procedure Type.** Modification of a conditional use permit approval is processed
22 as a Type II procedure under SRC Chapter 300.

23 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
24 application under SRC Chapter 300, an application for modification of a conditional
25 use permit approval shall include the information required under SRC 240.005(c).

26 (d) **Criteria.** An application for modification of a conditional use permit approval
27 shall be granted if all of the following criteria are met.

28 (1) The proposed modification is not substantially inconsistent with the conditions
29 of the original approval; and

1 (2) When compared with the original approval, the proposed modification will not
2 result in significant changes to the physical appearance of the development, the use
3 of the site, and the impacts on surrounding properties.

4 (e) **Expiration.** The effect of a modification upon the expiration period of the original
5 approval, if any, shall be established in the modification decision.

6 **Section 153.** SRC 245.005 is amended to read as follows:

7 **245.005. Variances.**

8 (a) **Applicability.** Unless otherwise provided in the UDC, buildings, structures, or
9 land shall not be developed contrary to the applicable development standards of the
10 UDC unless a variance has been granted pursuant to this Chapter.

11 (1) **Prohibition.** No variance shall be granted to:

- 12 (A) Allow a use or activity not allowed under the UDC;
- 13 (B) Change the status of a use or activity under the UDC;
- 14 (C) Modify a definition or use classification;
- 15 (D) Modify a use standard;
- 16 (E) Modify the applicability of any requirement under the UDC;
- 17 (F) Modify a development standard specifically identified as non-variable;
- 18 (G) Modify a development standard that contains the word “prohibited”;
- 19 (H) Modify procedural requirements under the UDC; or
- 20 (I) A design review guideline or design review standard.

21 (b) **Procedure Type.** A variance is processed as a Type III procedure under SRC
22 Chapter 300.

23 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type III
24 application under SRC Chapter 300, an application for a variance shall include the
25 following:

26 (1) A site plan, of a size and form and in the number of copies meeting the
27 standards established by the Planning Administrator, containing all information
28 necessary to establish satisfaction with the approval criteria. By way of example,
29 but not of limitation, such information may include the following:

- 30 (A) The total site area, dimensions, and orientation relative to north;

1 (B) The location of all proposed primary and accessory structures and other
2 improvements, including fences, walls, and driveway locations, indicating
3 distance to such structures from all property lines and adjacent on-site
4 structures;

5 (C) All proposed landscape areas on the site, with an indication of square footage
6 and as a percentage of site area;

7 (D) The location, height, and material of fences, ~~buffers~~, berms, walls, and other
8 proposed screening as they relate to ~~buffer yard and landscaping and screening~~
9 required by SRC Chapter 807; ~~132~~;

10 (E) The location of all trees and vegetation required to be protected pursuant to
11 SRC Chapter 808; ~~68~~; and

12 (F) Identification of vehicle, pedestrian, and bicycle parking and circulation
13 areas, including handicapped parking stalls, disembarking areas, accessible routes
14 of travel, and proposed ramps.

15 (2) An existing conditions plan of a size and form and in the number of copies
16 meeting the standards established by the Planning Administrator, containing the
17 following information:

18 (A) The total site area, dimensions, and orientation relative to north;

19 (B) The location of existing structures and other improvements on the site,
20 including accessory structures, fences, walls, and driveways, noting their distance
21 from property lines and whether they are to be removed;

22 (C) The location of the 100-year flood plain, if applicable; and

23 (D) The location of drainage patterns and drainage courses, if applicable.

24 (d) **Criteria.** An application for a variance shall be granted if all of the following
25 criteria are met:

26 (1) There is an unreasonable hardship or practical difficulty created by the physical
27 characteristics of the land.

28 (2) The variance will not result in adverse effects that are unreasonably detrimental
29 to the public health, safety, and welfare or to property or improvements in the
30 vicinity.

1 (e) **Transfer of Variance.** Unless otherwise provided in the final decision granting the
2 variance, a variance shall run with the land.

3 **Section 154.** SRC 250.005 is amended to read as follows:

4 **250.005. Adjustments.**

5 (a) **Applicability.**

6 (1) **Classes.**

7 (A) A Class 1 adjustment is an adjustment to any numerical development
8 standard in the UDC that increases or decreases the standard by not more than
9 20 percent.

10 (B) A Class 2 adjustment is an adjustment to any development standard in the
11 UDC other than a Class 1 adjustment, including an adjustment to any numerical
12 development standard in the UDC that increases or decreases the standard by
13 more than 20 percent.

14 (2) **Prohibition.** Notwithstanding paragraph (1) of this subsection, an adjustment
15 shall not be granted to:

16 (A) Allow a use or activity not allowed under the UDC;

17 (B) Change the status of a use or activity under the UDC;

18 (C) Modify a definition or use classification;

19 (D) Modify a use standard;

20 (E) Modify the applicability of any requirement under the UDC;

21 (F) Modify a development standard specifically identified as non-adjustable;

22 (G) Modify a development standard that contains the word “prohibited”;

23 (H) Modify a procedural requirement under the UDC;

24 (I) Modify a condition of approval placed on property through a previous
25 planning action;

26 (J) A design review guideline or design review standard; or

27 (K) The required landscaping in the Industrial Business Campus (IBC) zone.

28 (b) **Procedure Type.** Class 1 and Class 2 adjustments are processed as a Type II
29 Procedure under SRC Chapter 300.
30

1 (c) **Submittal Requirements.** In addition to the submittal requirements for a Type II
2 application under SRC Chapter 300, an application for a Class 1 or Class 2 adjustment
3 shall include the following:

4 (1) A site plan, of a size and form and in the number of copies meeting the
5 standards established by the Planning Administrator, containing all information
6 necessary to establish satisfaction with the approval criteria. By way of example,
7 but not of limitation, such information may include the following:

8 (A) The total site area, dimensions, and orientation relative to north;

9 (B) The location of all proposed primary and accessory structures and other
10 improvements, including fences, walls, and driveway locations, indicating
11 distance to such structures from all property lines and adjacent on-site
12 structures;

13 (C) All proposed landscape areas on the site, with an indication of square
14 footage and as a percentage of site area;

15 (D) The location, height, and material of fences, ~~buffers,~~ berms, walls, and
16 other proposed screening as they relate to ~~buffer yard and required~~ landscaping
17 and screening required by SRC Chapter 807; ~~432;~~

18 (E) The location of all trees and vegetation required to be protected pursuant to
19 SRC Chapter 808; ~~68;~~ and

20 (F) Identification of vehicle, pedestrian, and bicycle parking and circulation
21 areas, including handicapped parking stalls, disembarking areas, accessible
22 routes of travel, and proposed ramps.

23 (2) An existing conditions plan, of a size and form and in the number of copies
24 meeting the standards established by the Planning Administrator, containing the
25 following information:

26 (A) The total site area, dimensions, and orientation relative to north;

27 (B) The location of existing structures and other improvements on the site,
28 including accessory structures, fences, walls, and driveways, noting their
29 distance from property lines;

30 (C) The location of the 100-year flood plain, if applicable; and

1 (D) The location of drainage patterns and drainage courses, if applicable.

2 (d) **Criteria.**

3 (1) An application for a Class 1 adjustment shall be granted if all of the following
4 criteria are met:

5 (A) The purpose underlying the specific development standard proposed for
6 adjustment is:

7 (i) Clearly inapplicable to the proposed development; or

8 (ii) Clearly satisfied by the proposed development.

9 (B) The proposed adjustment will not unreasonably impact surrounding
10 existing or potential uses or development.

11 (2) An application for a Class 2 adjustment shall be granted if all of the following
12 criteria are met:

13 (A) The purpose underlying the specific development standard proposed for
14 adjustment is:

15 (i) Clearly inapplicable to the proposed development; or

16 (ii) Equally or better met by the proposed development.

17 (B) If located within a residential zone, the proposed~~proposed~~ development will
18 not detract from the livability or appearance of the residential area.

19 (C) If more than one adjustment has been requested, the cumulative effect of all
20 the adjustments result in a project which is still consistent with the overall
21 purpose of the zone.

22 (e) **Transfer of Adjustments.** Unless otherwise provided in the final decision
23 granting the adjustment, an adjustment shall run with the land.

24 **Section 155.** SRC 255.005 is amended to read as follows:

25 **255.005. Naming of New Public and Private Streets in Land Divisions, Planned Unit**
26 **Developments, Manufactured Dwelling Parks, and Site Plan Approvals.**

27 (a) **Applicability.** All new public and private streets created as part of a land division,
28 planned unit development, manufactured dwelling park, or site plan approval shall be
29 named using the standards set forth in SRC 255.015.

1 (b) **Coordination with County Government.** The naming of new public and private
2 streets within land divisions, planned unit developments, manufactured dwelling parks,
3 or-site plan approvals shall be coordinated with the appropriate county.

4 (c) **Procedure.**

5 (1) The naming of new public and private streets within land divisions, planned
6 unit developments, manufactured dwelling parks, and site plan approvals shall be
7 conducted as part of the land division, planned unit development, manufactured
8 dwelling park, or site plan approval, and shall follow the procedures set forth in this
9 section. ~~Approval of street names is part of a land division, planned unit~~
10 ~~development, manufactured dwelling park, or site plan approval, and this section~~
11 ~~shall be used to determine the names for new streets as part of applications for these~~
12 ~~land use approvals.~~

13 (2) Prior to submission of the final plat or final PUD plan, or at the time of
14 submission of application for manufactured dwelling park or site plan approval, the
15 applicant shall submit a list of proposed street names. Upon receiving the list of
16 street names, the list shall be reviewed to determine if they comply with the street
17 naming criteria under SRC 255.015. If they meet the criteria, the applicant shall be
18 informed of their approval. If proposed names do not meet the criteria, the applicant
19 shall submit alternative names.

20 (d) **Names to be Used on Final Plat, Final PUD Plan, or in Development.** The
21 names approved by the Director pursuant to this section shall be used as the names of
22 the streets on the final subdivision plat, the final planned unit development plan, or in
23 the manufactured dwelling park or development subject to the site plan approval.

24 **Section 156.** SRC 255.010 is amended to read as follows:

25 **255.010. Naming of Unnamed Public and Private Streets and New Connections Between**
26 **Existing Public and Private Streets; Renaming Existing Public and Private Streets.**

27 (a) **Applicability.** The naming of an unnamed public or private street or a new
28 connection between ~~two~~-existing public or private streets, or the renaming of an
29 existing public or private street, shall be made ~~following the procedures in accordance~~
30 with this section.

1 **(1) Classes.**

2 **(A)** A Class 1 Street Naming ~~proceeding~~ is a ~~request~~ proceeding initiated by a
3 petitioner to rename an existing public or private street ~~initiated by a petitioner.~~

4 **(B)** A Class 2 Street Naming ~~proceeding~~ is a proceeding initiated by the City
5 to: the naming of an unnamed public or private street or a new connection
6 between two existing public or private streets, or the renaming of an existing
7 public or private street, initiated by the City.

8 (i) Name an unnamed public or private street, or a new connection
9 between existing public or private streets; or

10 (ii) Rename an existing public or private street.

11 **(2) Discretionary Act by the City Council.** The name given to an unnamed
12 public or private street or a new connection between existing public or private
13 streets, or the renaming of an existing public or private street, is a legislative act,
14 subject to the discretion of the City Council.

15 **(b) Coordination with County Government.** The naming of an unnamed public or
16 private street or a new connection between existing public or private streets, or the
17 renaming of an existing public or private street, shall be coordinated with the
18 appropriate county.

19 **(c) Procedure.** In-lieu of the procedures set forth in SRC Chapter 300, The the
20 naming of an unnamed public or private street or a new connection between existing
21 public or private streets, or the renaming of an existing public or private street, ~~are not~~
22 ~~land use decisions, and are not subject to the procedures set forth in SRC Chapter 300,~~
23 ~~but~~ shall follow the procedures set forth in this subsection.

24 **(1) Initiation.**

25 **(A)** A Class 1 Street Naming ~~proceeding~~ is initiated by application of a person
26 owning real property abutting the street to be renamed.

27 **(B)** A Class 2 Street Naming ~~proceeding~~ is initiated by resolution of the City
28 Council.

29 **(2) Submittal Requirements.**

1 (A) An application for a Class 1 Street Naming ~~proceeding~~ shall include the
2 following:

3 (i) Name of street proposed to be changed;

4 (ii) Reason for request;

5 (iii) No fewer than two suggested new names that meet the street naming
6 criteria set forth in SRC 255.015;

7 (iv) A map containing the location of the street, including the beginning and
8 ending address numbers, and the names of all cross streets;

9 (v) List of the names, addresses and ZIP code of each owner and each
10 resident of all property abutting the street;

11 (vi) A petition containing signatures of at least 51 percent of the residents
12 and property owners abutting the street, stating that they agree that the street
13 should be renamed, and consent to the suggested new names; and

14 (vii) Payment of the application fee.

15 (B) A resolution initiating a Class 2 Street Naming ~~proceeding~~ shall include the
16 following:

17 (i) Name of street proposed to be changed;

18 (ii) A proposed new name that meets the street naming criteria set forth in
19 SRC 255.015; and

20 (iii) A map containing the location of the street, including the beginning
21 and ending address numbers, and the names of all cross streets.

22 (3) **Referral to Planning Commission.** A proposal to name an unnamed public or
23 private street or a new connection between existing public or private streets, or
24 rename an existing public or private street, shall be referred to the Planning
25 Commission for its recommendation.

26 (4) **City Council Hearing.** After receiving the recommendation of the Planning
27 Commission, the City Council shall hold a public hearing on the proposal.

28 (5) **Notice.** Notice of the hearing shall be published once in a newspaper of general
29 circulation in the City no later than one week prior to date the hearing is to be held.
30

1 Notice shall also be given by mail to all property owners and residents abutting the
2 street.

3 **(6) Criteria.** The naming of an unnamed public or private street or a new
4 connection between existing public or private streets, or the renaming of an existing
5 public or private street, shall be granted if all of the following criteria are met:

6 (A) ~~Whether~~The proposed name complies with the street naming standards set
7 forth in SRC 255.015.

8 (B) ~~Whether~~Renaming the street with the proposed name is in the best interest
9 of the City.

10 **(7) Decision.** After the hearing, the City Council may enact an ordinance
11 accepting the Planning Commission’s recommendation, and naming the unnamed
12 public or private street or the connection between existing public or private streets,
13 or renaming the public or private street, or adopt a resolution rejecting the
14 recommendation.

15 **(8) Post-Decision Notice.** A certified copy of ~~an~~the ordinance naming ~~an~~the
16 unnamed public or private street or the connection between existing public or
17 private streets, or renaming ~~a~~the public or private street, shall be filed with the
18 county clerk, the county assessor, the county surveyor, and the postmaster ~~of the~~
19 ~~appropriate~~ county, and mailed to all property owners and residents along the street.

20 **Section 157.** SRC 255.050 is amended to read as follows:

21 **255.050. Size and Placement of Address Numbers.**

22 (a) Addresses shall be in Arabic numbers, shall not be less than three inches high, shall
23 be of a contrasting color from the background, and shall be placed so that the numbers
24 are readily visible from the adjoining street.

25 (b) Address numbers shall be placed in a conspicuous place as provided in this
26 subsection:

27 (1) Where a building or structure is located 35 feet or less from a street, the address
28 numbers shall be placed in a conspicuous place on the main entrance.

29 (2) If the main entrance is not readily visible from the street, address numbers shall
30 be located at the intersection of the street and the driveway providing access to the

1 building or structure. If there is no driveway, the address number shall be placed
2 within 10 feet of the property line, at a point that provides pedestrian access to the
3 building or structure.

4 (3) Where a building or structure is located more than 35 feet from the street, the
5 address numbers shall be located at the intersection of the street and the driveway
6 providing access to the building or structure. If there is no driveway, the address
7 number shall be placed within 10 feet of the property line, at a point that provides
8 pedestrian access to the building or structure.

9 (4) Where a building or structure is located on a flag lot, the address numbers shall
10 be located at the intersection of the street and the flag lot accessway providing
11 access to the building or structure.

12 **Section 158.** SRC 255.065 is amended to read as follows:

13 **255.065. Vacation of Public Property.**

14 (a) **Applicability.** All requests to vacate right-of-way or to vacate the dedication of
15 any other public place, or any part thereof, shall be made in accordance with this
16 section.

17 (1) **Classes.**

18 (A) A Class 1 Vacation ~~proceeding~~ is a request proceeding initiated by a
19 petitioner to vacate right-of-way, or any part thereof, initiated by a petitioner.

20 (B) A Class 2 Vacation ~~proceeding~~ is a proceeding initiated by the City proposal
21 to vacate right of way, or any part thereof, or to vacate the dedication of any
22 other public place, or any part thereof, initiated by the City.

23 (i) Vacate right-of-way, or any part thereof; or

24 (ii) Vacate the dedication of any other public place, or any part thereof.

25 (b) **Procedure.** In lieu of the procedures set forth in SRC Chapter 300, Proceedings
26 proceedings to vacate a street, alley, or dedication of any other public place is not a
27 procedure type under SRC Chapter 300, and shall follow the procedures set forth in
28 ORS 271.080-271.230 and this section.

29 (1) **Initiation.**

1 (A) A Class 1 Vacation ~~proceeding~~ is initiated by petition of a person owning
2 real property abutting the right-of-way, or any part thereof, to be vacated.

3 (B) A Class 2 Vacation ~~proceeding~~ is initiated by resolution of the City
4 Council.

5 **(2) Submittal Requirements.**

6 (A) A petition for a Class 1 Vacation ~~proceeding~~ shall be made on forms
7 provided by the Director, contain everything required by ORS 271.080, and be
8 accompanied by the following:

9 (i) A title report verifying ownership of the property abutting the area
10 proposed to be vacated;

11 (ii) A map showing the area proposed to be vacated and the area
12 encompassing the affected area, with tax lots labeled;

13 (iii) A list of all properties and owners, by tax lot, within the affected area;

14 (iv) An application form; and

15 (v) The application fee, as set by resolution of the City Council.

16 (B) A resolution initiating a Class 2 Vacation ~~proceeding~~ shall include the legal
17 description of the proposed area to be vacated.

18 **(3) Filing of Petition; Verification of Consents.** A petitioner shall file a petition
19 for a Class 1 Vacation ~~proceeding~~ with the Director. The Director shall determine
20 whether the petition contains the required information and consents. The Director
21 shall notify all potentially affected public utilities. If the petition contains all the
22 required information and consents, the Director shall forward the petition to the
23 City Council, along with any responses from public utilities and recommendation as
24 to whether there appears to be any reason why the petition should be denied, in
25 whole or in part. If the recommendation is to deny the petition, in whole or in part,
26 or if the City Council, on its own motion, determines that the petition should be
27 denied, in whole or in part, the petitioner shall be given notice of the date the City
28 Council will take final action on the denial. If the City Council determines that
29 there appears no reason why the petition should be not granted, in whole or in part,
30 the City Council shall set a public hearing on the petition.

1 **(4) Application Fee.** The application fee for a Class 1 Vacation shall be used to
2 pay the expenses incurred by the City in the vacation process, including, but not
3 limited to the costs of publishing and posting notices, and preparing and recording
4 certified copies of the ordinance and map. If the actual expenses exceed the amount
5 of the application fee, the petitioner shall pay, upon request from the Director, the
6 amount the Director estimates will be needed to cover the additional expenses. The
7 vacation proceeding shall be stayed until the additional amount is deposited with
8 the City. If the actual expenses are less than the total amount deposited with the
9 City, the remainder shall be refunded to the petitioner.

10 **(5) Notice and Hearing.** Notice for Class 1 and Class 2 vacations shall comply
11 with ORS 271.110 and ORS 271.130. The hearing shall be conducted following the
12 procedures set forth in SRC 300.900 through SRC 300.990.

13 **(6) Criteria.** A Class 1 or Class 2 Vacation shall be approved only if the vacation
14 meets the following criteria:

15 **(A)** The area proposed to be vacated is not presently, or will not in the future
16 be, needed for public services, facilities, or utilities;

17 **(B)** The vacation does not prevent the extension of, or the retention of public
18 services, facilities, or utilities;

19 **(C)** Public services, facilities, or utilities can be extended in an orderly and
20 efficient manner in an alternate location;

21 **(D)** The vacation does not impede the future best use, development of, or
22 access to abutting property;

23 **(E)** The vacation does not conflict with provisions of the UDC including the
24 street connectivity standards and block lengths;

25 **(F)** All required consents have been obtained;

26 **(G)** Notices required by ORS 271.080-271.130 have been duly given; and

27 **(H)** The public interest would not be prejudiced by the vacation.

28 **(7) Decision; Conditions and Reservations; Assessment of Special Benefit.**
29
30

1 (A) **Form of Decision.** After the hearing, the City Council may enact an
2 ordinance granting the vacation, in whole or in part, or adopt a resolution
3 rejecting the proposed vacation.

4 (B) **Conditions and Reservations.** The City Council may impose such
5 conditions or make such reservations as it deems to be in the public interest,
6 including, but not limited to, reservation of easements for municipal and public
7 utilities in the area vacated.

8 (C) **Assessment of Special Benefit.** The City Council may provide for the
9 payment to the City of such sum of money in a Class 1 Vacation as its finds to
10 be just and equitable as an assessment of special benefit upon the real property
11 abutting upon the vacated area, and for the cost of curbs, drainage, paving,
12 sewer, or other local improvement already completed or to be constructed upon
13 the area vacated. Notice of proposed assessment of special benefits shall be
14 given to the owners of the property to be assessed at least three days before the
15 public hearing on the vacation. Notice shall be given to such property owners
16 by mail at the property owners' last known address. If an assessment of special
17 benefit is made, the City Council shall include such assessment in the vacation
18 ordinance and a direction to the Finance Director to enter such assessment in the
19 City lien docket. The assessment, together with all costs, shall not exceed the
20 amount of special benefit inuring to the abutting property by reason of such
21 vacation. The owner may make application to pay the assessment of special
22 benefit in installments, in the same manner as provided in the Bancroft Bonding
23 Act and allowed for systems development charges by the City.

24 (c) **Recordation of Vacation Ordinance; Notice; Effective Date.** The City Recorder
25 shall:

26 (1) Record and file a copy of the vacation ordinance as required by ORS 271.150;
27 provided, however, that the vacation ordinance shall not be recorded until:

28 (A) All fees and the assessment of special benefit have been paid, or an
29 application to pay the assessment of special benefit in installments has been
30 approved;

1 (B) All required legal documents have been signed, filed, and, if required,
2 recorded; and

3 (C) The petitioners have complied with all conditions attached to the vacation.

4 (2) Mail a certified copy of the vacation ordinance to each public utility that
5 provided responses to the Public Works Director.

6 (3) No vacation shall be effective until the vacation ordinance is filed by the City
7 Recorder with the county clerk, assessor, and county surveyor.

8 (d) **Delegation of Authority to City Manager.** The City Manager is hereby delegated
9 the authority to sign the consents required by ORS 271.080(2) where the City is the
10 owner of the property abutting the area proposed to be vacated or the property within
11 the affected area.

12 **Section 159.** SRC 265.005 is amended to read as follows:

13 **265.005. Quasi-Judicial Zone Changes.**

14 (a) **Applicability.** This section applies to any quasi-judicial zone change, other than a
15 zone change by operation of law under SRC 265.015, ~~which involves the application of~~
16 ~~zoning designations connected with annexation of territory into the City.~~

17 (b) **Standing to Initiate Quasi-Judicial Zone Change.** A quasi-judicial zone change
18 may be initiated only by the City Council, the Planning Commission, or ~~an~~ the owner of
19 the property that is the subject of to the proposed zone change, or that owner's agent.

20 (c) **Procedure Type.** A quasi-judicial zone change is processed as a Type III
21 procedure under SRC Chapter 300.

22 (d) **Submittal Requirements.** In addition to the submittal requirements for a Type III
23 application under SRC Chapter 300, an application for a quasi-judicial zone change
24 shall include the following:

25 (1) An existing conditions plan of a size and form and in the number of copies
26 meeting the standards established by the Planning Administrator, containing the
27 following information:

28 (A) The total site area, dimensions, and orientation relative to north;

1 (B) The location of existing structures and other improvements on the site,
2 including accessory structures, fences, walls, and driveways, noting their
3 distance from property lines; and

4 (C) The location of drainage patterns and drainage courses, if applicable;

5 (2) A ~~Traffic Transportation~~ Impact Analysis, if required, in the format specified,
6 and based on thresholds specified in standards established, by the Director of Public
7 Works.

8 (e) **Criteria.**

9 (1) A quasi-judicial zone change shall be granted if all of the following criteria are
10 met:

11 (A) The zone change is justified based on the existence of one or more of the
12 following:

13 (i) A mistake in the application of a land use designation to the property;:-

14 (ii) A demonstration that there has been a change in the economic,
15 demographic, or physical character of the vicinity such that the proposed
16 zone would be compatible with the vicinity's development pattern;:- or

17 (iii) A demonstration that the proposed zone ~~change~~ is equally or better
18 suited for the property than the existing zone. A proposed zone is equally or
19 better suited for the property than an existing zone if the physical
20 characteristics of the property are appropriate for the proposed zone and the
21 uses allowed by the proposed zone are logical with the surrounding land
22 uses.

23 (B) If the zone change is City-initiated, and the change is for other than City-
24 owned property, the zone change is in the public interest and would be of
25 general benefit.

26 (C) The zone change ~~conforms~~ complies with the applicable provisions of the
27 Salem Area Comprehensive Plan.

28 (D) The zone change complies with applicable Statewide Planning Goals and
29 applicable administrative rules adopted by the Department of Land
30 Conservation and Development.

1 (E) If the zone change requires a comprehensive plan change from an industrial
2 ~~use~~-designation to a non-industrial ~~use~~-designation, or a comprehensive plan
3 change from a commercial or employment designation to any other ~~use~~
4 designation, a demonstration that the proposed ~~rezone~~-zone change is consistent
5 with ~~its~~-the most recent economic opportunities analysis and the parts of the
6 Comprehensive Plan which address the provision of land for economic
7 development and employment growth; or be accompanied by an amendment to
8 the Comprehensive Plan to address the proposed ~~rezone~~-zone change; or include
9 both the demonstration and an amendment to the Comprehensive Plan.

10 (F) The zone change does not significantly affect a transportation facility, or, if
11 the zone change would significantly affect a transportation facility, the
12 significant effects can be adequately addressed through the measures associated
13 with, or conditions imposed on, the zone change.

14 (G) The property is currently served, or is capable of being served, with public
15 facilities and services necessary to support the uses allowed by the proposed
16 zone.

17 (2) The greater the impact of the proposed zone change on the area, the greater the
18 burden on the applicant to demonstrate that the criteria are satisfied.

19 **Section 160.** SRC 265.010 is amended to read as follows:

20 **265.010. Legislative Zone Changes.**

21 (a) **Applicability.** This section applies to all legislative zone changes. Legislative
22 zone changes are:

23 (1) Zone changes initiated by the City where there is an identified common public
24 purpose for the change and generally affecting more than one property owner or a
25 large number of individual properties.

26 (2) Zone changes initiated by the City to comply with an order, directive, or
27 recommendation of a governmental body responsible for administering state land
28 use law or to comply with an order of a court having jurisdiction over litigation
29 involving the property that is the subject of the zone change. As used in this
30 section, "governmental body responsible for administering state land use law"

1 includes, but is not limited to, the Land Use Board of Appeals, the Land
2 Conservation and Development Commission, and the Department of Land
3 Conservation and Development.

4 **(b) Procedure Type.** Legislative zone changes are processed according to the
5 Legislative Procedures under SRC Chapter 300.

6 **(c) Standing to Initiate Legislative Zone Change.** A legislative zone change may be
7 initiated only by the City Council or the Planning Commission.

8 **(d) Criteria.** A legislative zone change may be made if the City Council finds that:

9 (1) The zone change is in the best interest of the public health, safety, and welfare
10 of the City.

11 (2) The zone change ~~conforms~~ complies with the Salem Area Comprehensive
12 Plan, applicable Statewide Planning Goals, and applicable administrative rules
13 adopted by the Department of Land Conservation and Development.

14 (3) If the zone change requires a ~~Comprehensive~~ comprehensive Plan ~~plan~~ change
15 from an industrial ~~use~~-designation to a non-industrial ~~use~~-designation, or a
16 comprehensive plan change from a commercial or employment designation to any
17 other ~~use~~-designation, a demonstration that the proposed ~~rezone~~ zone change is
18 consistent with ~~its~~ the most recent economic opportunities analysis and the parts of
19 the Comprehensive Plan which address the provision of land for economic
20 development and employment growth; or be accompanied by an amendment to the
21 Comprehensive Plan to address the proposed ~~rezone~~ zone change; or include both
22 the demonstration and an amendment to the Comprehensive Plan.

23 (4) The zone change does not significantly affect a transportation facility, or, if the
24 zone change would significantly affect a transportation facility, the significant
25 effects can be adequately addressed through the measures associated with, or
26 conditions imposed on, the zone change.

27 **Section 161.** SRC 265.015 is amended to read as follows:

28 **265.015. Zone Changes by Operation of Law.**

29 **(a) Applicability.** A zone change by operation of law is a zone change that occurs
30 automatically upon the satisfaction of certain conditions. There are two types of zone

1 changes by operation of law:

2 (1) The application of zoning designations to a territory at the time the territory is
3 annexed into the City; and

4 (2) The automatic conversion of property zoned Residential Agricultural (RA) to
5 Single Family Residential (RS); upon either of the following, where when the
6 property is subject to an approved tentative subdivision plan or manufactured
7 dwelling park permit, ~~upon~~:

8 (A) The date of the recording of the final subdivision plat with the county clerk;

9 or

10 (B) Issuance of a final occupancy permit for a manufactured dwelling ~~home~~
11 park permit issued pursuant to SRC Chapter 235. 423.

12 (b) **Procedure Type.** Zone changes by operation of law are exempt from SRC Chapter
13 300.

14 **Section 162.** SRC 265.020 is amended to read as follows:

15 **265.020. Conditions of Approval. Zone Changes with Conditions.**

16 (a) Conditions may be imposed on zone changes including limits on use, uses
17 permitted, and any development standards.

18 (b) Conditions imposed shall be construed and enforced, in all respects, as provisions
19 of this zoning code relating to the use and development of land. Modification of use
20 conditions shall be by zone change, as provided under this Chapter. Modification of all
21 other conditions, including full or partial release therefrom, shall be by variance, as
22 provided under SRC Chapter 245. 250.

23 (c) If the dedication of right-of-way or construction of public improvements is required
24 as a condition of approval under this section, the dedication or improvement shall be
25 the obligation of the applicant and must be completed prior to issuance of building
26 permit or certificate of occupancy, whichever is earlier. Upon justification by the
27 applicant, the Director may allow deferral of all or a portion of public improvements
28 required as a condition under this section beyond issuance of building permit or
29 certificate of occupancy until a stated time or until required by council, whichever is
30 earlier. An applicant seeking deferral under this section shall execute an improvement

1 deferral agreement which specifies the terms of deferral. The agreement shall be in a
2 form approved by the City Attorney and shall be filed in the deed records of the
3 appropriate county.

4 **Section 163.** SRC 270.005 is amended to read as follows:

5 **270.005. Nonconforming Uses.**

6 (a) **Generally.** A nonconforming use is any use on real property that was lawfully
7 established under the applicable City or county land use regulations at the time the use
8 was established, but which is no longer allowed due to the adoption of, or amendment
9 to, the City's land use regulations, or annexation of the property into the City. A
10 nonconforming use is a lawful use, and may be continued on the real property until
11 terminated as provided in subsection (e) of this section.

12 (b) **Ordinary Repairs and Maintenance.** Except as otherwise provided in this
13 section, buildings and structures occupied by nonconforming uses may be repaired and
14 maintained.

15 (c) **Extension, Alteration, and Expansion or Substitutions of Nonconforming Uses.**

16 If approved pursuant to subsection (d) of this section:

17 (1) A nonconforming use in a portion of a building may be extended into other
18 portions of that building.

19 (2) A building or structure occupied by a nonconforming use may be structurally
20 altered or enlarged for the benefit of such use.

21 (3) One nonconforming use may be substituted for another nonconforming use.

22 (d) **Application for Extension, Alteration, and Expansion or Substitution of a**
23 **Nonconforming Use.**

24 (1) **Applicability.** Except as provided in subsection (c)(2) of this section, a
25 nonconforming use shall not be extended, altered, expanded, or substituted for
26 another nonconforming use without receiving approval as provided in this section.

27 (2) **Procedure Type.** Approval of An application for the extension, alteration,
28 expansion, or substitution of a nonconforming use is processed as a Type III
29 procedure under SRC Chapter 300.
30

1 **(3) Submittal Requirements.** In addition to the submittal requirements for a Type
2 III application under SRC Chapter 300, an application for extension, alteration,
3 expansion, or substitution of a nonconforming use shall include:

4 **(A)** A site plan, of a size and form and in the number of copies meeting the
5 standards established by the Planning Administrator, containing the following
6 information:

7 **(i)** The total site area, property lines with dimensions, and orientation
8 relative to north;

9 **(ii)** Street names;

10 **(iii)** Location and distance to property lines of all existing and proposed
11 buildings, structures, fences, driveways, parking areas, and off-street
12 loading areas;

13 **(iv)** Location of all existing and proposed landscape areas, with an
14 indication of square footage;

15 **(v)** The location of all trees and vegetation required to be protected
16 pursuant to SRC Chapter 808; ~~68~~;

17 **(vi)** The layout of all existing and proposed parking areas, indicating the
18 total number of spaces and the dimensions of the stalls, aisles, driveways,
19 and turnaround areas;

20 **(vii)** Existing and proposed use of main and accessory buildings;

21 **(viii)** Buildings or surface features that are to be removed;

22 **(ix)** Height of proposed and existing structures; and

23 **(x)** Location of any surface features such as vegetation, creeks, drainage
24 fields, topography, railroad tracks, power lines and/or any other
25 information pertinent to the proposal.

26 **(B)** A completed Trip Generation Estimate for the proposed development, on
27 forms provided by the City.

28 **(4) Criteria.** An application for the extension, alteration, expansion, or
29 substitution of a nonconforming use shall be approved if the following criteria are
30 met:

- 1 (A) The proposed extension, alteration, enlargement, or substitution of use is
2 consistent with the general development character of the surrounding area;
- 3 (B) The degree of noise, vibration, dust, odor, fumes, glare, or smoke
4 detectable at the property line will not be increased by the proposed extension,
5 alteration, enlargement, or substitution of use;
- 6 (C) The number and kinds of vehicular trips will not exceed the maximums
7 typical for the zoning district within which the nonconforming use is located;
- 8 (D) The amount and nature of outside storage, loading, and parking will not be
9 increased or altered by the proposed extension, alteration, enlargement, or
10 substitution of use so as to cause further impacts;
- 11 (E) The hours of operation for the proposed extension, alteration, enlargement,
12 or substitution of use will not be altered or increased beyond those of the
13 existing nonconforming use; and
- 14 (F) If the proposal includes the alteration or enlargement of a building or
15 structure, the alteration or enlargement complies with the applicable
16 development standards of the UDC and all other applicable laws, ordinances,
17 and regulations.

18 **(e) Termination of Nonconforming Use.**

- 19 (1) A nonconforming use shall terminate if the building, structure, or land ceases to
20 be occupied for the nonconforming use, or a use approved under SRC 270.005(d),
21 ~~290.005(d)~~, for any reason for a continuous period of one year.
- 22 (2) A nonconforming use dependent upon a building or structure that is declared a
23 "dangerous building" pursuant to SRC 56.200 to 56.390 shall be deemed terminated
24 upon the date the order declaring the building or structure a dangerous building
25 becomes final.
- 26 (3) A nonconforming use dependent upon a building or structure that is
27 substantially damaged or destroyed by any cause, to the extent that the cost of repair
28 or restoration would exceed 60 percent of the building or structure replacement cost
29 using new materials and conforming to current building codes, shall be deemed
30 terminated upon the date of such damage or destruction. Cost of repair or

1 restoration, and replacement cost, shall be determined by the Building Official. The
2 Building Official's determination is appealable as provided in SRC 20J.240-20J.430
3 for contested case proceedings.

4 (4) A nonconforming use dependent upon a building or structure that is
5 redeveloped or renovated to the extent that the cost of redevelopment or renovation
6 exceeds 60 percent of the building or structure replacement cost using new
7 materials and conforming to current building codes shall be deemed terminated
8 upon the date such redevelopment or renovation commences. Cost of
9 redevelopment or renovation shall be determined by the Building Official. The
10 Building Official's determination is appealable as provided in SRC 20J.240-20J.430
11 for contested case proceedings.

12 (5) A nonconforming use which has terminated shall not be re-established.

13 **Section 164.** SRC 270.015 is amended to read as follows:

14 **270.015. Nonconforming Lots or Parcels of Record.**

15 (a) Nonconforming lot or parcel of record means any unit of land which met the
16 applicable legal requirements for a land division at the time it was created, but which
17 no longer meets the standards due to the adoption of, or amendment to, the UDC or the
18 annexation of the property into the City.

19 (b) A nonconforming lot or parcel of record in any residential zone may be used for the
20 construction of a single-family dwelling, provided that the development complies with
21 all applicable standards or criteria of the UDC, other than lot standards.

22 **Section 165.** SRC 300.010 is amended to read as follows:

23 **300.010. Scope and Applicability.** This Chapter applies to all land use actions and all
24 legislative land use proceedings under the ~~Salem Revised Code~~ UDC.

25 **Section 166.** SRC 300.020 is amended to read as follows:

26 **300.020. General Rule.** No person shall engage in or cause development, as defined under
27 SRC Chapter 111, 111.050(f), to occur without first obtaining the necessary land use approvals
28 required by, and according to the procedures in, this Chapter.

29 **Section 167.** SRC 300.100 is amended to read as follows:

30 **300.100. Procedure Types.**

(a) Unless otherwise provided in the UDC, ~~All~~ land use actions required under the ~~Salem Revised Code~~ UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

**TABLE 300-1
LAND USE PROCEDURE TYPES**

Table 300-1: Land Use Procedure Types			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.
Type IV	Quasi-Judicial	Land Use	Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or City Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the City Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

(b) The specific procedure type assigned to a land use application is specified in Table 300-2.

(c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the ~~Salem Revised Code~~ UDC, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the

guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.

(1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.

(2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

(3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.

(4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the City Council, which then makes the decision.

(d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

TABLE 300-2

LAND USE APPLICATIONS BY PROCEDURE TYPE

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ADJUSTMENT						
-Class 1 Adjustment	H	N	PA	HO	N	SRC 250
-Class 2 Adjustment	H	Y	PA	HO	Y	SRC 250
ADMINISTRATIVE CONDITIONAL USE	H	N	PA	HO	Y	SRC 116
CODE INTERPRETATION	III	N	PC	CC	Y	SRC 110
COMPREHENSIVE PLAN CHANGE						

Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
-Minor Plan Change (Applicant Initiated)	III	Y	PC	CC	Y	SRC 64
-Minor Plan Change (City Initiated)	IV	N	PC— Recommendation; CC—Decision	-	-	SRC 64
CONDITIONAL USE	III	Y	HO	PC	Y	SRC 240
DESIGN REVIEW						
-Class 1 Design Review	I	Y	PA	-	N	SRC 225
-Class 2 Design Review	II	Y	PA	PC	N	SRC 225
-Class 3 Design Review	III	Y	PC	CC	Y	SRC 225
FAIRVIEW MIXED USE ZONE						
-Fairview Plan	III	Y	PC	CC	Y	SRC 143C
-Fairview Plan Amendment—Minor	II	Y	PA	PC	Y	SRC 143C
-Fairview Plan Amendment—Major	III	Y	PC	CC	Y	SRC 143C
-Refinement Plan	III	Y	PC	CC	Y	SRC 143C
-Refinement Plan Amendment—Minor	II	Y	PA	PC	Y	SRC 143C
-Refinement Plan Amendment—Major	III	Y	PC	CC	Y	SRC 143C
FLOOD PLAIN OVERLAY ZONE						
-Floodplain Development Permit	I	N	BO & PWD	-	N	SRC 140
-Floodplain Overlay Zone Variance	III	N	HO	CC	Y	SRC 140
HISTORIC REVIEW						
-Historic Design Review (Minor)	I	N	PA	HLC	N	SRC 230
-Historic Design Review (Major)	III	N	HLC	HO	N	SRC 230
-Historic Resource Adaptive Reuse	III	N	HO	PC	Y	SRC 230
-Historic Resource Demolition	III	N	HLC	CC	Y	SRC 230
-Local Historic Resource Designation	IV	N	HLC— Recommendation; CC—Decision	-	N	SRC 230
-Local Historic Resource Designation Removal (Class I)	I	N	PA	-	N	SRC 230
-Local Historic Resource Designation Removal	IV	N	HLC— Recommendation;	-	N	SRC 230

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Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
(Class 2)			CC—Decision			
MANUFACTURED DWELLING PARK PERMIT	II	Y	PA	HO	Y	SRC 123
NEIGHBORHOOD CENTER MASTER PLAN						
–Class 1 NCMP	III	Y	PC	CC	Y	SRC 215
–Class 2 NCMP	III	Y	PC	CC	Y	SRC 215
–Class 2 NCMP Detailed Plan (Subsequent Phases)	II	N	PA	PC	Y	SRC 215
–Class 3 NCMP (First Subarea)	III	Y	PC	CC	Y	SRC 215
–Class 3 NCMP (Subsequent Subareas)	III	Y	PC	CC	Y	SRC 215
–NCMP Minor Amendment	II	N	PA	PC	Y	SRC 215
–NCMP Major Amendment	III	N	PC	CC	Y	SRC 215
NEIGHBORHOOD PLANS						
–Neighborhood Plan Change (Applicant Initiated)	III	Y	PC	CC	Y	SRC 64
–Neighborhood Plan Change (City Initiated)	IV	N	PC—Recommendation; CC—Decision	-	-	SRC 64
NONCONFORMING USE EXTENSION, ALTERATION, EXPANSION, or SUBSTITUTION	III	Y	HO	PC	Y	SRC 270
PARTITION						
–Tentative Plan	II	N	PA	PC	Y	SRC 63
–Final Plat	Exempt	N	PA	-	N	SRC 63
PLANNED UNIT DEVELOPMENT						
–Tentative Plan	III	Y	PC	CC	Y	SRC 121
–Tentative Plan w/ Subdivision	III	Y	PC	CC	Y	SRC 121
–Final Plan	I	N	PA	-	N	SRC 121
PROPERTY LINE ADJUSTMENT	I	N	PA	-	N	SRC 63
PROPERTY LINE VERIFICATION	I	N	PA	-	N	SRC 63
REPLAT	II	N	PA	PC	Y	SRC 63
SIGNS						
–Sign Permit	I	N	CDD	-	N	SRC 900

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Table 300-2: Land Use Applications by Procedure Type

Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
-Sign Adjustment	H	N	CDD	-	N	SRC 900
-Sign Conditional Use Permit	HH	N	HO	PC	Y	SRC 900
-Sign Variance	HH	N	HO	PC	Y	SRC 900
SITE PLAN REVIEW						
-Class 1 Site Plan Review	I	N	PA	-	N	SRC 220
-Class 2 Site Plan Review	I	N	PA	-	N	SRC 220
-Class 3 Site Plan Review	H	N	PA	HO	Y	SRC 220
SPECIFIC CONDITIONAL USE	HH	Y	HO	PC	Y	SRC 118
SUBDIVISION						
-Tentative Plan	H	N	PA	PC	Y	SRC 63
-Final Plat	Exempt	N	PA	-	N	SRC 63
-Subdivision of Manufactured Dwelling Park	H	N	PA	PC	Y	SRC 63
TREE & VEGETATION REMOVAL						
-Tree Conservation Plan	I	N	PA	-	N	SRC 68
-Tree Conservation Plan Adjustment	I	N	PA	-	N	SRC 68
-Tree & Vegetation Removal Permit	I	N	PA	-	N	SRC 68
-Hardship Variance	H	N	PA	HO	Y	SRC 68
-Economical Use Variance	H	N	PA	HO	Y	SRC 68
URBAN GROWTH MANAGEMENT						
-Urban Service Area Amendment	IV	N	CC	-	N	SRC 66
-UGA Development Permit Preliminary Declaration	H	N	PA	CC	Y	SRC 66
-UGA Development Permit	I	N	PWD	-	N	SRC 66
VALIDATION OF UNITS OF LAND	HH	Y	HO	PC	Y	SRC 63
VARIANCE	HH	Y	HO	PC	Y	SRC 245
WILLAMETTE GREENWAY						
-Greenway Development Permit - Outside Compatibility Review Boundary	H	N	PA	HO	Y	SRC 141

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Table 300-2: Land Use Applications by Procedure Type						
Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
–Greenway Development Permit – Inside Boundary Compatibility Review	III	Y	HO	PC	Y	SRC 141
ZONE CHANGE						
–Zone Change	III	Y	HO	CC	Y	SRC 265
LEGEND						
PA – Planning Administrator; BO – Building Official; CDD – Community Development Director; PWD – Public Works Director; HO – Hearings Officer; HLC – Historic Landmarks Commission; PC – Planning Commission; CC – City Council						

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Table 300-2: Land Use Applications by Procedure Type						
Application	Procedure Type	Pre-App. Required	Review Authority		City Council Review	Applicable Code Chapter(s)
			Decision	Appeal		
ADJUSTMENT						
<u>Class 1 Adjustment</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>N</u>	<u>SRC 250</u>
<u>Class 2 Adjustment</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 250</u>
AIRPORT OVERLAY ZONE HEIGHT VARIANCE	<u>I</u>	<u>N</u>	<u>PA</u>	=	<u>N</u>	<u>SRC 602</u>
COMPREHENSIVE PLAN MAP AMENDMENT (MINOR)	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 64</u>
CONDITIONAL USE	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 240</u>
DESIGN REVIEW						
<u>Class 1 Design Review</u>	<u>I</u>	<u>Y</u>	<u>PA</u>	=	<u>N</u>	<u>SRC 225</u>
<u>Class 2 Design Review</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>PC</u>	<u>N</u>	<u>SRC 225</u>
<u>Class 3 Design Review</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 225</u>
FAIRVIEW MIXED-USE ZONE						
<u>Fairview Plan</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 530</u>
<u>Fairview Plan Amendment (Minor)</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 530</u>
<u>Fairview Plan Amendment (Major)</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 530</u>
<u>Refinement Plan</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 530</u>
<u>Refinement Plan Amendment (Minor)</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 530</u>
<u>Refinement Plan Amendment (Major)</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 530</u>

Table 300-2: Land Use Applications by Procedure Type

<u>Application</u>	<u>Procedure Type</u>	<u>Pre-App. Required</u>	<u>Review Authority</u>		<u>City Council Review</u>	<u>Applicable Code Chapter(s)</u>
			<u>Decision</u>	<u>Appeal</u>		
<u>FLOOD PLAIN OVERLAY ZONE</u>						
<u>Floodplain Development Permit</u>	<u>I</u>	<u>N</u>	<u>BO & PWD</u>	<u>=</u>	<u>N</u>	<u>SRC 601</u>
<u>Class 1 Floodplain Overlay Zone Variance</u>	<u>III</u>	<u>N</u>	<u>HO</u>	<u>CC</u>	<u>Y</u>	<u>SRC 601</u>
<u>Class 2 Floodplain Overlay Zone Variance</u>	<u>III</u>	<u>N</u>	<u>HO</u>	<u>CC</u>	<u>Y</u>	<u>SRC 601</u>
<u>HISTORIC REVIEW</u>						
<u>Minor Historic Design Review</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>HLC</u>	<u>N</u>	<u>SRC 230</u>
<u>Major Historic Design Review</u>	<u>III</u>	<u>N</u>	<u>HLC</u>	<u>HO</u>	<u>N</u>	<u>SRC 230</u>
<u>Historic Resource Adaptive Reuse</u>	<u>III</u>	<u>N</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 230</u>
<u>Historic Resource Demolition</u>	<u>III</u>	<u>N</u>	<u>HLC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 230</u>
<u>Local Historic Resource Designation</u>	<u>IV</u>	<u>N</u>	<u>HLC – Recommendation; CC – Decision</u>	<u>=</u>	<u>N</u>	<u>SRC 230</u>
<u>Class 1 Local Historic Resource Designation Removal</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 230</u>
<u>Class 2 Local Historic Resource Designation Removal</u>	<u>IV</u>	<u>N</u>	<u>HLC – Recommendation; CC – Decision</u>	<u>=</u>	<u>N</u>	<u>SRC 230</u>
<u>LANDSLIDE HAZARD CONSTRUCTION PERMIT</u>	<u>I</u>	<u>N</u>	<u>PWD</u>	<u>HO</u>	<u>N</u>	<u>SRC 810</u>
<u>MANUFACTURED DWELLING PARK PERMIT</u>	<u>II</u>	<u>Y</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 235</u>
<u>NEIGHBORHOOD CENTER MASTER PLAN</u>						
<u>Class 1 NCMP</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 215</u>
<u>Class 2 NCMP</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 215</u>
<u>Class 2 NCMP Detailed Plan (Subsequent Phases)</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 215</u>
<u>Class 3 NCMP (First Subarea)</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 215</u>
<u>Class 3 NCMP (Subsequent Subareas)</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 215</u>
<u>NCMP Amendment (Minor)</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 215</u>
<u>NCMP Amendment (Major)</u>	<u>III</u>	<u>N</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 215</u>
<u>NEIGHBORHOOD PLAN MAP AMENDMENT</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 64</u>
<u>NONCONFORMING USE EXTENSION, ALTERATION, EXPANSION, or SUBSTITUTION</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 270</u>
<u>PARTITION</u>						

Table 300-2: Land Use Applications by Procedure Type

<u>Application</u>	<u>Procedure Type</u>	<u>Pre-App. Required</u>	<u>Review Authority</u>		<u>City Council Review</u>	<u>Applicable Code Chapter(s)</u>
			<u>Decision</u>	<u>Appeal</u>		
<u>Tentative Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
<u>Final Plat</u>	<u>Exempt</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 205</u>
<u>PLANNED UNIT DEVELOPMENT</u>						
<u>Tentative Plan</u>	<u>III</u>	<u>Y</u>	<u>PC</u>	<u>CC</u>	<u>Y</u>	<u>SRC 210</u>
<u>Final Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 210</u>
<u>PROPERTY LINE ADJUSTMENT</u>						
	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 205</u>
<u>PROPERTY BOUNDARY VERIFICATION</u>						
	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 205</u>
<u>REPLAT</u>						
<u>Tentative Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
<u>Final Plat</u>	<u>Exempt</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 205</u>
<u>SIGNS</u>						
<u>Sign Permit</u>	<u>I</u>	<u>N</u>	<u>CDD</u>	<u>=</u>	<u>N</u>	<u>SRC 900</u>
<u>Sign Adjustment</u>	<u>II</u>	<u>N</u>	<u>CDD</u>	<u>=</u>	<u>N</u>	<u>SRC 900</u>
<u>Sign Conditional Use Permit</u>	<u>III</u>	<u>N</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 900</u>
<u>Sign Variance</u>	<u>III</u>	<u>N</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 900</u>
<u>SITE PLAN REVIEW</u>						
<u>Class 1 Site Plan Review</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 220</u>
<u>Class 2 Site Plan Review</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 220</u>
<u>Class 3 Site Plan Review</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 220</u>
<u>SOUTH WATERFRONT MIXED-USE ZONE</u>						
<u>Development Phasing Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 531</u>
<u>SUBDIVISION</u>						
<u>Tentative Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
<u>Phased Subdivision Tentative Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
<u>Manufactured Dwelling Park Subdivision Tentative Plan</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
<u>Final Plat</u>	<u>Exempt</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 205</u>
<u>TEMPORARY USE PERMIT</u>						
<u>Class 1 Temporary Use Permit</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 701</u>
<u>Class 2 Temporary Use Permit</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>N</u>	<u>SRC 701</u>
<u>TREE & VEGETATION REMOVAL</u>						
<u>Tree Conservation Plan</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>N</u>	<u>SRC 808</u>
<u>Tree Conservation Plan Adjustment</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>N</u>	<u>SRC 808</u>
<u>Tree & Vegetation Removal Permit</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 808</u>

Table 300-2: Land Use Applications by Procedure Type

<u>Application</u>	<u>Procedure Type</u>	<u>Pre-App. Required</u>	<u>Review Authority</u>		<u>City Council Review</u>	<u>Applicable Code Chapter(s)</u>
			<u>Decision</u>	<u>Appeal</u>		
<u>Tree Variance</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 808</u>
<u>URBAN GROWTH MANAGEMENT</u>						
<u>Urban Service Area Amendment</u>	<u>IV</u>	<u>N</u>	<u>CC</u>	<u>=</u>	<u>N</u>	<u>SRC 200</u>
<u>Urban Growth Preliminary Declaration</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>CC</u>	<u>Y</u>	<u>SRC 200</u>
<u>VALIDATION OF UNIT OF LAND</u>						
<u>VARIANCE</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 205</u>
<u>WILLAMETTE GREENWAY</u>						
<u>Class 1 Greenway Development Permit</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 600</u>
<u>Class 2 Greenway Development Permit</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 600</u>
<u>WIRELESS COMMUNICATION FACILITIES</u>						
<u>Temporary Siting Permit</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
<u>Class 1 Siting Permit</u>	<u>I</u>	<u>N</u>	<u>PA</u>	<u>=</u>	<u>N</u>	<u>SRC 703</u>
<u>Class 2 Siting Permit</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
<u>Class 3 Siting Permit</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>PC</u>	<u>Y</u>	<u>SRC 703</u>
<u>Wireless Communication Facilities Adjustment</u>	<u>II</u>	<u>N</u>	<u>PA</u>	<u>HO</u>	<u>Y</u>	<u>SRC 703</u>
<u>ZONE CHANGE (QUASI-JUDICIAL)</u>	<u>III</u>	<u>Y</u>	<u>HO</u>	<u>CC</u>	<u>Y</u>	<u>SRC 265</u>

LEGEND

PA – Planning Administrator; **BO** – Building Official; **CDD** – Community Development Director; **PWD** – Public Works Director; **HO** – Hearings Officer; **HLC** – Historic Landmarks Commission; **PC** – Planning Commission; **CC** – City Council

Section 168. SRC 300.120 is amended to read as follows:

300.120. Procedures for Review of Multiple Applications. When multiple land use actions are required or proposed by an applicant, the applications may be processed individually in sequence, concurrently, or through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed, except where a specific review process or sequence is otherwise required or where the land use applications are subject

1 to the same procedure type and decided upon by the same review authority;. When multiple land
2 use applications are subject to the same procedure type and decided upon by the same review
3 authority, the land use applications shall be consolidated.

4 **(a) Applications Processed Individually in Sequence.** Multiple applications
5 processed individually require the filing of separate applications for each land use
6 action. Each application shall be reviewed separately according to the applicable
7 procedure type and processed sequentially, as follows:

8 **(1)** Applications with the highest numbered procedure type must be processed first;

9 **(2)** Notwithstanding any other provision in this subsection, where a particular
10 sequence for the review of land use applications is established by another section of
11 the ~~Salem Revised Code~~ UDC, the applications shall be processed in that sequence;
12 and

13 **(3)** Notwithstanding any other provision in this subsection, where one land use
14 application is dependent upon the approval of another land use application (e.g.
15 conditional use permit is subject to prior approval of a zone change), the land use
16 application upon which the other is dependant shall be processed first.

17 **(b) Applications Processed Concurrently.** Multiple applications processed
18 concurrently require the filing of separate applications for each land use action. Each
19 application shall be reviewed separately according to the applicable procedure type and
20 processed simultaneously.

21 **(c) Consolidated Applications.** When multiple applications are consolidated, a single
22 application is filed for all land use actions. The application shall be accompanied by
23 the information and supporting documentation required for each individual land use
24 action. Review of the application shall be according to the highest numbered procedure
25 type required for any of the land use applications. The Review Authority shall be the
26 highest applicable Review Authority under the highest numbered procedure type
27 required for any of the land use applications. Notwithstanding the provisions of this
28 subsection, where multiple applications that are proposed to be consolidated include an
29 application subject to review by the Historic Landmarks Commission, the application
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1 that is subject to Historic Landmarks Commission review shall be processed
2 individually or concurrently.

3 **Section 169.** SRC 300.210 is amended to read as follows:

4 **300.210. Application Submittal.**

5 (a) Land use applications shall be submitted on forms prescribed by the Planning
6 Administrator. A land use application shall not be accepted in partial submittals. All of
7 the following must be submitted to initiate completeness review under SRC 300.220.
8 All information supplied on the application form and accompanying the application
9 shall be complete and correct as to the applicable facts.

10 (1) A completed application form. The application form shall contain, at a
11 minimum, the following information:

12 (A) The names and addresses of the applicant(s), the owner(s) of the subject
13 property, and any authorized representative(s) thereof;

14 (B) The address or location of the subject property and its assessor's map and
15 tax lot number;

16 (C) The size of the subject property;

17 (D) The comprehensive plan designation and zoning of the subject property;

18 (E) The type of application(s);

19 (F) A brief description of the proposal; and

20 (G) Signatures of the applicant(s), owner(s) of the subject property, and/or the
21 duly authorized representative(s) thereof authorizing the filing of the
22 application(s).

23 (2) Recorded deed/land sales contract with legal description;

24 (3) Any information that would give rise to an actual or potential conflict of
25 interest under State or local ethics laws for any member of a Review Authority that
26 will or could make a decision on the application;

27 (4) Pre-application conference written summary, if a pre-application conference
28 was required under SRC 300.310(a) and Table 300-100-2; or copy of the approved
29 pre-application conference waiver, if such approval was granted pursuant to SRC
30 300.310(b);

1 (5) A statement as to whether any City-recognized neighborhood associations
2 whose boundaries include, or are adjacent to, the subject property were contacted in
3 advance of filing the application and, if so, a summary of the contact. The summary
4 shall include the date when contact was made, the form of the contact and who it
5 was with (e.g. phone conversation with neighborhood association chairperson,
6 meeting with land use committee, presentation at neighborhood association
7 meeting), and the result;

8 (6) A statement as to whether the Salem-Keizer Transit District was contacted in
9 advance of filing the application; and if so, a summary of the contact. The
10 summary shall include the date when contact was made, the form of the contact,
11 who it was with, and the result;

12 (7) A written statement addressing each applicable approval criterion and standard;

13 (8) Any additional information required under the ~~Salem Revised Code~~ UDC for
14 the specific land use action sought;

15 (9) Any additional information, as determined by the Planning Administrator, that
16 may be required by another provision, or for any other permit elsewhere, in the
17 ~~Salem Revised Code~~ UDC, and any other information that may be required to
18 adequately review and analyze the proposed development plan as to its
19 conformance to the applicable criteria;

20 (10) Payment of the applicable application fee(s) pursuant to SRC ~~300.240~~110.090.

21 (b) The Planning Administrator may waive any submittal requirement if the Planning
22 Administrator determines that the specific requirement would not provide evidence
23 needed to satisfy any of the applicable criteria.

24 (c) Each application, when received, shall be date-stamped with the date the
25 application was received, and designated with a receipt number and a notation of the
26 staff person who received the application.

27 **Section 170.** SRC 300.300 is amended to read as follows:

28 **300.300. Purpose.** Pre-application conferences are intended to familiarize applicants with the
29 requirements of the ~~Salem Revised Code~~ UDC; to provide applicants with an opportunity to meet
30 with city staff to discuss proposed projects in detail; and to identify approval criteria, standards,

1 and procedures prior to filing a land use application. The pre-application conference is intended
2 to be a tool to orient applicants and assist them in navigating the land use process, but is not
3 intended to be an exhaustive review that identifies or resolves all potential issues, and does not
4 bind or preclude the City from enforcing all applicable regulations or from applying regulations
5 in a manner differently than may have been indicated at the time of the pre-application
6 conference.

7 **Section 171.** SRC 300.410 is amended to read as follows:

8 **300.410. Type I Applications.** The following land use actions are Type I applications:

- 9 (a) Those identified in Table 300-2 as Type I applications;
- 10 (b) Those identified in the ~~Salem Revised Code~~ UDC as Type I applications; and
- 11 (c) Those identified by the Planning Administrator as Type I applications based upon
12 the guidelines for classification of applications under SRC 300.100(c).

13 **Section 172.** SRC 300.420 is amended to read as follows:

14 **300.420. Type I Procedure.**

15 (a) **Application Requirements.**

16 (1) **Application Form.** Type I applications shall be made on forms provided by
17 the Planning Administrator.

18 (2) **Submittal Requirements.** Type I applications shall include the information
19 required under SRC 300.210.

20 (b) **Public Notice and Comment Period.** Public notice and opportunity for comment
21 is not provided for Type I applications.

22 (c) **Decision.** The Review Authority shall approve or deny the application according to
23 the applicable standards and criteria. The decision shall be a written order.

24 (d) **Notice of Decision.**

25 (1) Except as provided under subsection (2) of this section, notice of the decision
26 for Type I applications shall be mailed to the applicant.

27 (2) Notice of the decision on a Minor Historic Design Review application shall be
28 mailed to:

29 (A) The applicant;

30 (B) The owner of the subject property;

1 (C) Any City-recognized neighborhood association whose boundaries include,
2 or are adjacent to, the subject property; and

3 (D) Property owners of record, as shown on the most recent property tax
4 assessment roll, within 250 feet of the subject property.

5 **(e) Appeal and Review.**

6 (1) Except as otherwise provided under subparagraphs (A) and (B) of this
7 paragraph in this paragraph, the decision on a Type I application shall be the final
8 decision of the City, may not be appealed, and is not subject to City Council review
9 under SRC 300.1050.

10 (A) The decision on a Minor Historic Design Review application may be
11 appealed, pursuant to SRC 300.1010. Only the applicant, the owner of the
12 subject property, or any person entitled to notice of the decision have standing
13 to appeal the decision on a Minor Historic Design Review application. ~~(B)~~–The
14 decision of the Review Authority on appeal of a Minor Historic Design Review
15 application shall be the final decision of the City.

16 (B) The decision on a Tree Conservation Plan may be appealed, pursuant to
17 SRC 300.1010. Only the applicant or the owner of the subject property have
18 standing to appeal the decision on a Tree Conservation Plan. The decision of
19 the Review Authority on appeal shall be the final decision of the City.

20 (C) The decision on a Tree Conservation Plan Adjustment may be appealed,
21 pursuant to SRC 300.1010. Only the applicant or the owner of the subject
22 property have standing to appeal the decision on a Tree Conservation Plan
23 Adjustment. The decision of the Review Authority on appeal shall be the final
24 decision of the City.

25 (D) The decision on a landslide hazard construction permit may be appealed,
26 pursuant to SRC 300.1010. Only the applicant or the owner of the subject
27 property have standing to appeal the decision on a landslide hazard construction
28 permit. The decision of the Review Authority on appeal shall be the final
29 decision of the City.

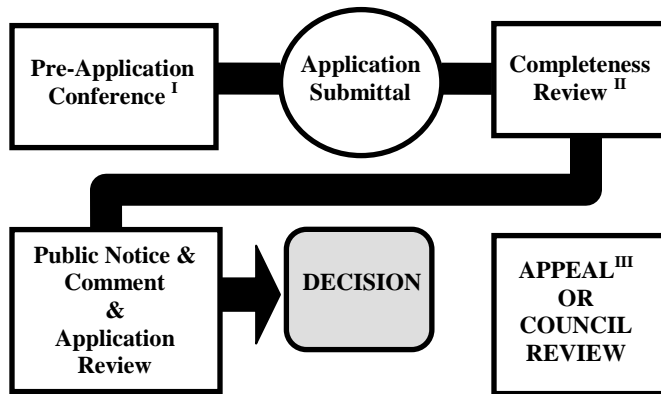
(2) Appeal of the City’s final decision is to the Oregon Land Use Board of Appeals.

(f) **Expiration.** Approval of a Type I application does not expire, unless otherwise provided under SRC ~~300.850(a)~~ 300.860(a) or another provision of the ~~Salem Revised Code~~ UDC.

Section 173. SRC 300.500 is amended to read as follows:

300.500. General Description. Type II applications are administrative in nature, and involve land use actions governed by approval criteria and standards which require the exercise of limited discretion. Impacts on nearby properties associated with the land use action may require imposition of conditions of approval to minimize those impacts or to ensure compliance with the ~~Salem Revised Code~~ UDC. A Type II application is an administrative review process where the Review Authority reviews the application for conformance with the applicable standards and approval criteria and issues a decision. The Type II process is illustrated in Figure 300-2.

Figure 300-2 - Type II Procedure



I Pre-application conferences required for applications identified under Table 300-2.

II Completeness review conducted within 30 days of application submittal.

III Appeal period of 15 days from decision mailing date.

Section 174. SRC 300.510 is amended to read as follows:

300.510. Type II Applications. The following land use actions are Type II applications:

The following land use actions are Type II applications:

- (a) Those identified in Table 300-2 as Type II applications;
- (b) Those identified in the ~~Salem Revised Code~~ UDC as Type II applications; or
- (c) Those identified by the Planning Administrator as Type II applications based upon

1 the guidelines for classification of applications under SRC 300.100(c).

2 **Section 175.** SRC 300.520 is amended to read as follows:

3 **300.520. Type II Procedure**

4 (a) **Application Requirements.**

5 (1) **Application Form.** Type II applications shall be made on forms provided by
6 the Planning Administrator.

7 (2) **Submittal Requirements.** Type II applications shall include the information
8 required under SRC 300.210.

9 (b) **Public Notice and Comment.** Public notice is required for Type II applications.
10 Public notice shall be by first class mail. Posted notice on the subject property is
11 required for Subdivisions, ~~Administrative Conditional Uses, and Manufactured~~
12 Dwelling Park Permits, and Class 1 Greenway Development Permits. All Type II
13 applications include a comment period of 14 days from the date notice is mailed.

14 (1) **Mailed Notice.** Mailed notice shall be provided as follows:

15 (A) The City shall mail notice of the application within ten days after the
16 application is deemed complete. An affidavit of mailing shall be prepared and
17 made part of the file.

18 (B) Notice of the application shall be mailed to:

19 (i) The applicant(s) and/or the applicant's authorized representative(s);

20 (ii) The owner(s) or contract purchaser(s) of record of the subject property;

21 (iii) Any City-recognized neighborhood association whose boundaries
22 include, or are adjacent to, the subject property;

23 (iv) Property owners of record, as shown on the most recent property tax
24 assessment roll, within 250 feet of the subject property;

25 (v) Any governmental agency which is entitled to notice by law or under an
26 intergovernmental agreement with the City; and

27 (vi) Any community organizations, public utilities, agencies, or individuals
28 who have submitted written requests for notification to the City.

29 (C) Mailed notice shall include:
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- 1 (i) The names of the applicant(s), any representative(s) thereof, and the
- 2 owner(s) of the subject property;
- 3 (ii) The type of application and a concise description of the nature of the
- 4 land use action;
- 5 (iii) The proposed site plan;
- 6 (iv) The street address, or other easily understood geographical reference,
- 7 for the subject property;
- 8 (v) A vicinity map identifying the subject property with relation to nearby
- 9 major streets or other landmarks;
- 10 (vi) A list of the approval criteria by name and code section;
- 11 (vii) A statement that the application and all documents and evidence
- 12 submitted by the applicant are available for review and that copies can be
- 13 obtained at a reasonable cost;
- 14 (viii) A brief summary of the decision making process for the application;
- 15 (ix) The place, date, and time that written comments are due, and the person
- 16 to whom the comments should be addressed;
- 17 (x) A statement that comments received after the close of the public
- 18 comment period will not be considered;
- 19 (xi) A statement that issues which may provide the basis for an appeal to
- 20 the Oregon Land Use Board of Appeals must be raised in writing prior to
- 21 the expiration of the comment period and with sufficient specificity to
- 22 enable the applicant and Review Authority to respond to the issue;
- 23 (xii) A statement that subsequent to the closing of the public comment
- 24 period a decision will be issued and mailed to the applicant, property owner,
- 25 everyone entitled to the initial notice of the application, anyone who
- 26 submitted written comments on the application, and to any other persons
- 27 otherwise legally entitled to notice of the decision; and
- 28 (xiii) The name and contact information for the staff case manager.

29 **(2) Posted Notice.** Posted notice shall be provided, when required, as follows:

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1 (A) The applicant shall post notice on the subject property no earlier than 14
2 and no later than 10 days prior to the end of the 14 day comment period. The
3 notice shall remain in place throughout the comment period. The applicant shall
4 file an affidavit of posting with the City no later than 5 days after the date of
5 original posting. The affidavit shall be made a part of the file.

6 (B) Notice shall be posted on each street frontage of the subject property, in a
7 conspicuous place that is visible from the public right-of-way. If no street abuts
8 the subject property, the notice shall be placed as near as possible to the subject
9 property in a conspicuous place that can be readily seen by the public.

10 (C) Posted notice shall be on signs prepared by the Planning Administrator.

11 (D) To replace signs that are lost or damaged to the extent they can no longer
12 be reused, the Planning Administrator shall establish a refundable sign deposit
13 fee required for each sign, to be paid by the applicant at the time signs are
14 issued to the applicant.

15 (E) The applicant shall remove the signs from the subject property and return
16 them to the Planning Administrator within 7 days after the date the decision is
17 issued. The Planning Administrator shall refund the sign deposit fee if the sign
18 is returned within the required seven days, in an undamaged and reusable
19 condition.

20 (c) **Application Review.** The Review Authority shall review the application, all
21 written comments submitted during the public comment period, and the applicant's
22 response to the comments, if any. Written comments received after the expiration of
23 the public comment period shall not be considered by the Review Authority.

24 (d) **Decision.** The Review Authority shall approve, conditionally approve, or deny the
25 application based upon the facts contained within the record and according to the
26 applicable standards and criteria. The decision of the Review Authority shall be a
27 written order containing findings that explain the criteria and standards applicable to
28 the decision, stating the facts relied upon in rendering the decision, and explaining the
29 justification for the decision.

1 (e) **Notice of Decision.** Notice of the decision shall be mailed within 5 days after the
2 decision is signed. An affidavit of mailing shall be prepared and made part of the file.

3 (1) Notice of the decision shall be mailed to:

4 (A) The applicant(s) and/or authorized representative(s);

5 (B) The owner(s) or contract purchaser(s) of record of the subject property;

6 (C) Any City-recognized neighborhood association whose boundaries include,
7 or are adjacent to, the subject property;

8 (D) Any group or individual who submitted written comments during the
9 comment period;

10 (E) Property owners of record, as shown on the most recent property tax
11 assessment roll, within 250 feet of the subject property;

12 (F) Any governmental agency which is entitled to notice by law or under an
13 intergovernmental agreement with the City, and any governmental agency
14 which submitted written comments during the comment period; and

15 (G) Any community organizations, agencies, or individuals who have
16 submitted written requests to the City for notice of the decision.

17 (2) Notice of the decision shall include:

18 (A) A brief description of the application;

19 (B) A description of the site sufficient to inform the reader of its location,
20 including site address, if available, map and tax lot number, and its
21 comprehensive plan designation and zoning;

22 (C) A brief summary of the decision, and conditions of approval, if any;

23 (D) A statement of the facts relied upon;

24 (E) The date the Review Authority's decision becomes effective, unless
25 appealed;

26 (F) The date and time by which an appeal must be filed, a brief statement
27 explaining how to file an appeal, and where further information may be
28 obtained concerning the appeal process;

29 (G) A statement that all persons entitled to notice of the decision may appeal
30 the decision; and

1 (H) A statement that the complete case file, including findings, conclusions,
2 and conditions of approval, if any, is available for review. The notice shall state
3 where the case file is available and the name and telephone number of the staff
4 case manager to contact about reviewing the case file.

5 **(f) Appeal and Review.**

6 (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the City
7 Council pursuant to SRC 300.1050, the decision by the Planning Administrator on a
8 Type II application shall be the final decision of the City.

9 (2) Only the applicant, persons who provided comments during the public
10 comment period, and persons entitled to notice of the decision have standing to
11 appeal the decision.

12 (3) The Review Authorities for appeals are identified under Table ~~300-2~~ ~~300.100-2~~.
13 Except as otherwise provided in subparagraphs (A) and (B) of this paragraph, the
14 decision of the Review Authority on appeal, or, if review is initiated by the City
15 Council, the City Council on review, shall be the final decision of the City.

16 (A) Upon receipt of an appeal of a decision on a Class 3 Site Plan Review or a
17 Class 2 adjustment, notice of the appeal shall be provided to the City Council at
18 its next regular meeting. The Council may, pursuant to SRC 300.1050, assume
19 jurisdiction for review pursuant to SRC 300.1040. If the City Council does not
20 assume jurisdiction, then the decision of the Review Authority is the final
21 decision of the City.

22 (B) The decision on a Class 1 adjustment or a Class 2 temporary use permit is
23 not subject to Council review. The decision of the Review authority is the final
24 decision of the City.

25 (4) Appeal of the City's final decision is to the Oregon Land Use Board of
26 Appeals.

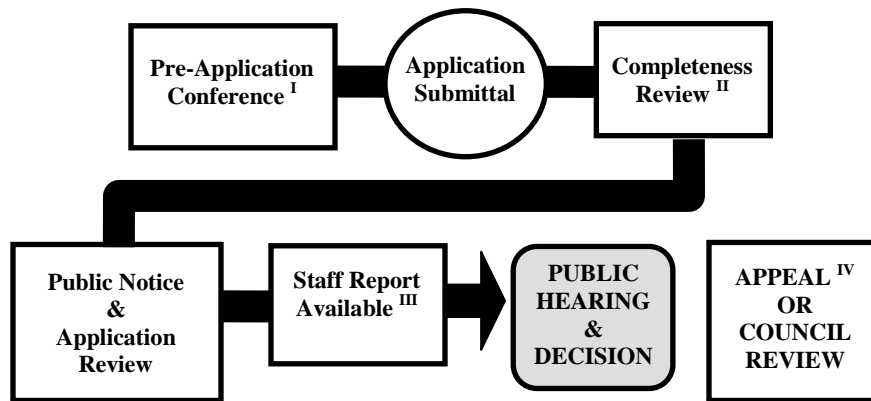
27 **(g) Expiration of Approval.** Approval of a Type II application expires automatically
28 as provided by SRC 300.850(a). ~~300.860 (a)~~.

29 **Section 176.** SRC 300.600 is amended to read as follows:
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1 **300.600. General Description.** Type III applications are quasi-judicial in nature, and involve
 2 land use actions governed by criteria and standards that require the use of discretion and
 3 judgment. The issues associated with the land use action may be complex and the impacts
 4 significant, and conditions of approval may be imposed to mitigate the impacts and ensure
 5 compliance with the ~~Salem Revised Code~~ UDC and Salem Area Comprehensive Plan. A Type
 6 III application is a quasi-judicial review process where the Review Authority receives evidence
 7 and testimony, reviews the application for conformance with the applicable standards and
 8 approval criteria and issues a decision. The Type III application process is illustrated in Figure
 9 300-3.

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15 **Figure 300-3 - Type III Procedure**



- I Pre-application conferences required for applications identified under Table 300.100-2.
- II Completeness review conducted within 30 days of application submittal.
- III Staff report available 7 days prior to public hearing.
- IV Appeal period of 15 days from decision mailing date.

24 **Section 177.** SRC 300.610 is amended to read as follows:

28 **300.610. Type III Applications.** The following land use actions are Type III applications:

- (a) Those identified in Table 300.100-2 as Type III applications;
- (b) Those identified in the ~~Salem Revised Code~~ UDC as Type III applications; or

1 (c) Those identified by the Planning Administrator as Type III applications based upon
2 the guidelines for classification of applications under SRC 300.100(c).

3 **Section 178.** SRC 300.620 is amended to read as follows:

4 **300.620. Type III Procedure.**

5 (a) **Application Requirements.**

6 (1) **Application Form.** Type III applications shall be made on forms provided by
7 the Planning Administrator.

8 (2) **Submittal Requirements.** Type III applications shall include the information
9 required under SRC 300.210.

10 (b) **Public Notice.** Public notice is required for Type III applications. Public notice
11 shall be by first class mail and by posting on the subject property.

12 (1) **Oregon Department of Land Conservation and Development Notice.**

13 Notice to the Oregon Department of Land Conservation and Development is
14 required for certain Type III applications, pursuant to ORS 197.610. Notice to the
15 Oregon Department of Land Conservation and Development is provided as follows:

16 (A) The City shall provide notice of the application to the Oregon Department
17 of Land Conservation and Development no later than the minimum number of
18 days required by ORS Chapter 197. An affidavit of mailing shall be prepared
19 and made part of the file.

20 (B) Notice to the Oregon Department of Land Conservation and Development
21 shall be made on forms provided by the Oregon Department of Land
22 Conservation and Development. Notice shall be accompanied by information of
23 sufficient detail to convey the nature and effect of the application, and a
24 certificate of mailing.

25 (2) **Mailed Notice.** Mailed notice shall be provided as follows:

26 (A) The City shall mail notice of the public hearing not less than 20 days prior
27 to the public hearing. An affidavit of mailing shall be prepared and made part of
28 the file.

29 (B) Notice of public hearing shall be mailed to:

30 (i) The applicant(s) and/or authorized representative(s);

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- (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (iv) Property owners of record, as shown on the most recent property tax assessment roll, within 250 feet of the subject property;
 - (v) Any governmental agency entitled to notice by law or under an intergovernmental agreement with the City;
 - (vi) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City;
 - (vii) The tenants of a manufactured home or mobile home park, for applications involving a Comprehensive Plan map change and/or Zone change affecting all or part of the manufactured home or mobile home park;
- and
- (viii) All property owners within the historic district, for Major Historic Design Review applications within a historic district and historic resource demolition applications.

(C) Mailed notice shall include:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
- (ii) The type of application and a concise description of the nature of the request;
- (iii) The proposed site plan, if any;
- (iv) The street address or other easily understood geographical reference to the subject property;
- (v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
- (vi) A list of the applicable criteria by name and code section;
- (vii) The date, time, and place of the public hearing;

- 1 (viii) A statement that the application and all documents and evidence
2 submitted by the applicant are available for review and that copies can be
3 obtained at a reasonable cost;
- 4 (ix) A brief summary of the decision making process for the application;
- 5 (x) A general explanation of the requirements for submission of testimony
6 and the procedure for conduct of hearings;
- 7 (xi) A statement that all interested persons may appear either in person or
8 with representation by an attorney and provide testimony; and that only
9 those participating at the hearing, in person or by submission of written
10 testimony, have the right to appeal the decision;
- 11 (xii) A statement that failure to raise an issue prior to the close of the public
12 hearing, in person or in writing, or failure to provide statements or evidence
13 with sufficient specificity to afford the applicant and Review Authority to
14 respond to the issue precludes an appeal to the Oregon Land Use Board of
15 Appeals on that issue;
- 16 (xiii) A statement that a copy of the staff report with recommendation to the
17 Review Authority will be available for inspection at no cost at least seven
18 days prior to the hearing, and that copies will be provided at a reasonable
19 cost;
- 20 (xiv) A statement that after the close of the public hearing a decision shall
21 be made that will be mailed to the applicant, property owner, affected
22 neighborhood association, anyone who participated in the hearing, either in
23 person or in writing, and anyone who requested to receive notice of the
24 decision; and
- 25 (xv) The name and contact information for the staff case manager.

26 **(3) Posted Notice.** Posted notice shall be provided as follows:

- 27 **(A)** The applicant shall post notice on the subject property no earlier than 14
28 and no later than 10 days prior to the public hearing. The notice shall remain in
29 place through the day of the public hearing. The applicant shall file an affidavit
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1 of posting with the City no later than 5 days after the date of the original
2 posting. The affidavit shall be made a part of the file.

3 **(B)** Notice shall be posted on each street frontage of the subject property in a
4 conspicuous place that is visible from the public right-of-way. If no street abuts
5 the subject property, the notice shall be placed as near as possible to the subject
6 property in a conspicuous place that can be readily seen by the public.

7 **(C)** Posted notice shall be on signs prepared by the Planning Administrator.

8 **(D)** To replace signs that are lost or damaged to the extent they can no longer
9 be reused, the Planning Administrator shall establish a sign deposit fee required
10 for each sign, to be paid by the applicant at the time signs are issued to the
11 applicant.

12 **(E)** The applicant shall remove the signs from the subject property and return
13 them to the Planning Administrator within 7 days after the close of the public
14 hearing. The Planning Administrator shall refund the sign deposit fee if the sign
15 is returned within the required 7 days in an undamaged and reusable condition.

16 **(c) Application Review and Staff Report.** Staff shall review the application, written
17 comments, and evidence submitted prior to the public hearing and prepare a staff report
18 summarizing the application, comments received to-date, and relevant issues associated
19 with the application; and making a recommendation to the Review Authority. The staff
20 report shall be made available to the public for review a minimum of 7 days prior to the
21 hearing.

22 **(d) Public Hearing.** A public hearing shall be held before the Review Authority for
23 the purpose of receiving evidence and testimony regarding the application. The hearing
24 shall be conducted in accordance with the public hearing procedures established under
25 SRC 300.900. The Review Authority shall consider in its review the application, all
26 evidence and testimony submitted for the record, and the recommendation of staff.

27 **(e) Decision.** The Review Authority shall approve, conditionally approve, or deny the
28 application based upon the facts contained within the record and according to the
29 applicable standards and criteria. The decision shall be a written order and include:

30 **(1)** A list of the approval criteria by section number;

- 1 (2) A statement of facts upon which the Review Authority relied to find the
2 application does or does not comply with each approval criterion and to justify any
3 conditions of approval. The Review Authority may direct the party whose position
4 is adopted to prepare the statement of facts, and may adopt or incorporate a staff
5 report or written findings prepared by any party to the proceeding into the order;
6 (3) A statement of conclusions based on the statement of facts; and
7 (4) An order approving, approving with conditions, or denying the application.

8 **(f) Notice of Decision.** Notice of the decision shall be mailed within 7 days from the
9 date the Review Authority adopts the written order. An affidavit of mailing shall be
10 prepared and made part of the file.

11 (1) Notice of decision shall be mailed to:

- 12 (A) The applicant(s) and/or authorized representative(s);
13 (B) The owner(s) or contract purchaser(s) of record of the subject property;
14 (C) Any City-recognized neighborhood association whose boundaries include,
15 or are adjacent to, the subject property;
16 (D) Any group or individual who submitted testimony for the record prior to
17 the close of the public hearing;
18 (E) Any governmental agency which is entitled to notice by law or under an
19 intergovernmental agreement with the City, and any governmental agency that
20 submitted testimony prior to the close of the public hearing;
21 (F) Any community organizations, agencies, or individuals who submitted
22 written requests for notice of the decision to the City; and
23 (G) The Oregon Department of Land Conservation and Development, for
24 decisions which required notice to the Oregon Department of Land
25 Conservation and Development.

26 (2) Notice of decision shall include:

- 27 (A) A brief description of the application;
28 (B) A description of the site sufficient to inform the reader of its location,
29 including site address, if available, map and tax lot number, and its
30 comprehensive plan designation and zoning;

- 1 (C) A brief summary of the decision, and conditions of approval, if any;
2 (D) A statement of the facts relied upon;
3 (E) The date the Review Authority’s decision becomes effective, unless
4 appealed;
5 (F) The date, time, and place by which an appeal must be filed, a brief
6 statement explaining how to file an appeal, and where further information may
7 be obtained concerning the appeal process;
8 (G) A statement that all persons who presented evidence or testimony as part of
9 the hearing may appeal the decision; and
10 (H) A statement that the complete case file, including findings, conclusions,
11 and conditions of approval, if any, is available for review. The notice shall state
12 where the case file is available and the name and telephone number of the staff
13 case manager to contact about reviewing the case file.

14 **(g) Appeal and Review.**

15 (1) Unless appealed pursuant to SRC 300.1010 or review is initiated by the City
16 Council pursuant to SRC 300.1050, the decision by the Review Authority on a Type
17 III application shall be the final decision of the City.

18 (2) Only the applicant and persons who provided evidence or testimony prior to the
19 close of the public hearing have standing to appeal a Type III application.

20 (3) The Review Authorities for appeals are identified under Table 300-2. Except as
21 otherwise provided in paragraph (4) of this subsection, the decision of the Review
22 Authority on appeal, or, if review is initiated by the City Council, the City Council
23 on review, shall be the final decision of the City.

24 (4) The decision on a Major Historic Design Review application is not subject to
25 Council review.

26 (5) Appeal of the City’s final decision is to the Oregon Land Use Board of
27 Appeals.

28 **(h) Expiration of Approval.** Approval of a Type III application expires automatically
29 as provided under SRC 300.850(a). ~~300.860(a).~~

30 **Section 179.** SRC 300.710 is amended to read as follows:

1 **300.710. Type IV Applications.** The following land use actions are Type IV applications:

- 2 (a) Those identified in Table 300-2 as Type IV applications;
- 3 (b) Those identified in the ~~Salem Revised Code-UDC~~ as Type IV applications; or
- 4 (c) Those identified by the Planning Administrator as Type IV applications based upon
- 5 the guidelines for classification of applications by procedure under SRC 300.100(c).

6 **Section 180.** SRC 300.830 is renumbered 300.820 and amended to read as follows:

7 **300.820. 300.830. Conditions of Approval.**

8 (a) **Imposition of Conditions.** The Review Authority may impose conditions on land

9 use actions to the extent allowed by law in order to protect the public and adjacent

10 property owners from adverse impacts resulting from the proposed development, to

11 fulfill an identified need for public services or infrastructure caused by or required for

12 the proposed development, or to ensure conformance with the applicable development

13 standards and criteria in the ~~Salem Revised Code-UDC~~. A condition of approval shall

14 be valid and enforceable from and after the date the decision becomes effective.

15 (1) Conditions of approval should be stated in clear and unambiguous terms; be

16 reasonably related to the public health, safety, and welfare; and be designed to

17 reasonably effectuate the intended purpose.

18 (2) The Review Authority shall not impose any permanent condition which would

19 limit use of the subject property to one particular owner, tenant, or business.

20 Permanent conditions may limit the subject property as to use, but shall not be so

21 restrictive that other occupants who might devote the property to the same or

22 substantially similar use would be unable to reasonably comply with the conditions.

23 (b) **Effect of Conditions.** Conditions of approval shall be construed and enforced, in

24 all respects, as provisions of the ~~Salem Revised Code-UDC~~ relating to the use and

25 development of land.

26 **Section 181.** SRC 300.850 is renumbered 300.840 and amended to read as follows:

27 **300.840. 300.850. Issuance; Effective Date.**

28 (a) Each decision shall be specific as to the approval granted and shall be subject to

29 the standards and conditions set forth in ~~Salem Revised Code-UDC~~, including any

30 variances or conditions authorized pursuant to the ~~Salem Revised Code-UDC~~.

1 (b) Decisions on land use actions become effective on:

2 (1) The day the decision is issued, if no appeal is allowed;

3 (2) The day after the appeal period expires, if an appeal is allowed, but no notice of
4 appeal is timely filed; or

5 (3) The day the decision is issued by the final appeal body, if an appeal is allowed
6 and notice of appeal is timely filed.

7 (4) The day the decision is issued by the City Council, if the decision is called up
8 for review by the City Council pursuant to SRC 300.1050.

9 **Section 182.** SRC 300.860 is renumbered SRC 300.850 and amended to read as follows:

10 **300.850. 300.860. Expiration and Extensions.**

11 (a) **Approval Expiration and Termination.**

12 (1) Unless a different period of time is established in the ~~Salem Revised Code~~ UDC
13 or in the decision, all approvals of land use actions shall expire automatically upon
14 the dates set forth in Table 300-3 unless one of the following has occurred:

15 (A) Development has commenced in compliance with the land use approval;

16 (B) An extension has been granted pursuant to SRC 300.850(b); 300.860(b); or

17 (C) The land use approval has been revoked as provided under SRC 300.860

18 300.870 or is otherwise invalidated by an administrative board or court of
19 competent jurisdiction.

20 (2) Where the decision involves work for which a building permit is required, no
21 exercise of the rights granted under the land use action shall be deemed to have
22 commenced until a building permit has been issued. Unless otherwise extended, the
23 approval of the land use action shall automatically expire if the approval has
24 expired as set forth in Table 300-3, and all required building permits issued for the
25 land use action have expired.

26 (b) **Extensions.**

27 (1) Whenever the decision requires exercise of approval rights or satisfaction of
28 conditions of approval within a particular period of time, the approval period may
29 be extended for the times set forth in Table 300-3 through filing an application for
30 extension prior to the expiration date.

1 **(2) Classes.**

2 **(A) Class 1 Extension.** A Class 1 extension is an extension that applies when
3 there have been no changes to the standards and criteria used to approve the
4 original application.

5 **(B) Class 2 Extension.** A Class 2 extension is an extension that applies when
6 there have been changes to the standards and criteria used to approve the
7 original application, but such changes to the standards and criteria would not
8 require modification of the original approval.

9 Requests for extensions shall be processed as Type I applications and shall be
10 granted if there have been no modifications to the standards and criteria used to
11 approve the original application.

12 **(3) Procedure Type.**

13 **(A)** A Class 1 extension is processed as a Type I procedure under SRC
14 Chapter 300.

15 **(B)** A Class 2 extension is processed as a Type II procedure under SRC
16 Chapter 300.

17 **(4) Criteria.**

18 **(A)** A Class 1 extension shall be granted if there have been no changes to the
19 standards and criteria used to approve the original application.

20 **(B)** A Class 2 extension shall be granted if there have been no changes to the
21 standards and criteria used to approve the original application that would
22 require modification of the original approval.

23 **(5) Appeal and Review.**

24 **(A)** The decision on a Class 1 extension may not be appealed, and is not
25 subject to City Council review.

26 **(B)** The decision on a Class 2 extension may be appealed, and is subject to
27 City Council review pursuant to SRC 300.1050. The Review Authority for an
28 appeal of a Class 2 extension shall be the Hearings Officer.

29 **(6)** While an application for extension is pending, no further action to develop the
30 subject property or expand any use dependent upon the approval shall be taken

subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.

(74) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

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**TABLE 300-3
EXPIRATION AND EXTENSION OF APPROVALS**

Table 300-3: 300.860-1: Expiration and Extension of Approvals				
Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
Type I				
Class 1 Design Review	2 Years	2	2 Years	
Minor Historic Design Review	2 Years	2	2 Years	
Sign Permit (Requiring Building Permit)	180 Days	1	90 Days	
Sign Permits (All Others)	90 Days	1	90 Days	
Class 1 Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs later.
Class 2 Site Plan Review				
All Other Type I	No Expiration Period	N/A	N/A	
Type II				
Partition Tentative Plan; Tentative Replat	2 Years	4	2 Years	
Subdivision Tentative Plan	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (First Phase)	2 Years	4	2 Years	
Phased Subdivision Tentative Plan (All Other Phases)	10 Years	None	N/A	
Class 3 Site Plan Review	4 Years	None	N/A	If a valid building permit application is submitted, the Site Plan Review approval shall remain valid until either the building permit or the Site Plan Review approval expires, whichever occurs

Table ~~300-3~~ ~~300.860-1~~: Expiration and Extension of Approvals

Procedure Type	Expiration Period ¹	Extensions Allowed	Maximum Period for Each Extension ²	Limitations & Qualifications
				later.
All Other Type II	2 Years	2	2 Years	
Type III				
<u>Comprehensive Plan Map Amendment (Minor) Change; Quasi-Judicial Zone Change (Quasi-Judicial)</u>	No Expiration Period	N/A	N/A	
<u>Planned Unit Development Tentative Plan (with Land Division)</u>	<u>2 Years</u>	<u>4</u>	<u>2 Years</u>	
All Other Type III	2 Years	2	2 Years	
Type IV				
All Type IV	No Expiration Period	N/A	N/A	
<p>1 The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal.</p> <p>2 The extension period is calculated from the date of expiration of the approval.</p>				

Section 183. SRC 300.870 is renumbered SRC 300.860 and amended to read as follows:

300.860. 300.870. Revocation of Approval.

(a) ~~Any approval of a land use action may be revoked by the Planning Administrator, as provided in this section.~~ Unless otherwise provided under the UDC, the Director may revoke a permit or approval issued pursuant to the UDC when:-

- (1) The permit or approval was issued on the basis erroneous or misleading information, or a material misrepresentation;
- (2) The development authorized under the permit or approval violates other applicable law;
- (3) The development violates the permit or approval, the UDC, or other applicable law;
- (4) The permittee failed to pay an administrative penalty for violations relating to the development authorized under the permit or approval;

1 (5) The work is, or threatens to become, an imminent hazard to property or public
2 safety; or

3 (6) Prior to the development obtaining vested rights or nonconforming status, a
4 change in the UDC, or the Salem Area Comprehensive Plan, has made the
5 approved development unlawful or not permitted.

6 (b) Revocation of a permit or approval shall follow a Type I procedure. ~~A land use~~
7 ~~approval may be revoked at any time upon a finding of:~~

- 8 ~~(1) False, inaccurate, or incomplete statements of material fact in the application;~~
9 ~~(2) Development contrary to the proposal embodied in the application, the~~
10 ~~provisions of the Salem Revised Code, or the conditions imposed in the decision;~~
11 ~~(3) Abandonment or discontinuance; or failure to make reasonable progress toward~~
12 ~~completion for a continuous period of two years. Bona fide good faith efforts to~~
13 ~~market, secure financing, or to take other measures demonstrating intent to~~
14 ~~complete the development shall not constitute abandonment or discontinuance; or~~
15 ~~(4) A change in the Salem Revised Code or the Salem Area Comprehensive Plan~~
16 ~~that would make the approved development unlawful or not permitted and~~
17 ~~occurring prior to the development obtaining vested rights or non-conforming use~~
18 ~~status.~~

19 (c) Notice of revocation shall be given, in writing, to the applicant or the applicant's
20 assigns or successors in interest, stating the grounds for revocation, the date upon which
21 the revocation becomes effective, and the right to appeal.

22 (d) Any person entitled to notice under subsection (c) of this section may appeal the
23 revocation to the Hearings Officer by filing written notice of appeal with the Planning
24 Administrator within ten days of the date the notice of revocation was mailed.

25 (e) Revocation shall be effective immediately upon the mailing of notice. Unless
26 otherwise provided in the notice, revocation terminates all rights to continue the use or
27 development under the approval of the land use action. It is unlawful to continue any
28 use or development for which approval has been revoked.

29 (f) Revocation of approval of a land use action on the basis of false, inaccurate, or
30 incomplete statements of material fact in the application shall not bar, nor otherwise

1 prejudice the right of the applicant to resubmit a new application containing accurate
2 and complete statements of material fact. Revocation on any other grounds shall be
3 treated as a basis for denial of the application on its merits and resubmission of
4 application shall be made as provided in SRC ~~300.870300.880~~.

5 (g) Revocation is in addition to, and not in lieu of, any other remedy provided by law
6 or equity, and is not a condition precedent to any such remedy.

7 **Section 184.** SRC 300.940 is amended to read as follows:

8 **300.940. Burden of Proof.**

9 (a) The proponent has the burden of proof on all elements of the proposal, and the
10 proposal must be supported by proof that it conforms to all applicable standards and
11 criteria.

12 (b) The decision shall be based on the applicable standards and criteria set forth in the
13 ~~Salem Revised Code-UDC~~, the Salem Area Comprehensive Plan, and, if applicable,
14 any other land use standards imposed by state law or administrative rule.

15 (c) The applicant and any opponents may submit to the Review Authority a set of
16 written findings or statements of factual information which are intended to demonstrate
17 the proposal complies or fails to comply with any or all applicable standards and
18 criteria.

19 **Section 185.** SRC 300.990 is amended to read as follows:

20 **300.990. Withdrawal.** At any point prior to the issuance of the written decision, the applicant
21 may submit a notice of withdrawal of the application. Upon receipt of a notice of withdrawal,
22 the application shall be deemed dismissed without further action by the Review Authority. A
23 withdrawal shall not bar filing a new application; withdrawal shall not be deemed a final
24 decision for any purpose. A new application, upon payment of a new fee, may be filed unless
25 the filing is barred by another provision of the ~~Salem Revised Code-UDC~~. Withdrawals under
26 this subsection cannot be appealed.

27 **Section 186.** SRC 900.200 is amended to read as follows:

28 **900.200. Permanent Signs in Central Business District (CB), Retail Commercial (CR), and**
29 **General Commercial (CG) Zones.** The following permanent signs are allowed in the Central
30 Business District (CB), Retail Commercial (CR), and General Commercial (CG) zones.

1 (a) **Dwellings.** Single family dwellings and dwelling units in duplexes are allowed
2 either one wall sign or one freestanding sign. A wall sign shall be limited to a display
3 surface not exceeding one square foot. A freestanding sign shall be limited to a display
4 surface not exceeding one square foot and to a height not exceeding thirty inches.

5 (b) **Permanent Signs for Businesses.** Unless the business is located in a shopping
6 center or office complex, a business may have the following signs:

7 (1) One freestanding sign, one projecting sign, one roof sign, or one wall sign on
8 each building frontage. When the business is located on a corner lot, only one
9 freestanding sign shall be allowed.

10 (A) **Freestanding Signs.**

11 (i) **Height.** The height of a freestanding sign shall not exceed twenty feet
12 for up to the first one hundred feet of street front property line, plus an
13 additional one foot in height for each twenty feet of street front property
14 line over one hundred feet, with a maximum height not exceeding thirty
15 feet.

16 (ii) **Area.** The display surface of a freestanding sign shall not exceed one
17 square foot per lineal foot of street front property line up to the first one
18 hundred square feet of display surface, plus an additional one-quarter
19 square foot of display surface for each additional one foot of street front
20 property line over one hundred feet, with a maximum display surface not
21 exceeding one hundred fifty square feet.

22 (B) **Wall Signs.**

23 (i) For CR and CG zones, the display surface for a wall sign shall not
24 exceed one hundred twenty-five square feet. Notwithstanding the size of
25 the display surface authorized by this subparagraph, wall signs that are
26 located on a marquee shall not extend below the lower edge of the marquee
27 and shall be limited to a height not exceeding thirty inches.

28 (ii) For CB zones, the display surface for a wall sign shall not exceed that
29 allowed by Table 900-9.

30 **Table 900-9**

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Wall Signs in CB Zones

Gross face area of the face of the building to which the sign is attached in square feet	Permitted sign area is the greater of the following:
0 to 450	150 square feet or 33-1/3 percent of the gross face area
451 to 800	200 square feet or 25 percent of the gross face area
801 to 1250	250 square feet or 20 percent of the gross face area
1251 and over	15 percent of the gross face area

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(C) **Projecting Sign Standards.** Projecting signs shall conform with SRC 900.140.

(D) **Roof Sign Standards.** Roof signs shall conform with SRC 900.145.

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(2) Any number of additional wall signs on each building, provided the total display surface of all wall signs allowed under this paragraph does not exceed the maximum display surface set forth in Table 900-10.

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Table 900-10

Wall Signs in CB, CR, and CG Zones

Gross face area of building frontage in square feet	Display surface is limited to the greater of the following:
0 to 500	50 square feet or 15 percent of the gross face area
500 to 1000	75 square feet or 12 percent of the gross face area
1001 to 2000	120 square feet or 10 percent of the gross face area
2001 to 4000	200 square feet or 8 percent of the gross face area
4001 to 6000	320 square feet or 6 percent of the gross face area
6001 and over	360 square feet or 5 percent of the gross face area

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(3) One hanging sign on each building frontage and each building face.

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(4) One wall sign located on the wall abutting an alley adjacent to the building in which the business is located. The wall sign shall be limited to a display surface not exceeding six square feet.

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(5) **Vehicle Directional Signs.** One freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the premises. A wall sign shall be

1 limited to a display surface not exceeding eight square feet. A freestanding sign
2 shall be limited to a display surface not exceeding eight square feet and to a height
3 not exceeding four feet.

4 **(6) Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle accessway
5 adjacent to a building or on the building, and intended to be seen by a person doing
6 business from the vehicle accessway while the person is within the person's motor
7 vehicle. The display surface shall not exceed twenty-four square feet.

8 **(7) Vehicle Service or Loading Directional Sign.** In lieu of the sign allowed in
9 SRC 900.200(b)(5), one freestanding sign or one wall sign located at each service
10 or loading entrance onto the premises. A wall sign shall be limited to a display
11 surface not exceeding eight square feet. A freestanding sign shall be limited to a
12 display surface not exceeding twenty-two square feet and to a height not exceeding
13 fifteen feet.

14 **(c) Permanent Signs for Shopping Centers.** A shopping center and individual
15 businesses in the shopping center are allowed the following signs:

16 **(1) Shopping Center.**

17 **(A)** One sign shall be allowed on each building frontage on a designated
18 arterial or designated collector as follows:

19 **(i)** For CR or CG zones, one freestanding sign or one wall sign. However,
20 when the shopping center is located on a corner lot where the two
21 intersecting streets are either designated arterials or designated collectors,
22 only one freestanding sign shall be allowed.

23 **(a) Freestanding Sign.**

24 **(1) Height.** The freestanding sign shall be limited to a height not
25 exceeding twenty feet for the first one hundred feet of street
26 frontage, plus an additional one foot for each twenty feet of street
27 front property line over one hundred feet, up to a maximum height
28 not exceeding thirty-five ~~thirty~~ feet.

29 **(2) Area.** The freestanding sign shall be limited to a display
30 surface not exceeding one square foot per lineal foot of street front

1 property line for the first one hundred feet of street front property
2 line, plus one quarter additional square foot for each foot of street
3 front property line over one hundred feet, up to a maximum display
4 surface of two hundred and fifty ~~one hundred and fifty~~ square feet.

5 (b) The wall sign shall be limited to a display surface not exceeding
6 one hundred twenty-five square feet; provided, however, when the wall
7 sign is located on a marquee, the wall sign not extend below the lower
8 edge of the marquee, and shall be limited to a height not exceeding
9 thirty inches.

10 (ii) For CB zones, one freestanding sign, projecting sign, or one
11 wall sign. However, when the shopping center is located on a
12 corner lot where the two intersecting streets are either designated
13 arterials or designated collectors, only one freestanding sign shall
14 be allowed.

15 (a) **Freestanding Sign.**

16 (1) **Height.** The freestanding sign shall be limited to a
17 height not exceeding twenty feet for the first one hundred
18 feet of street frontage, plus an additional one foot for each
19 twenty feet of street front property line over one hundred
20 feet, up to a maximum height not exceeding thirty feet.

21 (2) **Area.** The freestanding sign shall be limited to a
22 display surface not exceeding one square foot per lineal foot
23 of street front property line for the first one hundred feet of
24 street front property line, plus one quarter additional square
25 foot for each foot of street front property line over one
26 hundred feet, up to a maximum display surface of one
27 hundred fifty square feet.

28 (b) The display surface for a wall sign shall not exceed that
29 allowed by Table 900-11.

30 **Table 900-11**

1 **Wall Signs in CB Zones**

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Gross face area of the face of the building to which the sign is attached in square feet	Permitted sign area is the greater of the following:
0 to 450	150 square feet or 33-1/3 percent of the gross face area
451 to 800	200 square feet or 25 percent of the gross face area
801 to 1250	250 square feet or 20 percent of the gross face area
1251 and over	15 percent of the gross face area

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9 (c) Notwithstanding the size of the display surface authorized
10 by this subparagraph, wall signs that are located on a marquee
11 shall not extend below the lower edge of the marquee and shall
12 be limited to a height not exceeding thirty inches.

13 (d) Projecting signs shall conform with SRC 900.140.

14 **(B) Vehicle Directional Signs.** One freestanding sign or one wall sign located
15 at each motor vehicle entrance to or exit from the shopping center. A wall sign
16 shall be limited to a display surface not exceeding eight square feet. A
17 freestanding sign shall be limited to a display surface not exceeding eight square
18 feet and to a height not exceeding four feet.

19 **(C) Vehicle Service or Loading Directional Sign.** In lieu of the sign allowed
20 in SRC 900.200(c)(1)(B), one freestanding sign or one wall sign located at each
21 service or loading entrance onto the premises. A wall sign shall be limited to a
22 display surface not exceeding eight square feet. A freestanding sign shall be
23 limited to a display surface not exceeding twenty-two square feet and to a height
24 not exceeding fifteen feet.

25 **(D)** One wall sign to be used as a building directory. The wall sign shall be
26 limited to a display surface not exceeding one square foot per occupancy in the
27 complex.

28 **(E)** When a street front property line of the shopping center is greater than three
29 hundred feet, the shopping center may have one additional freestanding sign.
30 The freestanding sign shall be located along the street front property line
exceeding such length. The freestanding sign shall be limited to a display

1 surface not exceeding fifty square feet and to a height not exceeding twenty
2 feet. When the shopping center has two freestanding signs located along the
3 same street front property line, there shall be a minimum distance of one
4 hundred feet between the signs.

5 **(2) Individual Businesses.**

6 **(A)** One sign for each building frontage or building face; provided, however,
7 that no such sign shall be allowed on a building face where the sign would be
8 directed towards an abutting residential area.

9 **(i)** In the CR or CG zones, one wall sign or one roof sign for each building
10 frontage or building face; provided, however, that no such sign shall be
11 allowed on a building face where the sign would be directed towards an
12 abutting residential area.

13 **(a)** The wall sign shall have a display surface not exceeding the square
14 footage set forth in Table 900-12; provided, however, that, where there
15 is more than one business housed in the same building, only the gross
16 face area of the building frontage or building face occupied by the
17 business shall be used in determining the display surface of the wall sign.

18 **Table 900-12**

19 **Wall Signs in CR and CG Zones**

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

27 **(b) Roof Sign Standards.** Roof signs shall conform with SRC
28 900.145.

29 **(ii) In the CB zones,** one wall sign, one projecting sign, or one roof sign
30 for each building frontage or building face; provided, however, that no such

1 sign shall be allowed on a building face where the sign would be directed
2 towards an abutting residential area.

3 (a) The wall sign shall have a display surface not exceeding the square
4 footage set forth in Table 900-13; provided, however, that, where there
5 is more than one business housed in the same building, only the gross
6 face area of the building frontage or building face occupied by the
7 business shall be used in determining the display surface of the wall sign.

8 **Table 900-13**

9 **Wall Signs in CB Zones**

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

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17 (b) **Roof Sign Standards.** Roof signs shall conform with SRC
18 900.145.

19 (c) **Projecting Sign Standards.** Projecting signs shall conform with
20 SRC 900.140.

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22 (B) One wall sign on each building frontage or building face; provided,
23 however, that no sign shall be allowed on a building face where the sign would
24 be directed towards an abutting residential area. The wall sign shall have a
25 display surface not exceeding eight square feet; provided, however, that the
26 display surface may be increased by forgoing part of the display surface
27 authorized by SRC 900.200(c)(2)(A), and adding such display surface to the
28 wall sign.

29 (C) One hanging sign on each building frontage and each building face.

30 (D) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle
accessway adjacent to a building or on the building, and intended to be seen by

1 a person doing business from the vehicle accessway while the person is within
2 the person's motor vehicle. The display surface shall not exceed twenty-four
3 square feet.

4 **(E)** When the individual business does not have a building frontage or building
5 face, the principal occupant of the building in which the business is located may
6 execute a written assignment of a portion of that occupant's display surface
7 allowed under subsection (b)(1) of this section, for use by such interior business
8 for a wall sign.

9 **(d) Permanent Signs for Office Complexes.** An office complex and individual
10 businesses in the office complex are allowed the following signs:

11 **(1) Office Complex.**

12 **(A)** One sign shall be allowed on each building frontage on a designated
13 arterial or designated collector as follows:

14 **(i)** For CR or CG zones, one freestanding sign or one wall sign. However,
15 when the office complex is located on a corner lot where the two
16 intersecting streets are either designated arterials or designated collectors,
17 only one freestanding sign shall be allowed.

18 **(a) Freestanding Sign**

19 **(1) Height.** The freestanding sign shall be limited to a height not
20 exceeding twenty feet for the first one hundred feet of street
21 frontage, plus an additional one foot for each twenty feet of street
22 front property line over one hundred feet, up to a maximum height
23 not exceeding thirty feet.

24 **(2) Area.** The freestanding sign shall be limited to a display
25 surface not exceeding one square foot per lineal foot of street front
26 property line for the first one hundred feet of street front property
27 line, plus one quarter additional square foot for each foot of street
28 front property line over one hundred feet, up to a maximum display
29 surface of one hundred fifty square feet.

30 **(b)** The wall sign shall be limited to a display surface not exceeding

1 one hundred twenty-five square feet; provided, however, that, when the
2 wall sign is located on a marquee, the wall sign not extend below the
3 lower edge of the marquee, and shall be limited to a height not
4 exceeding thirty inches.

5 **(ii)** For CB zones, one freestanding sign, projecting sign, or wall sign.
6 However, when the office complex is located on a corner lot where the two
7 intersecting streets are either designated arterials or designated collectors,
8 only one freestanding sign shall be allowed.

9 **(a) Freestanding Sign.**

10 **(1) Height.** The freestanding sign shall be limited to a height not
11 exceeding twenty feet for the first one hundred feet of street
12 frontage, plus an additional one foot for each twenty feet of street
13 front property line over one hundred feet, up to a maximum height
14 not exceeding thirty feet.

15 **(2) Area.** The freestanding sign shall be limited to a display
16 surface not exceeding one square foot per lineal foot of street front
17 property line for the first one hundred feet of street front property
18 line, plus one quarter additional square foot for each foot of street
19 front property line over one hundred feet, up to a maximum display
20 surface of one hundred fifty square feet.

21 **(b)** The display surface for a wall sign shall not exceed that allowed by
22 Table 900-14.

23 **Table 900-14**
24 **Wall Signs in CB Zones**

Gross face area of the face of the building to which the sign is attached in square feet	Permitted sign area is the greater of the following
0 to 450	150 square feet or 33-1/3 percent of the gross face area
451 to 800	200 square feet or 25 percent of the gross face area
801 to 1250	250 square feet or 20 percent of the gross face area
1251 and over	15 percent of the gross face area

1 (c) Notwithstanding the size of the display surface authorized by this
2 subparagraph, wall signs that are located on a marquee shall not extend
3 below the lower edge of the marquee and shall be limited to a height
4 not exceeding thirty inches.

5 (d) Projecting signs shall conform with SRC 900.140.

6 (B) When a street front property line for the office complex exceeds three
7 hundred feet, the office complex may have one additional freestanding sign.
8 The freestanding sign shall be located along the street front property line
9 exceeding such length. The freestanding sign shall be limited to a display
10 surface not exceeding fifty square feet and to a height not exceeding twenty
11 feet. When the office complex has two freestanding signs located along the
12 same street front property line, there shall be a minimum distance of one
13 hundred feet between such signs.

14 (C) **Vehicle Directional Signs.** One freestanding sign or one wall sign located
15 at each motor vehicle entrance to or exit from the premises. A wall sign shall be
16 limited to a display surface not exceeding eight square feet. A freestanding sign
17 shall be limited to a display surface not exceeding eight square feet and to a
18 height not exceeding four feet.

19 **(2) Individual Businesses.**

20 (A) One sign for each building frontage or building face; provided, however,
21 that no such sign shall be allowed on a building face where the sign would be
22 directed towards an abutting residential area

23 (i) **For CR or CG zones,** the sign may be a wall sign or roof sign.

24 (a) The wall sign shall be limited to a display surface not exceeding the
25 square footage set forth in Table 900-15; provided, however, that, where
26 there is more than one business housed in the same building, only the
27 gross face area of the building frontage or building face occupied by the
28 business shall be used in determining the display surface of the wall
29 sign.

30 **Table 900-15**

Wall Signs in CR and CG Zones

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

(b) Roof Sign Standards. Roof signs shall conform with SRC 900.145.

(ii) In the CB zones, the sign may be one wall sign, projecting sign, or roof sign.

(a) The wall sign shall be limited to a display surface not exceeding the square footage set forth in Table 900-16; provided, however, that, where there is more than one business housed in the same building, only the gross face area of the building frontage or building face occupied by the business shall be used in determining the display surface of the wall sign.

Table 900-16

Wall Signs in CB Zones

Gross face area of building frontage or building face in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

(b) Roof Sign Standards. Roof signs shall conform with SRC 900.145.

(c) Projecting Sign Standards. Projecting signs shall conform

1 with SRC 900.140.

2 (B) One wall sign on each building frontage or building face; provided,
3 however, that no sign shall be allowed on a building face where the sign would
4 be directed towards an abutting residential area. The wall sign shall have a
5 display surface not exceeding eight square feet.

6 (C) One hanging sign on each building frontage and each building face.

7 (D) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle
8 accessway adjacent to a building or on the building, and intended to be seen by
9 a person doing business from the vehicle accessway while the person is within
10 the person's motor vehicle. The display surface shall not exceed twenty-four
11 square feet.

12 (E) When the individual business does not have a building frontage or building
13 face, the principal occupant of the building in which the business is located may
14 execute a written assignment of a portion of that occupant's display surface
15 allowed by SRC 900.200(d)(2)(A), for use by such interior business for a wall
16 sign.

17 (e) **Outdoor Advertising Signs.** Outdoor advertising signs that comply with this
18 Chapter are allowed.

19 **Section 187.** SRC 900.210 is amended to read as follows:

20 **900.210. Permanent Signs in Industrial Business Campus (IBC), Industrial Commercial**
21 **(IC), Industrial Park (IP), General Industrial (IG), Intensive Industrial (II), and**
22 **Employment Center (EC) Zones.** The following permanent signs are permitted in the
23 Industrial Business Campus (IBC), Industrial Commercial (IC), Industrial Park (IP), General
24 Industrial (IG), Intensive Industrial (II), and Employment Center (EC) zones:

25 (a) **Dwellings.** Single family dwellings and dwelling units in duplexes are allowed
26 either one wall sign or one freestanding sign. A wall sign shall be limited to a display
27 surface not exceeding one square foot. A freestanding shall be limited to a display
28 surface not exceeding one square foot and to a height not exceeding thirty inches.

29 (b) **Permanent Signs for Business.** Unless the business is located in an industrial
30 complex or is classified as flexible space use, a business may have the following signs:

1 (1) One freestanding sign, one projecting sign, one roof sign, or one wall sign, for
2 each building frontage; provided, however, that, when the business is located on a
3 corner lot, only one freestanding sign shall be allowed.

4 (A) **Wall Signs.** The display surface for a wall sign shall not exceed one
5 hundred twenty-five square feet.

6 (B) **Freestanding Signs.**

7 (i) **Height.** Freestanding sign height is limited to twenty feet for up to the
8 first one hundred feet of street front property line, plus an additional one
9 foot in height for each twenty feet of street front property line over one
10 hundred feet, with a maximum height of thirty feet.

11 (ii) **Area.** Where the sign is a freestanding sign, the sign shall be limited in
12 area to one square foot per lineal foot of street front property line up to the
13 first one hundred square feet of display surface, plus an additional one-
14 quarter square foot of display surface for each additional one foot of street
15 front property line over one hundred feet, with a maximum limit of one
16 hundred fifty square feet of display surface.

17 (C) **Projecting Sign Standards.** Projecting signs shall conform with SRC
18 900.140.

19 (D) **Roof Sign Standards.** Roof signs shall conform with SRC 900.145.

20 (2) Any number of additional wall signs on each building; provided, however, that
21 the total display surface of all signs allowed under this paragraph does not exceed
22 the maximum display surface set forth in Table 900-19. No single wall sign
23 allowed under this paragraph shall have a display surface exceeding one hundred
24 square feet.

25 **Table 900-19**

26 **Wall Signs in Industrial Zones and EC Zone**

27

Gross face area of building frontage in square feet	Display surface is limited to the greater of the following
0 to 500	50 square feet or 15 percent of the gross face area
500 to 1000	75 square feet or 12 percent of the gross face area
1001 to 2000	120 square feet or 10 percent of the gross face area

28
29
30

2001 to 4000	200 square feet or 8 percent of the gross face area
4001 to 6000	320 square feet or 6 percent of the gross face area
6001 and over	360 square feet or 5 percent of the gross face area

(3) One hanging sign on each building frontage and each building face.

(4) One wall sign located on the wall abutting an alley adjacent to the building in which the business is located. The wall sign shall be limited to a display surface not exceeding six square feet.

(5) **Vehicle Directional Signs.** One freestanding sign or one wall sign located at each motor vehicle entrance to or exit from the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding eight square feet and to a height not exceeding four feet.

(6) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle accessway adjacent to a building or on the building, and intended to be seen by a person doing business from the vehicle accessway while the person is within the person’s motor vehicle. The display surface shall not exceed twenty-four square feet.

(7) **Vehicle Service or Loading Directional Sign.** In lieu of the sign allowed in SRC 900.210(b)(5), one freestanding sign or one wall sign located at each service or loading entrance onto the premises. A wall sign shall be limited to a display surface not exceeding eight square feet. A freestanding sign shall be limited to a display surface not exceeding twenty-two square feet and to a height not exceeding fifteen feet.

(c) **Permanent Signs for Industrial Complexes.** An industrial complex and individual businesses in the industrial complex are allowed the following signs:

(1) Industrial Complex.

(A) One freestanding sign for each building frontage on a designated arterial or designated collector; provided, however, that, when the industrial complex is located on a corner lot with two such arterials or collectors, only one freestanding sign shall be allowed.

1 **(i) Height.** The freestanding sign shall be limited to a height not
2 exceeding twenty feet for the first one hundred feet of street front property
3 line, plus an additional one foot for each twenty feet of street front property
4 line over one hundred feet, up to a maximum height not exceeding thirty-
5 five feet.

6 **(ii) Area.** The freestanding sign shall be limited to a display surface not
7 exceeding one square foot per lineal foot of street front property line for the
8 first one hundred square feet of street front property line, plus one-quarter
9 additional square foot for each additional foot of street front property line
10 over one hundred feet, up to a maximum display surface not exceeding two
11 hundred fifty square feet.

12 **(B) Vehicle Directional Signs.** One freestanding sign or one wall sign located
13 at each motor vehicle entrance to or exit from the complex. A wall sign shall be
14 limited to a display surface not exceeding eight square feet. A freestanding sign
15 shall be limited to a display surface not exceeding eight square feet and to a
16 height not exceeding four feet.

17 **(C)** One wall sign to be used as a building directory. The wall sign shall be
18 limited to a display surface not exceeding one square foot per occupancy in the
19 complex.

20 **(D)** If a street front property line of the industrial complex is greater than three
21 hundred feet, the industrial complex may have one additional freestanding sign.
22 The freestanding sign shall be located along each street front property line
23 exceeding such length. The freestanding sign shall be limited to a display
24 surface not exceeding fifty square feet and to a height not exceeding twenty
25 feet. If the shopping center has two freestanding signs on the same street front
26 property line, there shall be a minimum distance of one hundred feet between
27 the signs.

28 **(E) Vehicle Service or Loading Directional Sign.** In lieu of the sign allowed
29 in SRC 900.210(c)(1)(B), one freestanding sign or one wall sign located at each
30 service or loading entrance onto the premises. A wall sign shall be limited to a

1 display surface not exceeding eight square feet. A freestanding sign shall be
2 limited to a display surface not exceeding twenty-two square feet and to a height
3 not exceeding fifteen feet.

4 **(2) Individual businesses.** Unless the business is classified as flexible space use, a
5 business may have the following signs:

6 **(A)** One wall sign or one roof sign for each building frontage or building face;
7 provided, however, that no sign shall be allowed on a building face when the
8 sign would be directed towards a residential area.

9 **(i)** The wall sign shall have display surface not exceeding the square
10 footage set forth in Table 900-20; provided, however, that, where there is
11 more than one business housed in the same building, only the gross face
12 area of the building frontage or building face occupied by the business shall
13 be used in determining the display surface for the wall sign.

14 **Table 900-20**

15 **Wall Signs in Industrial Zones and EC Zone**

Gross face area of building frontage or building face, in square feet	Display surface is limited to the greater of the following
0 to 1000	50 square feet or 15 percent of the gross face area
1001 to 2000	150 square feet or 12 percent of the gross face area
2001 to 4000	240 square feet or 10 percent of the gross face area
4001 to 6000	400 square feet or 8 percent of the gross face area
6001 and over	480 square feet or 6 percent of the gross face area

23 **(ii) Roof Sign Standards.** Roof signs shall conform with SRC 900.145.

24 **(B)** One wall sign on each building frontage or building face; provided,
25 however, that no sign shall be allowed on a building face where the sign would
26 be directed towards an abutting residential area. The wall sign shall have a
27 display surface not exceeding eight square feet; provided, however, that the
28 display surface may be increased by forgoing part of the display surface
29 authorized by SRC 900.210(c)(2)(A), and adding such display surface to the
30 wall sign.

1 (C) One hanging sign on each building frontage and each building face.

2 (D) **Vehicle Viewing Sign.** One vehicle viewing signs, located on a vehicle
3 accessway adjacent to a building or on the building, and intended to be seen by
4 a person doing business from the vehicle accessway while the person is within
5 the person's motor vehicle. The display surface shall not exceed twenty-four
6 square feet.

7 (E) If the individual business does not have building frontage or a building
8 face, an occupant of the building in which the business is located may execute a
9 written assignment of a portion of that occupant's display surface allowed by
10 SRC 900.210(c)(2)(A), as a wall sign for use by such interior business.

11 ~~(d) **Permanent Signs for Flexible Space Use.** A flexible space business may have the~~
12 ~~following signs:~~

13 ~~(1) Two signs per business shall be permitted on a building; one such sign, not~~
14 ~~greater than six feet in area, for each business on the glass frontage, and a second~~
15 ~~wall or parapet sign, not greater than fifteen square feet in area, for each business.~~

16 ~~(2) One freestanding building directory sign per street frontage shall be permitted~~
17 ~~with each tenant, limited to one square foot of area; such sign shall be located~~
18 ~~within seventy five feet of both a flexible space building and the principal entry~~
19 ~~drive to the area.~~

20 **(ed) Outdoor Advertising Signs.** Outdoor advertising signs that comply with this
21 Chapter are allowed in the Industrial Business Campus (IBC), Industrial Commercial
22 (IC), Industrial Park (IP), General Industrial (IG), and Intensive Industrial (II) zones.

23 **Section 188.** SRC 900.235 is amended to read as follows:

24 **900.235. Riverfront Overlay Zone.**

25 (a) Subject to the limitations in this section, signs permitted within the underlying
26 zones are allowed in the Riverfront Overlay Zone, except the following signs are
27 prohibited:

28 (1) Outdoor advertising signs.

29 (b) Freestanding signs shall be restricted to a display surface of twenty-four square feet
30 and to a height not exceeding five feet. Freestanding signs shall be set back at least five

1 feet from a street property line.

2 (c) A maximum of one wall sign per building frontage or building face is permitted.

3 Wall signs on a building frontage shall be limited to a display surface that is the greater
4 of thirty-two square feet or two percent of gross face area of the building frontage.

5 Wall signs on a building face shall be limited to a display surface of twenty-four square
6 feet.

7 (d) Illumination of signs is prohibited on the riverfront side of buildings.

8 (e) Signs owned or leased by an industrial use existed on December 1, 1998, within the
9 overlay zone area may be altered, enlarged or rebuilt and may be extended onto vacant
10 land or intensified provided such alteration, enlargement, rebuilding, extension or
11 intensification otherwise complies with the regulations specified in the Sign Codes for
12 the zone in which the use is permitted. Abandonment or change to a non-industrial use
13 shall remove the sign from the scope of this section.

14 **Section 189. Repeal.** The following sections of the Salem Revised Code are repealed:

15 63.010; 63.020; 63.030; 63.032; 63.033; 63.037; 63.038; 63.039; 63.041; 63.046; 63.047;
16 63.049; 63.051; 63.052; 63.053; 63.060; 63.065; 63.115; 63.135; 63.145; 63.146; 63.147;
17 63.148; 63.150; 63.155; 63.157; 63.165; 63.175; 63.185; 63.195; 63.205; 63.215; 63.225;
18 63.235; 63.237; 63.238; 63.242; 63.245; 63.255; 63.265; 63.275; 63.285; 63.295; 63.350;
19 63.352; 63.360; 63.990; Table 63-1; 66.060; 66.070; 66.145; 66.200; 68.010; 68.020;
20 68.030; 68.040; 68.050; 68.060; 68.070; 68.080; 68.090; 68.100; 68.110; 68.120; 68.130;
21 68.140; 68.150; 69.010; 69.020; 69.030; 69.040; 69.050; 69.060; 69.070; 69.080; 69.090;
22 69.100; 69.110; 69.120; 69.130; 69.140; Table 69-1; 76.170; Figure 76A; 77.150; 80.010;
23 80.020; 80.030; 80.040; 80.050; 80.060; 80.080; 80.090; 80.100; 80.120; 80.130; 80.140;
24 80.150; 80.160; 80.170; 80.180; 80.210; 80.220; 80.230; 80.240; 80.250; 80.990;
25 110.010; 110.020; 110.030; 110.040; 110.050; 110.900; 110.990; 111.010; 111.020;
26 111.030; 111.040; 111.050; 111.060; 111.070; 111.080; 111.090; 111.100; 111.110;
27 111.120; 111.130; 111.140; 111.150; 111.160; 111.170; 111.180; 111.190; 111.200;
28 111.210; 111.220; 111.230; 111.240; 111.250; 111.260; 111.270; 113.010; 113.020;
29 113.030; 113.040; 113.050; 113.060; 113.070; 113.080; 113.090; 116.100; 116.110;
30 116.120; 116.130; 118.010; 118.100; 118.110; 118.120; 118.130; 118.140; 118.150;

1 118.160; 118.170; 118.180; 118.190; 118.200; 118.210; 118.220; 118.230; 118.240;
2 118.340; 118.410; 119.010; 119.020; 119.030; 119.040; 119.050; 119.070; 119.080;
3 119.090; 119.100; 119.110; 119.150; 119.160; 119.200; 119.210; 119.250; 119.270;
4 119.290; 119.300; 119.340; 119.350; 119.400; 119.410; 119.460; 119.500; 119.550;
5 119.560; 119.570; 119.600; 119.650; 119.660; 119.670; 119.680; 119.690; 119.700;
6 119.705; 119.710; 119.720; 119.750; 119.800; 119.850; 119.900; Table 119-1; 121.010;
7 121.140; 121.150; 121.151; 121.152; 121.153; 121.241; 121.242; 121.244; 121.290;
8 121.300; 121.310; 121.320; 121.330; 121.340; 121.350; 121.360; 121.370; 121.380;
9 121.390; 121.400; 121.410; 121.440; 121.450; 121.460; 121.510; 121.520; 121.530;
10 121.540; 121.550; 121.551; 121.560; 121.570; 121.580; 121.600; 121.610; 121.620;
11 121.630; 121.640; 121.650; 121.660; 121.680; 121.690; 121.840; 121.850; 121.870;
12 122.010; 122.020; 122.030; 122.040; 122.050; 122.060; 122.070; 122.080; 122.090;
13 123.020; 123.030; 123.040; 123.050; 123.100; 123.200; 123.205; 123.215; 123.220;
14 123.900; 124.020; 125.020; 125.040; 125.050; 125.060; 125.080; 125.090; 125.100;
15 126.010; 126.020; 126.030; 126.040; 126.050; 126.060; 130.020; 130.100; 130.110;
16 130.120; 130.130; 130.140; 130.150; 130.160; 130.170; 130.180; 130.190; 130.200;
17 130.210; 130.220; 130.250; 130.260; 130.270; 130.400; 130.500; 130.550; 130.601;
18 130.602; 130.603; 130.604; 130.605; 130.606; 130.607; 130.608; 130.609; 130.900;
19 131.010; 131.020; 131.030; 131.040; 131.050; 131.060; 131.070; 131.100; 131.110;
20 131.120; 131.130; 131.180; 132.110; 132.120; 132.130; 132.140; 132.150; 132.160;
21 132.170; 132.180; 132.190; 132.200; 132.210; 132.220; 132.230; Table 132-1; Table
22 132-2; Table 132-3; 133.020; 133.030; 133.040; 133.050; 133.060; 133.070; 133.100;
23 133.110; 133.130; 133.140; 133.150; 133.160; 133.165; 133.170; 133.180; 133.200;
24 133.210; 133.220; Table 133-1; Table 133-2; Table 133-3; Table 133-4; Table 133-5;
25 134.010; 134.020; 135.010; 135.020; 135.040; 135.050; 135.070; 135.200; 136.010;
26 136.020; 136.030; 136.040; 136.050; 136.060; 136.070; 136.080; 136.090; 136.100;
27 136.110; 136.130; Figure 136-1; 137.010; 137.020; 137.030; 137.040; 137.050; 137.060;
28 137.070; 137.080; 138.010; 138.020; 138.030; 138.040; 138.050; 138.060; 138.070;
29 139.010; 139.020; 139.030; 139.040; 139.050; 139.060; 139.070; 139.080; 139.090;
30 139.100; 139.110; 139.120; 139.130; 139.140; 139.150; 139.160; 140.020; 140.030;

1 140.040; 140.050; 140.060; 140.070; 140.080; 140.090; 140.100; 140.110; 140.120;
2 140.130; 140.135; 140.140; 140.145; 140.150; 140.155; 140.160; 140.170; 140.180;
3 140.190; 140.195; 140.200; 140.210; 140.220; 140.230; 140.240; 140.250; 141.010;
4 141.020; 141.030; 141.040; 141.050; 141.070; 141.080; 141.090; 114.095; 141.100;
5 141.200; 141.210; 141.220; 141.230; 141.240; 141.250; 141.260; 141.270; 141.280;
6 141.290; 141.300; 141.310; Table 1- Riparian Buffer Width; Figure 1- Riparian Buffer
7 where bank slopes are less than 25%; Figure 2 – Riparian Buffer where bank slopes are
8 greater than or equal to 25%; Table 2 – Wider Riparian Buffer; 142.010; 142.020;
9 142.040; 142.050; 142.070; 142.200; 142.300; 142.400; 142.500; 143.010; 143.020;
10 143.040; 143.050; 143.070; 143.200; 143A.010; 143A.020; 143A.030; 143A.040;
11 143A.050; 143A.060; 143A.070; 143A.080; 143A.090; 143A.100; 143A.110; 143A.120;
12 143A.130; 143A.140; 143A.150; 143A.160; 143A.180; 143A.190; 143A.200; 143B.010;
13 143B.020; 143B.030; 143B.040; 143B.050; 143B.060; 143B.070; 143B.080; 143B.090;
14 143B.100; 143B.110; 143B.120; 143B.130; 143B.140; 143B.150; 143B.160; 143B.170;
15 143B.180; 143B.190; 143B.200; 143B.210; 143B.220; 143B.230; 143B.240; 143B.250;
16 143B.260; 143B.270; 143B.280; 143B.290; 143B.300; 143C.010; 143C.020; 143C.030;
17 143C.040; 143C.050; 143C.060; 143C.070; 143C.080; 143C.090; 143C.100; 143C.105;
18 143C.110; 143C.120; 143C.130; 143C.140; 143C.150; 143C.160; 143C.165; 143C.170;
19 143C.180; 143C.190; Table 143C-1; Table 143C-2; Figure 143C-1; Figure 143C-2;
20 143D.010; 143D.020; 143D.030; 143D.040; 143D.045; 143D.050; 143D.060; 143D.070;
21 143D.090; 143D.100; 143D.120; 143D.140; 143D.150; 143D.160; 143D.170; 143D.180;
22 143D.190; 143D.200; 143D.210; 143D.220; 143D.230; 143D.240; 143D.250; 143D.260;
23 Figure 143D-1 (Exhibit A); 143E.010; 143E.020; 143E.040; 143E.050; 143E.060;
24 143F.010; 143F.020; 143F.030; 143F.040; 143F.050; 143G.010; 143G.020; 143G.030;
25 143H.010; 143H.020; 143H.030; 143I.010; 143I.020; 143I.030; 143I.040; 143I.050;
26 144.020; 144.030; 144.035; 144.040; 144.050; 144.060; 144.070; 144.080; 144.090;
27 144.100; 145.010; 145.020; 145.030; 145.040; 145.050; 145.060; 145.070; 145.080;
28 145.090; 145.100; 145.105; 145.110; 145.120; 145.130; 145.900; 146.010; 146.020;
29 146.030; 146.035; 146.040; 146.050; 146.060; 146.070; 146.080; 146.090; 146.100;
30 146.105; 146.110; 146.120; 146.130; 146.900; 147.010; 147.020; 147.030; 147.035;

1 147.040; 147.050; 147.060; 147.070; 147.080; 147.090; 147.100; 147.110; 147.120;
2 147.130; 147.200; 147.900; 148.150; 148.160; 148.170; 148.180; 148.190; 148.200;
3 148.210; 148.220; 148.230; 148.240; 148.250; 148.260; 148.270; 148.280; 148.290;
4 148.300; 148.310; 148.320; 148.330; 148.340; 148.350; 148.360; 148.370; 148.380;
5 148.390; 148.400; 148.410; 148.420; 148.430; 148.440; 148.450; 149.010; 149.020;
6 149.030; 149.035; 149.040; 149.050; 149.060; 149.070; 149.080; 149.090; 149.100;
7 149.900; 150.010; 150.020; 150.030; 150.035; 150.040; 150.050; 150.060; 150.070;
8 150.080; 150.090; 150.100; 150.110; 150.120; 150.130; 150.140; 150.900; 151.010;
9 151.020; 151.030; 151.035; 151.040; 151.050; 151.060; 151.070; 151.080; 151.090;
10 151.100; 151.110; 151.120; 151.140; 151.150; 151.200; 151.210; 151.220; 151.230;
11 151.900; 152.010; 152.020; 152.030; 152.035; 152.040; 152.050; 152.060; 152.070;
12 152.080; 152.090; 152.100; 152.110; 152.120; 152.130; 152.900; 153.010; 153.020;
13 153.030; 153.035; 153.040; 153.050; 153.060; 153.070; 153.080; 153.090; 153.100;
14 153.110; 153.900; 154.010; 154.020; 154.030; 154.035; 154.040; 154.050; 154.055;
15 154.060; 154.070; 154.080; 154.090; 154.900; 155.010; 155.020; 155.030; 155.035;
16 155.040; 155.050; 155.055; 155.060; 155.070; 155.080; 155.090; 155.100; 155.900;
17 156.010; 156.020; 156.030; 156.032; 156.035; 156.040; 156.050; 156.060; 156.070;
18 156.080; 156.090; 156.100; 156.110; 156.120; 156.130; 156.140; 156.150; 156.160;
19 156.170; 156.900; 157.010; 157.020; 157.030; 157.035; 157.040; 157.050; 157.060;
20 157.070; 157.080; 157.090; 157.100; 157.110; 157.120; 157.130; 157.900; 158.010;
21 158.020; 158.030; 158.035; 158.040; 158.050; 158.060; 158.070; 158.080; 158.090;
22 158.100; 158.110; 158.900; 159.010; 159.020; 159.030; 159.035; 159.040; 159.050;
23 159.060; 159.070; 159.080; 159.090; 159.100; 159.110; 159.900; 160.010; 160.020;
24 160.030; 160.040; 160.050; 160.060; 160.070; 160.080; 160.090; 160.100; 160.110;
25 160.120; 160.200; 160.210; 160.220; 160.230; 160.240; 160.250; 160.260; 160.270;
26 160.900; 161.005; 161.010; 161.020; 161.030; 161.040; 161.050; 161.060; 161.070;
27 161.080; 161.090; 161.100; 161.120; 161.130; 161.140; 161.150; 161.160; 161.170;
28 162.010; 162.020; 162.030; 162.040; 162.050; 162.060; 162.070; 162.080; 162.090;
29 162.100; 162.110; 162.120; 162.130; 230.101; 300.240; 300.800; and that certain
30 document entitled “The City of Salem Development Design Handbook”.

1 **Section 190.** The following SRC 95.240 is hereby added to SRC Chapter 95:

2 **95.240. Unlawful Keeping of Miniature Swine.**

3 (a) It shall be unlawful to keep more than one miniature swine (species *Sus scrofa*
4 *bittatus*) as a household pet in any dwelling unit.

5 (b) It shall be unlawful to keep any miniature swine as a household pet unless:

6 (1) The miniature swine is less than 100 pounds in weight;

7 (2) The miniature swine is less than 18 inches in height at the shoulder; and

8 (3) The miniature swine is spayed or neutered.

9 (c) A violation of this section is an infraction.

10 (d) As used in this section, “miniature swine” means a swine of the species *Sus scrofa*
11 *bittatus*, commonly known as a “pot-bellied pig.”

12 (d) As used in this section, “household pet” means the keeping of an animal in the
13 home for pleasure rather than for commercial purposes.

14 **Section 191. SRC 300.1110 is amended to read as follows:**

15 **300.1110. Legislative Procedure.**

16 (a) **Initiation.** Legislative land use proceedings may be initiated by the City Council,
17 Planning Commission, Historic Landmarks Commission, or staff.

18 (1) The City Council may initiate a legislative land use proceeding by the adoption
19 of a resolution, which shall state whether the matter is to be referred to another
20 Review Authority for public hearing and recommendation.

21 (2) The Planning Commission or Historic Landmarks Commission may initiate a
22 legislative land use proceeding by the adoption of a resolution referring the matter
23 to public hearing for review and recommendation to the City Council.

24 (3) Staff may initiate a legislative land use proceeding by preparing an ordinance
25 bill and placing the ordinance on the City Council agenda for first reading. The
26 City Council may schedule a public hearing on the ordinance bill, may refer the
27 ordinance bill to public hearing before the Planning Commission or Historic
28 Landmarks Commission, as applicable, for its review and recommendation, may
29 refer the ordinance to a subcommittee for further review, prior to holding a public
30 hearing, or may decline to advance the ordinance to second reading.

1 **(b) Public Hearings; When Required.**

2 (1) Except as provided in paragraph (2) of this subsection, at least one hearing shall
3 be held for the purpose of receiving evidence and testimony in a legislative land use
4 proceeding. The hearing may be held by the Planning Commission, the Historic
5 Landmarks Commission, or the City Council.

6 (2) No public hearing is required in a legislative land use proceeding if the purpose
7 of the amendment is to conform to new requirements in state land use statutes,
8 Statewide Land Use Planning Goals, or administrative rules of the Oregon Land
9 Conservation and Development Commission implementing state land use statutes or
10 Statewide Land Use Planning Goals, if the Oregon Department of Land
11 Conservation and Development confirms in writing that the only effect of the
12 proposed change is to conform the Salem Area Comprehensive Plan or City’s land
13 use regulations to the new state requirements. The City Council, may, in its
14 discretion, hold a public hearing although none is required under this section, in
15 which case the hearing procedures in this section shall be followed.

16 **(c) Concurrency Requirement.** The Comprehensive Plan requires concurrent review
17 and action on certain legislative land use proceedings initiated by one jurisdiction
18 sharing the Salem/Keizer Urban Growth Boundary be coordinated with one or more of
19 the other regional jurisdictions. The regional jurisdictions within the Salem/Keizer
20 Urban Growth Boundary include the City of Salem, the City of Keizer, Marion County,
21 and Polk County. Land use decisions identified by the Salem Area Comprehensive
22 Plan as requiring concurrence are defined as “Regional Planning Actions” and “Non-
23 Regional Planning Actions.” The review of regional and non-regional planning actions
24 shall be conducted as provided in the Salem Area Comprehensive Plan.

25 **(d) Oregon Department of Land Conservation and Development Pre-Adoption**
26 **Notice.** Notice to the Oregon Department of Land Conservation and Development is
27 required for legislative land use proceedings, unless state land use statutes, Statewide
28 Planning Goals, or administrative rules of the Oregon Land Conservation and
29 Development Commission implementing state land use statutes or Statewide Land Use
30 Planning Goals do not apply to the legislative land use proceeding, in which case no

1 notice is required. Where notice of a legislative land use proceeding is required, the
2 City shall provide notice to the Oregon Department of Land Conservation and
3 Development no later than the minimum number of days required by ORS Chapter
4 197.610. An affidavit of submission or affidavit mailing shall be prepared and made
5 part of the file. Notice shall be on forms provided by the Oregon Department of Land
6 Conservation and Development and be accompanied by the information required by
7 ORS 197.610.

8 **(e) Public Notice.** Public notice is required for public hearings in legislative land use
9 proceedings. The purpose of this notice is to provide citizens, affected property
10 owners, and other interested parties with the opportunity to submit written comments
11 concerning the proposal and to invite participation in the public hearing process.

12 **(1) Mailed Notice.**

13 **(A) First Evidentiary Hearing.** The City shall mail notice of the first
14 evidentiary public hearing in a legislative land use proceeding not more than 40
15 days, but not less than 20 days, prior to the first evidentiary hearing. Affidavits
16 of mailing shall be prepared and made part of the file. Notice of the first
17 evidentiary public hearing shall be mailed to:

- 18 **(i)** The Boards of Commissioners of Marion and Polk Counties;
- 19 **(ii)** All City-recognized neighborhood associations;
- 20 **(iii)** The owner(s) or contract purchaser(s) of record of each property that
21 will be rezoned, as defined by ORS 227.186(9), in order to comply with the
22 proposal, if adopted;
- 23 **(iv)** The Oregon State Department of Parks and Recreation for all
24 comprehensive plan and zone code text amendments relating to the goals
25 and policies of the Willamette River Greenway and the Willamette
26 Greenway Zone; and for all proposed modifications to the boundaries of
27 such zone;
- 28 **(v)** The Oregon State Department of Geology and Mineral Resources for all
29 zone code text amendments relating to mining, quarry operations, or mineral
30 aggregate extraction;

1 (vi) The Capitol Planning Commission for every zone code text amendment
2 relating to a Public zone;

3 (vii) The Federal Insurance Administration, U.S. Department of Housing
4 and Urban Development, for all zone code text amendments relating to the
5 Flood Plain Overlay Zones; and for all proposed modifications to the
6 boundaries of such zones;

7 (viii) The tenants of manufactured home or mobile home parks for
8 comprehensive plan map and/or zone changes affecting all or part of a
9 manufactured home or mobile home park;

10 (ix) Any governmental agency which is entitled to notice by law or under
11 an intergovernmental agreement with the City; and

12 (x) Any community organizations, public utilities, agencies, or individuals
13 who have submitted written requests for notification of legislative land use
14 proceedings.

15 **(B) Subsequent Public Hearings.** The City shall mail notice of each
16 subsequent evidentiary public hearing in a legislative land use proceeding a
17 minimum of 10 days prior to the evidentiary hearing. Affidavits of mailing shall
18 be prepared and made part of the file. Notice of each subsequent evidentiary
19 hearing shall be mailed to:

20 (i) Any group or individual who submitted testimony prior to the close of
21 first evidentiary hearing.

22 (ii) All City-recognized neighborhood associations;

23 (iii) Any governmental agency which is entitled to notice by law or under
24 an intergovernmental agreement with the City; and

25 (iv) Any community organizations, public utilities, agencies, or individuals
26 who have submitted written requests for notification of subsequent
27 evidentiary hearings.

28 **(C) Mailed notice of a public hearing shall include:**

29 (i) A concise description of the proposal;

- 1 (ii) A map identifying the property affected by the proposal, if applicable,
2 in relation to major streets or other landmarks;
- 3 (iii) A list of the applicable standards or criteria;
- 4 (iv) The date, time, and location of the public hearing;
- 5 (v) A brief summary of the decision making process;
- 6 (vi) A general explanation of the requirements for submission of testimony
7 and the procedure for conduct of hearings;
- 8 (vii) A statement that all interested persons may appear either in person or
9 with representation by an attorney and provide testimony and that only those
10 participating at the hearing, in person or by submission of written testimony,
11 have the right to appeal the decision;
- 12 ~~(viii) A statement that a copy of the staff report with recommendation will
13 be available for inspection at no cost at least seven days prior to the
14 hearing, and that copies will be provided at a reasonable cost;~~
- 15 ~~(viii)(ix)~~ The information required under ORS 227.186, if the hearing is the
16 first evidentiary hearing and the final decision by the City Council would
17 require the rezoning of land, as defined by ORS 227.186.
- 18 ~~(ix)(x)~~ If the hearing is the first evidentiary hearing, and such hearing will
19 be held before the Planning Commission or the Historic Landmarks
20 Commission, a statement that subsequent to the close of the hearing a
21 recommendation will be forwarded to the City Council;
- 22 ~~(x)(xi)~~ For the final public hearing before the City Council, if held, a
23 statement that subsequent to the close of the hearing notice of a decision
24 adopting a new land use regulation will be mailed to all neighborhood
25 associations, anyone who participated in the hearing, either in person or in
26 writing, and anyone who requested to receive notice; and
- 27 ~~(xi)(xii)~~ The name and contact information for the staff case manager.

28 **(2) Published Notice.** The City shall cause notice of each hearing in a legislative
29 land use proceeding to be published in a newspaper of general circulation within the
30 City at least once a week for two consecutive weeks prior to the hearing, with the

1 second notice to be published at least 2 days immediately preceding the hearing. An
2 affidavit of publication from the newspaper shall be obtained and made part of the
3 file.

4 **(f) Staff Report.** Staff shall prepare a staff report summarizing the legislative land use
5 proposal, any comments received, and the relevant issues associated with the proposal;
6 and making recommendation on the proposal. ~~Staff reports shall be made available to~~
7 ~~the public for review a minimum of 7 days prior to the hearing or first reading of the~~
8 ~~ordinance, if no hearing is held.~~

9 **(g) Recommendation.** If the proposal has been referred to the Planning Commission
10 or Historic Landmarks Commission for review and recommendation, the Planning
11 Commission or Historic Landmarks Commission, as the case may be, shall, within any
12 time frame set by the City Council, make a recommendation to adopt, to adopt with
13 modifications, or to not adopt the proposal based upon the facts in the record and
14 according to applicable standards or criteria. The recommendation shall be a written
15 order and include:

- 16 (1) A list of the applicable standards or criteria;
- 17 (2) A statement of facts relied upon in making the recommendation. The order may
18 adopt or incorporate a staff report or written findings prepared by any party to the
19 proceeding into the order; and
- 20 (3) The recommendation.

21 **(h) Notice of Recommendation.** Notice of the recommendation shall be mailed
22 within 7 days from the date the Planning Commission or Historic Landmarks
23 Commission adopts its written order. An affidavit of mailing shall be prepared and
24 made part of the file.

25 (1) Notice of recommendation shall be mailed to:

- 26 (A) Any group or individual who submitted testimony prior to the close of the
27 public hearing;
 - 28 (B) All City-recognized neighborhood associations;
- 29
30

1 (C) Any governmental agency which is entitled to notice by law or under an
2 intergovernmental agreement with the City, and any governmental agency which
3 submitted testimony for the record prior to the close of the public hearing; and
4 (D) Any community organizations, agencies, or individuals who submitted
5 written requests for notice of the recommendation to the City.

6 (2) Notice of recommendation shall include:

7 (A) A brief description of the proposal;

8 (B) A brief summary of the recommendation;

9 (C) A brief statement explaining the next steps in the review process; and

10 (D) A statement that the complete case file is available for review. The notice
11 shall state where the case file is available and the name and telephone number of
12 the staff case manager to contact about reviewing the case file.

13 (i) **Decision.** City Council action on legislative land use proposals shall, in addition to
14 the requirements of this Chapter, conform to the Salem City Charter and City Council
15 Rules.

16 (1) Subsequent to receiving a recommendation, the City Council may in its sole
17 discretion:

18 (A) Proceed with enactment of an ordinance;

19 (B) Refer the proposal back to the Planning Commission or Historic Landmarks
20 Commission for additional deliberation;

21 (C) Abandon the proposal; or

22 (D) Hold a public hearing on the proposal, and, after the hearing, proceed as
23 provided in subparagraphs (A)-(C) of this paragraph.

24 (2) Decisions in legislative land use proceedings may be accompanied by findings
25 demonstrating the proposal's conformance with any applicable standards or criteria.

26 (j) **Notice of Decision.** Notice of final decision in a legislative land use proceeding
27 shall be mailed within 20 days from the date the ordinance is enacted. An affidavit of
28 mailing shall be prepared and made part of the file. Notice of the final decision shall be
29 provided as follows:

30 (1) Notice of final decision shall be mailed to:

- (A) Any group or individual who submitted testimony prior to the close of the public hearing;
- (B) All City-recognized neighborhood associations;
- (C) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted testimony prior to the close of the public hearing;
- (D) Any community organizations, agencies, or individuals who submitted written requests for notice of the decision; and
- (E) The Oregon Department of Land Conservation and Development, on forms provided by the Oregon Department of Land Conservation and Development.

(2) Notice of final decision shall include:

- (A) A brief description of the proposal;
- (B) A brief summary of the final decision and any modifications to the proposal;
- (C) The date, time, and place by which an appeal must be filed and where further information may be obtained concerning the appeal process; and
- (D) A statement that the complete case file, including findings, conclusions, modifications, and conditions of approval, if any, is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

(k) Appeals. Appeals of final decisions in legislative land use proceedings are to the Oregon Land Use Board of Appeals and must be filed with the Oregon Land Use Board of Appeals within 21 days of the mailing date of the notice of enactment of the ordinance as provided pursuant to subsection (j) of this section.

Section 192. SRC 260.085 is amended to read as follows:

260.085. Addition of Annexed Areas to Official Map. When an annexation of territory to the City of Salem becomes final and effective, the Director shall add the property to the official zoning map, along with the zoning and comprehensive plan designations. The official zoning map shall be annotated to the effect that the territory was annexed, and include a citation to the action annexing the property and establishing the designations. ~~The addition to the official zoning map shall be certified and filed in the manner as set forth in SRC 113.030.~~

1 **Section 193.** SRC 270.020 is amended to read as follows:

2 **270.020. Nonconforming Manufactured Dwellings in Manufactured Dwelling Parks.**

3 Notwithstanding the provisions of SRC 270.005, any nonconforming manufactured dwelling,
4 including associated accessory buildings or structures, in a manufactured dwelling park may be
5 repaired, altered, or replaced provided such repair, alteration, or replacement complies with
6 applicable development standards of the Oregon Manufactured Dwelling and Park Specialty
7 Code, the Oregon Manufactured Dwelling Installation Specialty Code, ~~UDC~~ and all other
8 applicable laws, ordinances, and regulations.

9 **Section 194.** SRC 82.070 is renumbered 78.285 and amended to read as follows:

10 **78.285.** ~~82.070.~~ Sidewalk Benches Prohibited; Removal Required.

11 (a) It shall be unlawful for any person except upon written consent of the City to place
12 or maintain in any portion of any public street, sidewalk, or right-of-way any bench for
13 public or private use.

14 (b) Upon request by the City, any bench placed or maintained in or on a public street,
15 sidewalk, or right-of-way. ~~All such benches existing on or after January 1, 1972,~~ shall
16 be removed by the owner at owner's ~~his~~ expense.

17 (c) Violation of this section is an infraction.

18 **Section 195** ~~194.~~ **Renumbering.** 66.035 is renumbered 200.015; 66.195 is renumbered 41.310;
19 66.310 is renumbered 200.205; 66.320 is renumbered 200.210; 66.340 is renumbered 200.220;
20 66.360 is renumbered 200.230; 66.380 is renumbered 200.240; 66.390 is renumbered 200.245;
21 66.400 is renumbered 200.250; 66.410 is renumbered 200.255; 66.420 is renumbered 200.260;
22 66.430 is renumbered 200.265; 66.440 is renumbered 200.270; 66.510 is renumbered 200.310;
23 66.515 is renumbered 200.315; 66.520 is renumbered 200.320; 66.530 is renumbered 200.330;
24 66.535 is renumbered 200.335; 66.540 is renumbered 200.340; 66.545 is renumbered 200.345;
25 66.550 is renumbered 200.350; 66.555 is renumbered 200.355; 66.570 is renumbered 200.370;
26 66.575 is renumbered 200.375; 66.580 is renumbered 200.380; 66.585 is renumbered 200.385;
27 66.600 is renumbered 200.410; ~~SRC 82.070 is renumbered SRC 78.285;~~ 300.810 is renumbered
28 300.800; 300.820 is renumbered 300.810; 300.840 is renumbered 300.830; 300.880 is
29 renumbered 300.870.

1 **Section 196~~192~~. Severability.** If any section, subsection, sentence, clause, or phrase of this
2 ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect
3 the validity of the remaining portions of this ordinance. The City Council hereby declares that it
4 would have passed this ordinance, and each section, subsection, sentence, clause, or phrase
5 thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or
6 phrases may be declared invalid or unconstitutional, and, further declares that, if for any reason
7 this ordinance should be declared unconstitutional, then the original ordinance or ordinances
8 shall be in full force and effect.

9 **Section 197~~193~~. Codification.** In preparing this ordinance for publication and distribution, the
10 City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within
11 such limitations, may:

- 12 (a) Renumber sections and parts of sections of the ordinance;
- 13 (b) Rearrange sections;
- 14 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 15 (d) Delete references to repealed sections;
- 16 (e) Substitute the proper subsection, section or chapter or other division numbers;
- 17 (f) Change capitalization and spelling for the purpose of uniformity;
- 18 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 19 (h) Correct manifest clerical, grammatical or typographical errors.

20 **Section 198. Extensions of Approval for Land Use Actions Approved Prior to Ordinance**

21 **Effective Date.** *Upon submittal of an application for extension as required under SRC*
22 *300.850(b), requests for extensions of land use actions approved prior to the effective date of this*
23 *ordinance may be approved notwithstanding the fact that the standards and criteria under which*
24 *the original application was approved may have been changed by adoption of this ordinance.*
25 *An applicant requesting an extension must comply with all other requirements for an extension.*

26 **Section 199. Extensions of Approval for Land Use Actions that Expired Prior to Ordinance**

27 **Effective Date.** *Where an approval for a land use action issued prior to the effective date of this*
28 *ordinance expired on or after October 1, 2012, and such approval was eligible for an extension,*
29 *but because the standards and criteria used to approve the original application had been*
30 *modified, the extension could not be granted, the land use action may, upon application by the*

1 applicant, be reinstated and extended pursuant to SRC 300.850(b). The new expiration period
2 shall be calculated from the effective date of the decision granting the extension. An application
3 for extension pursuant to this section shall be submitted within six months of the effective date of
4 this ordinance. Approvals reinstated subject to this section may only be extended for the amount
5 of time remaining on their approval, prior to expiration.

6 **Section 200 194.** Effective Date. This ordinance shall become effective thirty days after
7 enactment, unless a notice of appeal is timely filed, in which case the ordinance shall become
8 effective on the date the ordinance is deemed acknowledged pursuant to ORS 197.625(2).

9
10 PASSED by the City Council this 14th day of April, 201~~7~~^{4 DBA}.

11 ATTEST:

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14 City Recorder Ruth A. O'Mahoney
15 Approved by City Attorney: B. Bishop



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17 Checked by: B. Bishop

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FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

March 24, 2014
4 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH:  LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, DIRECTOR 
COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: ADDITIONAL AMENDMENTS TO ORDINANCE BILL NO. 31-13,
ADOPTING REMAINING CHAPTERS OF UNIFIED DEVELOPMENT
CODE

ISSUE:

Should the City Council amend Ordinance Bill No. 31-13, as set forth in proposed engrossed Ordinance Bill No. 31-13, and advance the engrossed ordinance bill, adopting the remaining chapters of the UDC, to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 31-13, as set forth in proposed engrossed Ordinance Bill No. 31-13, and advance the engrossed ordinance bill, adopting the remaining chapters of the UDC, to second reading for enactment.

BACKGROUND:

On December 9, 2013, the City Council held a public hearing on engrossed Ordinance Bill No. 31-13, adopting the remaining chapters of the City's proposed new Unified Development Code (UDC). After receiving evidence and testimony on the proposed amendments, the City Council voted to close the public hearing and hold the written record open until January 27, 2014. The written record period was subsequently extended to March 14, 2014.

During this time staff has prepared additional revisions to the engrossed ordinance bill. The additional revisions include the following:

1. Approval Criteria for Land Divisions. The approval criteria for subdivisions and partitions are proposed to be revised by removing the approval criterion for partitions, included under SRC 205.005(d), and the corresponding approval criterion for subdivisions, included under SRC 205.010(d), requiring adequate measures to be planned to alleviate identified natural or human produced hazards or limitations to development on a property. Testimony provided at the December 9, 2013 City Council public hearing expressed concern over the discretionary nature of the approval criterion and its lack of necessity due to the City having other ordinances in place, such as the City's landslide hazard ordinance, to address these issues.

Staff concurs with concerns raised. Removal of this criterion will not affect the City's ability to ensure that natural or fabricated hazards on property are addressed when property is divided. The City's landslide hazard, flood plain, wetlands, and other ordinances, which include specific requirements for addressing these issues, will continue to apply to ensure properties are safely developed.

2. Nonconforming Manufactured Dwellings in Manufactured Dwelling Parks. At the December 9, 2013 City Council public hearing, concern was also expressed regarding the requirements applicable to nonconforming manufactured dwellings within manufactured dwelling parks. Testimony provided at the hearing explained that under the current code nonconforming manufactured dwellings within manufactured dwelling parks can be replaced if they meet the applicable current code standards. These standards, however, often require setbacks for manufactured dwellings located on the perimeter of the park that are greater than those originally required for the park and create a situation where, due to the size of the space and the larger setbacks, dwellings cannot always be replaced.

In order to address this concern, section SRC 270.020 of the nonconforming situations Chapter (SRC Chapter 270) dealing with nonconforming manufactured dwellings within manufactured dwellings parks is proposed to be amended to allow nonconforming manufactured dwellings, and their associated accessory buildings and structures, to be repaired, altered, or replaced in conformance with the applicable standards of the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured Dwelling Installation Specialty Code. These standards already apply to manufactured dwellings located within the interior of manufactured dwelling parks and will ensure that setbacks necessary to ensure fire and life safety are provided while at the same time providing needed flexibility to allow existing spaces within parks to continue to be used.

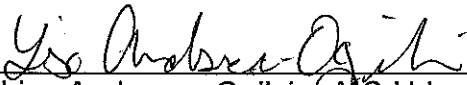
The engrossed ordinance also includes revisions addressing additional issues identified by staff subsequent to the City Council public hearing, such as clarifying the requirements for adding newly annexed areas to the zoning map, requirements for deferral of public improvements required with zone changes, and requirements for placement of benches in the public right-of-way. The proposed revisions also include changes to correct identified scrivener's errors. Excerpts from the ordinance identifying the specific sections that are proposed to be further amended can be viewed online at:

[http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC_Phase-II_Engrossed2_Ord_31-13_\(Excerpted_Changes\).pdf](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC_Phase-II_Engrossed2_Ord_31-13_(Excerpted_Changes).pdf)

The full text of engrossed Ordinance Bill No. 31-13 can be viewed online at:

http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC_Phase-II_Engrossed2_Ord_31-13.pdf

Additional text proposed to be added to the ordinance is shown with *italic bold underline*.
Additional text proposed to be deleted from the ordinance is shown with ~~*italic double
strikethrough*~~.



Lisa Anderson-Ogilvie, AIC Urban Planning Administrator

Prepared by Bryce Bishop, Planner II

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FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

December 9, 2013

4 (a)

January 27, 2014

4 (b)

March 24, 2014

4 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH: *Ruby Deane* LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, INTERIM DIRECTOR
COMMUNITY DEVELOPMENT DEPARTMENT *GWG*

SUBJECT: AMENDMENTS TO THE SALEM REVISED CODE (SRC) ADOPTING
REMAINING CHAPTERS OF UNIFIED DEVELOPMENT CODE (CA 13-
09)

ISSUE:

Should the City Council amend Ordinance Bill No. 31-13 as set forth in engrossed Ordinance Bill No. 31-13, and advance engrossed Ordinance Bill 31-13, adopting the remaining chapters of the Unified Development Code (UDC), to second reading for enactment?

RECOMMENDATION:

Staff recommends that the City Council amend Ordinance Bill No. 31-13 as set forth in engrossed Ordinance Bill No. 31-13, and advance engrossed Ordinance Bill No. 31-13, adopting the remaining chapters of the UDC, to second reading for enactment.

SUMMARY:

The Unified Development Code represents the end of a multi-year project to streamline and clarify the City's existing codes relating to land use and development. The last major update occurred in 1983. This update and reorganization aims to make the code easier to use and understand. The Unified Development Code clarifies development standards; fixes inconsistencies, conflicts, and gaps to reduce confusion and error; simplifies and streamlines processes; makes necessary changes to comply with requirements of State law; and introduces tables and graphics to more simply convey development requirements.

Ordinance Bill No. 31-13 has been engrossed to incorporate the Planning Commission's recommended change to the ordinance resulting from their November 5, 2013, public hearing, as well as to incorporate additional needed changes identified by staff subsequent to first reading of the ordinance.

BACKGROUND:

On May 28, 2013, the City Council began the process of implementing the UDC with the adoption of the following eight chapters (Phase I):

- SRC Chapter 220 – Site Plan Review
- SRC Chapter 225 – Design Review
- SRC Chapter 240 – Conditional Use

- SRC Chapter 245 – Variances
- SRC Chapter 250 – Adjustments
- SRC Chapter 255 – Street Naming, Addressing, and Vacation of Public Property.
- SRC Chapter 265 – Zone Changes
- SRC Chapter 270 – Nonconforming Situations

Since the adoption of the first eight chapters with Phase I, the remaining 83 chapters of Phase II have been completed and readied for adoption. These chapters, along with the first eight, fall into the following organizational structure of the UDC:

- **Division 100 – General Administration.** Chapters within Division 100 govern the overall administration and enforcement of the UDC, and establish definitions for selected terms and methods of measurement for certain development standards under the UDC.
- **Division 200 – Land Use and Development Review.** Chapters within Division 200 govern the various types of land use and development review applications under the UDC. These chapters identify the specific submittal requirements, the applicable review procedure types, and the approval criteria for such applications. While a majority of the chapters within Division 200 were adopted with Phase I of the UDC, Ordinance Bill 31-13 includes the adoption of additional chapters that were not included in Phase I.
- **Division 300 – Procedures.** Division 300 includes the City’s procedures ordinance. The procedures ordinance establishes the applicable procedures for the review and processing of land use and development review applications, and legislative land use proceedings, under the UDC. The chapter establishes general submittal requirements, specific procedure types for the processing of land use and development review applications, and requirements for public notice, hearings, and appeals. Though the City’s procedures ordinance was adopted separately from the UDC, Ordinance Bill No. 31-13 includes amendments to conform the chapter to the new provisions of the UDC.
- **Division 400 – Use Classifications.** Division 400 includes the Use Classifications chapter. The Use Classifications chapter governs the classification of land uses under the UDC and replaces the outdated 1987 Standard Industrial Classification (SIC) system currently used by the code for the classification of land uses.

The Use Classifications chapter identifies general categories of land uses and defines them by their functional characteristics. Examples of specific activities which meet the characteristics of the individual land uses are provided. The land uses identified in Chapter 400 form the basis for identifying land uses allowed within the City’s zones and overlay zones.
- **Division 500 – Zone Districts.** Chapters within Division 500 cover the different zones within the City. These chapters identify the land uses that are allowed within each zone, and also establish basic development standards (e.g., lot standards, setbacks, and height) applicable within each zone. The City’s zones are shown on the City’s official zoning map. Zones are intended to reserve land for planned land uses, promote compatibility between different land uses, and implement planned housing densities.

- **Division 600 – Overlay Zone Districts.** Chapters within Division 600 cover the different overlay zones within the City. These chapters establish additional regulations beyond those of the base zone in order to fulfill specific community objectives within identified areas of the City. Overlay zones are shown on the City's official zoning map. Overlay zone standards apply in addition to the standards of the base zone, or, in some cases, may supersede them.
- **Division 700 – Special Requirements.** Chapters within Division 700 establish special standards that apply to specific land uses in some or all zones where those land uses are allowed. The standards in these chapters apply in addition to the general standards of the zones, or, in some cases, may supersede them. Division 700 includes chapters establishing standards for special uses, temporary uses, and multiple family design review. The City's proposed wireless communication facilities ordinance will also be included within Division 700, but that ordinance is being reviewed separately from the UDC.
- **Division 800 – Development Standards.** Chapters within Division 800 establish standards that are generally applicable to development throughout the City, including, but not limited to, standards for City utilities, streets, driveways and driveway approaches, off-street parking and loading, landscaping, tree preservation, and sensitive lands. These standards are used in preparing development plans and reviewing development applications.
- **Division 900 – Sign Code.** Division 900 includes the City's Sign Code. The Sign Code establishes regulations applicable to all signage within the City. Though the Sign Code was adopted separately from the UDC, Ordinance Bill No. 31-13 includes amendments to conform the chapter to the new provisions of the UDC.

FACTS AND FINDINGS:

Procedural Findings

Pursuant to SRC 300.1110(a)(3), legislative land use proceedings may be initiated by staff through preparation and placement of an ordinance bill on the City Council agenda for first reading. The City Council may schedule a public hearing on the ordinance bill, refer it to another Review Authority for review and recommendation, or may decline to advance the ordinance bill to second reading.

On September 23, 2013, Ordinance Bill No. 31-13 was presented to the City Council for first reading. The Council voted to refer the proposed ordinance to the Planning Commission for a public hearing and recommendation.

The Planning Commission public hearing date was subsequently set and notice of the hearing was mailed to all property owners in the City and published in the newspaper. Notice to the Department of Land Conservation and Development (DLCD), as required under SRC 300.1110(d) and ORS 197.610, was provided on September 4, 2013.

On November 5, 2013, the Planning Commission held a public hearing to receive testimony and consider the proposed amendments. Subsequent to the close of the hearing the Commission voted to recommend that the City Council hold a public hearing on the proposed amendments

and advance the ordinance to second reading for enactment, with an amendment to allow Governmental Services as a permitted use in the Industrial Business Campus (IBC) zone. The Planning Commission's recommendation is included as Attachment A.

Engrossed Ordinance

In order to incorporate the Planning Commission's recommended change to the ordinance, and to incorporate additional needed changes recommended by staff that have been identified subsequent to first reading of the ordinance, an engrossed ordinance has been prepared. The proposed changes that have been incorporated into the engrossed ordinance include the following:

1. Governmental Services in the IBC Zone. The IBC zone is proposed to be amended to allow Governmental Services as a permitted use in the zone. This change is based on the recommendation of the Planning Commission.
2. Definition of "Land Use Action." The definitions chapter is proposed to be amended to add a definition for the term, "land use action." The term is used within the procedures ordinance and the UDC, but is currently undefined. The proposed addition of this definition will provide needed clarity.
3. Improvements Agreements for Final Plats. The section on improvement agreements for final plats included within the land division chapter of the UDC (Chapter 205) is proposed to be changed to reflect recent amendments to the City's subdivision code concerning performance security for public improvements. Those recent amendments, which were included in Ordinance Bill No. 21-13, were adopted on June 24, 2013, subsequent to the completion of Chapter 205 of the UDC. It is therefore necessary to update the ordinance to reflect those recent amendments to the subdivision code. The proposed changes are included under SRC 205.035(c)(6)(B).
4. Nursing Care in the RD, RM-I, RM-II, RH, CO, and CHR Overlay Zone. At the Planning Commission public hearing, testimony was provided requesting that consideration be given to changing Nursing Care back to a Special Use in the RM-II zone. Under the UDC, Nursing Care was changed from a Special Use to a Conditional Use in the RD, RM-I, RM-II, RH, and CO zones, and the Commercial/High Density Residential Overlay Zone, in an effort to reduce the overall number of Special Uses in the Code.

The Planning Commission did not vote to recommend this change, but upon further consideration staff recommends that Nursing Care be changed back to a Special Use in the RM-II zone and the other zones where it's currently allowed as a Special Use, including the RD, RM-I, RH, and CO zones, and the Commercial/High Density Residential Overlay Zone. The proposed change is recommended in recognition that nursing care is an appropriate use within these zones and does not need the same level of review that's required for such use when located in a single family residential zone. Under the proposed change, nursing care will be subject to the same standards that apply to it today in order to ensure compatibility with adjacent properties. In order to make this change, Chapter 700 (Special Use Provisions) of the UDC has been amended to add Nursing Care as a special use, and various cross references throughout the ordinance to Chapter 700 have been correspondingly renumbered.

5. Effect of UDC on Expiration of Approved Land Use Applications. Currently under the procedures ordinance, an approved application may be extended if there have been no modifications to the standards and criteria used to approve the original application. Because of this criterion, and because the UDC rewrites the entire development code, there would be instances where previously approved applications could not be extended. However, because the UDC is intended to be policy neutral, it is not the intent of the UDC to preclude applications that have been previously approved from receiving extensions to their approvals.

In order to address this issue, two sections are proposed to be added to the ordinance, sections 195 and 196, clarifying how adoption of UDC affects approved applications, and how such applications may be extended and/or reinstated. These changes are needed to ensure that adoption of the UDC will not preclude previously approved applications from being extended solely because of the adoption of the UDC.

In addition, changes are proposed to the City's procedures ordinance (SRC Chapter 300) establishing an additional option for processing land use approval extensions. This additional proposed option, a Class 2 Extension, provides needed flexibility to approve extensions despite modifications being made to the standards or criteria used to approve the original application. A Class 2 Extension may be approved even if applicable standards and criteria have been changed, so long as those changes would not require modification of the original approval. This change is needed to ensure that approved applications are not unnecessarily impacted by changes in the code that would otherwise have no effect on their approval.

The full text of engrossed Ordinance Bill No. 31-13 can be viewed online at:

http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC/Phase-II_Engrossed_Ord_31-13.pdf

Excerpts from the ordinance identifying those specific sections that are proposed to be changed can be viewed online at:

[http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC/Phase-II_Engrossed_Ord_31-13_\(Excerpted_Changes\).pdf](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC/Phase-II_Engrossed_Ord_31-13_(Excerpted_Changes).pdf)

Text proposed to be added to the ordinance is shown with ***italic bold underline***. Text proposed to be deleted from the ordinance is shown with ~~*italic double strikethrough*~~.

Review Process

For over three and one-half years staff, along with the help of the Unified Development Code Advisory Committee, worked to review the proposed new chapters of the UDC. The Unified Development Code Advisory Committee was established to help with this process and serve as the hub for public review and involvement. The Committee consisted of 18 members, which included the Planning Commission, two City Council representatives, and nine members from the public.

The Committee met regularly each month. Over the course of their review more than 30 meetings were held. The meetings were open to the public, and the public was encouraged to

attend. Notice of the meetings, and updates on the UDC, were distributed to a project notification list of over 150 individuals, including representatives from all of the City's Neighborhood Associations, code users (architects, engineers, developers, realtors, land use attorneys, etc.), and the public. The meetings were also televised on Capitol Community Television (CCTV) channel 21 and streamed live on the CCTV website in order to make it easier for individuals to follow the project.

A website was also established, salemcodecleanup.net, where individuals could go to learn more about the UDC, review proposed chapters as they were completed, provide comments, and sign up for updates.

When requested, staff also attended neighborhood association and community group meetings to provide additional information and background on the UDC.

Summary of Proposed Amendments

The overall goal of the UDC is to establish a more user-friendly code that is clearly written, easier to understand, internally consistent, and more streamlined and concise.

Because the UDC is intended to be policy neutral, the majority of the standards and requirements under the UDC will be the same as they are under the current code, but reorganized in a clearer, more concise, and consistent format.

In those cases where a proposed change was identified representing a major policy issue, the proposed change was generally set aside and added to a list of potential future code revisions to be addressed separately from the UDC process. There were some instances, however, where a current problem with the code required making a more significant change with the UDC now, rather than waiting to address it through a separate process later. These proposed changes, which represent some of the most significant improvements to the code, include the following:

1. Establishing a new use classification system to serve as the basis for identifying the different land uses that are allowed within the City's zones and overlay zones.
2. Establishing a simpler approach to setbacks to replace bufferyards.
3. Revisions to the Industrial Business Campus (IBC) zone.
4. Allowing greater flexibility within overlay zones.

A more detailed summary of these proposed changes, as well as an overview of other proposed changes in the UDC, are included in the Planning Commission staff report (Attachment B).

Conformance with the Salem Area Comprehensive Plan

The Salem Area Comprehensive Plan requires that all zoning ordinances and subdivision regulations be consistent with and support the Comprehensive Plan. Because the UDC proposes to amend the City's zoning and development codes, the proposed amendments must therefore conform to and comply with the applicable goals and policies of the Comprehensive Plan. The proposed UDC conforms to the Salem Area Comprehensive Plan as follows:

Section IV (B) – General Development

- **Policy B.1 – Citizen Involvement:** *Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.*

Finding: The review process for the UDC leading up to the public hearings before the Planning Commission and City Council provided extensive opportunities for public input and citizen involvement consistent with this policy.

For a period of over three and one half years the UDC Advisory Committee met to review the proposed chapters of the UDC as they were completed and made available for public review. During this time, over 30 public meetings with the UDC Advisory Committee were held. The meetings were open to the public, and the public was encouraged to attend. Notice of the meetings, and updates on the UDC, were distributed to a project notification list of over 150 individuals, which included representatives from all of the City's Neighborhood Associations, code users (architects, engineers, developers, realtors, land use attorneys, etc.), and the public. The meetings were also televised on Capitol Community Television (CCTV) channel 21 and streamed live on the CCTV website in order to make it easy for people to watch the meetings and follow the progress of the project if they were unable to attend meetings in person.

A website for the project was also established where individuals could go to learn more about the UDC, review proposed chapters as they were completed, provide comments, and sign up for updates.

A public hearing to receive testimony on the proposed UDC was held before the Planning Commission on November 5, 2013. A public hearing will be held with the City Council on December 9, 2013.

- **Policy B.12 – Development Compatibility:** *Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.*

Finding: Because the UDC is intended to be policy neutral, the screening, landscaping, setback, height, and mass regulations in the existing code will, except in the instance of bufferyards, generally remain the same.

In those zones where required setbacks and landscaping are based on bufferyards required under existing SRC Chapter 132 (Landscaping), the bufferyards are proposed to be replaced with a new "zone-to-zone" setback. The proposed new "zone-to-zone" setbacks are based on the zoning of abutting property, rather than use, and provide a more predictable method of determining required setbacks.

Under this proposed new approach, the required setbacks are based on the setback depths from existing SRC Chapter 132, but instead of assigning required setback depth based on the relationship between the impact levels assigned to abutting uses, the required setback depth is assigned based on the relationship between the impact levels

assigned to individual zones. For example, where the allowed land uses in a zone generally fell into the Heavy Impact category, the zone was identified as a Heavy Impact zone; where the allowed uses in a zone generally fell into the Light Impact category, the zone was identified as a Light Impact zone. The required setbacks between the zones were then determined based on the setbacks currently required under the Buffer Matrix (Table 132-1) of existing SRC Chapter 132.

While the proposed new approach will result in changes to the required setbacks for some uses in certain zones, this change is unavoidable when a transition is made from an existing system where the required setback can be one of several different possibilities based on the use of property, to one where there is one required setback based on the zoning of property.

The proposed new zone-to-zone setbacks represent a simpler and more predictable approach for determining setbacks, and because the required setback depths are based on methodology for assigning setbacks based on impacts from existing Chapter 132, the proposed zone-to-zone setbacks will continue to encourage development to reduce its impact on adjacent properties in conformance with this policy.

Section IV (E) – Residential Development

- **Goal:** *To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.*

Finding: The UDC will continue to promote a variety of housing opportunities for all income levels in conformance with this policy by maintaining the variety of different housing types that are currently allowed in the City's different zones and overlay zones.

- **Policy E.3 – Infill Development:** *City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.*

Finding: The UDC does not propose any changes to the code affecting the ability to develop passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods. One method allowed under the existing code to encourage the development of underutilized land is the allowance of flag lots. Under the UDC flag lots will continue to be allowed subject to the same lot size and setback requirements they are subject to today.

- **Policy E.6.a – Multiple Family Housing:** *To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones.*

Finding: The UDC does not propose any changes to the minimum densities required in the City's multiple family zones. The UDC will therefore continue to encourage the efficient use of residential land and public facilities in conformance with this policy by carrying forward existing minimum density requirements within the City's multiple family zones.

- **Policy E.6.b – Multiple Family Housing:** *Development regulations shall promote a range of densities that encourage a variety of housing types.*

Finding: The UDC does not propose any changes to the residential densities currently allowed in the City's different zones and overlay zones that are intended to encourage a variety of housing types. Therefore, the UDC will continue to promote a range of densities to encourage a variety of housing types in conformance with this policy.

- **Policy E.8 – Protection of Residential Areas:** *Residential areas shall be protected from more intensive land use activity in abutting zones.*
- **Finding:** Under the existing code, residential areas are protected from more intensive land use activity in abutting zones through establishment of standards for building height, setbacks, landscaping, and screening.

Requirements for building height are not proposed to be changed with the UDC and will continue to provide protection for residential areas in conformance with this policy.

Required setbacks in those zones where a bufferyard is currently required, however, are proposed to be replaced under the UDC with a new approach to setbacks that is based on the zoning of property, rather than use. The purpose of this new approach is to make determining required setbacks in those zones where a bufferyard is required simpler and more predictable, while also establishing setbacks and associated landscaping and screening consistent with what is currently required under SRC Chapter 132 (Landscaping).

Under the new approach, residentially zoned property will continue to be protected from more intensive activity on abutting non-residentially zoned property. The table below shows proposed zone-to-zone setbacks abutting residentially zoned property that will apply in those non-residential zones where a bufferyard is currently required.

Required Zone-to-Zone Setbacks Abutting Residential Zones			
Zone District	Assigned Impact Level	Minimum Setback	Landscaping & Screening
CN, CO, CR, & CG	Light	15 ft.	Setback is required to be landscaped. Min. 6-foot tall fence, wall, or hedge required.
IC & IP	Moderate	30 ft.	Setback is required to be landscaped. Min. 6-foot tall fence, wall, or hedge required.
IG & II	Heavy	40 ft.	Setback is required to be landscaped. Min. 6-foot tall fence or wall required.

Because the proposed zone-to-zone setbacks are based on the methodology for assigning setbacks based on impacts from existing Chapter 132, the proposed zone-to-zone setbacks will continue to protect residential areas from more intensive land use activity in abutting zones in conformance with this policy.

- **Policy E.9 – Alternative Housing Patterns:** *Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs.*

Finding: The UDC does not propose any changes to the code that would limit opportunities for increased housing densities, alternative housing patterns, and reduced development costs. The City's different residential zones will continue to allow a variety of types and densities of housing under the UDC. The UDC will also continue to allow ways to achieve alternative housing patterns, such as development of property as a Planned Unit Development (PUD) or development within areas zoned for compact residential development.

Section IV (G) – Commercial Development

- **Policy G.1 – Central Business District:** *The central business district shall be maintained and developed as a regional retail and employment center for the Salem urban area.*

Finding: Under the UDC, the Central Business District (CB) zone will continue to support Salem's Central Business District as a regional retail and employment center for the Salem urban area by maintaining the wide variety of retail, office, cultural, and recreational uses that are currently allowed in the zone. In order to further strengthen the CB zone as a regional employment center, the UDC proposes to expand the types of manufacturing uses allowed to include small-scale manufacturing where retail sales of the products manufactured is provided on-site.

- **Policy G.7 – Mixed-Use Development:** *Mixed-use development shall be provided for in land use regulations.*

Finding: The UDC does not propose any changes to the code that would affect the ability to develop mixed-use developments. Under the UDC, mixed-use development will continue to be allowed in those zones and overlay zones where it is currently allowed.

- **Policy G.8 – Mixed-Use Development:** *Buffer strips for residential uses shall be provided for all commercial development.*

Finding: In those zones where required setbacks are based on the bufferyard requirements of existing SRC Chapter 132 (Landscaping), a new approach to setbacks is proposed to replace the bufferyard requirements. Under the new approach, required setbacks will be based upon the zoning of property rather than its use. Within those Commercial zones that currently require bufferyards, a minimum setback of 15 feet will be required where the Commercial zone abuts a Residential zone. The setback will be required to be landscaped, and a minimum 6-foot tall sight-obscuring fence, wall, or hedge will be required for screening.

The minimum 15-foot setback, with its associated landscaping and screening, is consistent with what is currently required under SRC Chapter 132 when a Light Impact use abuts a residential use and therefore will continue to ensure that buffer strips for residential uses will be provided for commercial development in conformance with this policy.

In those commercial and mixed-use zones where setbacks are not based on the bufferyard requirements of SRC Chapter 132, the required setbacks have not changed and will therefore continue to provide buffering between commercial and residential uses as required by this policy.

Section IV (I) – Industrial Development

- **Policy I.4 – Interface with Other Uses:** *Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.*

Finding: With the exception of bufferyards, the UDC maintains those standards from the existing industrial zones established to ensure that development is compatible with surrounding land uses.

Under the UDC, a new approach to setbacks is proposed to replace bufferyards in the existing code. The proposed new zone-to-zone setbacks are based on the required setbacks from SRC Chapter 132, but instead of determining the setback based on the impacts levels assigned to individual land uses, the setbacks are based on impacts levels assigned to individual zones. Under this approach, where two zones abut which have been assigned the same impact level (e.g. CR abutting CG), the setback will be less and where two zones abut which have been assigned different impact levels (e.g. IG abutting RS), the setback will be more.

Because the proposed zone-to-zone setbacks are based on the methodology for assigning setbacks based on impacts from existing Chapter 132, the proposed zone-to-zone setbacks will continue to ensure that industrial development will be subject to development standards ensuring compatibility with surrounding land uses in conformance with this policy.

Section IV (N) – Scenic and Historic Areas, Natural Resources and Hazards

- **Policy N.7 – Flood Hazards:** *Development in the floodplain shall be regulated to preserve and maintain the capability of the floodplain to convey the flood water discharges and to minimize danger to life and property.*

Finding: The City's existing standards for regulation of development within floodplains are contained within SRC Chapter 140 (Floodplain Overlay Zone). Under the UDC, the existing floodplain overlay zone chapter has been renumbered and reformatted to conform to the proposed new code format. Because no substantive changes have been proposed to the chapter, the Floodplain Overlay Zone will continue to regulate development within floodplains in order to preserve and maintain the capability of the floodplain to convey floodwater discharges and minimize danger to life and property as required by this policy.

- **Policy N.8 – Geologic hazards:** *Development in areas identified as geologically hazardous shall be prohibited, or permitted only to the extent that hazard is correctable without impairing other properties.*

Finding: The City's existing standards for the regulation of development within areas identified as geologically hazardous are contained within SRC Chapter 69 (Landslide Hazards). Under the UDC, the existing landslides hazards chapter has been renumbered and reformatted to conform to the new code format. Because no substantive changes have been proposed to the chapter, it will continue to regulate development within areas identified as geologically hazardous as required by this policy.

- **Policy N.11 – Wetlands:** *Salem urban area wetlands shall be identified, inventoried, and documented as to their significance as a resource. Such activities shall be coordinated among the jurisdictions. Appropriate comprehensive plan policies and development regulations shall be adopted by the next period review. In the interim development in areas identified as wetlands shall be permitted only to the extent granted by State and Federal regulatory agencies.*

Finding: The City's existing requirements for the identification and protection of wetlands are contained within SRC Chapter 126 (Wetlands). Under the UDC, the existing wetlands chapter has been renumbered and reformatted to conform to the new code format. Because no substantive changes have been proposed to the chapter, it will continue to conform to this policy.

Conclusion

The Unified Development Code represents an important and needed update to the code which has not had a comprehensive review in over 30 years. While the Unified Development Code does not fix every problem within the existing code, it addresses a significant number of them. The Unified Development Code establishes a clear, consistent, and improved organizational framework and structure that will help to make the code easier to use, understand, and administer; and provides the foundation upon which future amendments continuing the improvement of the code can be built.

ALTERNATIVES:

The City Council may:

- A. Advance engrossed Ordinance Bill No. 31-13 to second reading for enactment;
- B. Refer the proposal back to the Planning Commission for additional deliberation; or
- C. Take no action.

Attachments: A. Planning Commission Recommendation
B. Planning Commission Staff Report



Jason Richling, AIC Urban Planning Administrator

Prepared by Bryce Bishop, Planner II

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**NOTICE OF
RECOMMENDATION**

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

RECOMMENDATION OF PLANNING COMMISSION

CODE AMENDMENT CASE NO. CA13-09

WHEREAS, on September 23, 2013, amendments to the Salem Revised Code (SRC) were initiated by the Salem City Council to adopt the remaining chapters of the Unified Development Code; and

WHEREAS, after due notice, a public hearing on the proposed amendments was held before the Planning Commission on November 5, 2013, at which time witnesses were heard and testimony received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, including the testimony presented at the hearing, and after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated November 5, 2013, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS:

The City Council hold a public hearing and advance Ordinance Bill No. 31-13, amending the Salem Revised Code to adopt the remaining chapters of the Unified Development Code, to second reading for adoption, with an amendment to allow Governmental Services as a permitted use in the Industrial Business Campus (IBC) zone.

PLANNING COMMISSION VOTE

5 YES 1 NO (Palmateer) 1 ABSENT (Guyer)


Jim Lewis, President
Salem Planning Commission

Pursuant to SRC 300.1110, the City Council will make the final decision on the proposal. The City Council may proceed with adoption of the ordinance, hold a public hearing to receive additional evidence and testimony, refer the proposal back to the Planning Commission for additional deliberation, or abandon the proposal.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Bryce Bishop, Case Manager, at 503-540-2399 or bbishop@cityofsalem.net to review the case file.

**To Learn More about Planning in Salem, visit our website:
<http://www.cityofsalem.net/planning>**

TO: PLANNING COMMISSION

FROM: JASON RICHLING 
AIC URBAN PLANNING ADMINISTRATOR

SUBJECT: AMENDMENTS TO THE SALEM REVISED CODE ADOPTING REMAINING
CHAPTERS OF UNIFIED DEVELOPMENT CODE (CA 13-09)

ISSUE:

Should the Planning Commission recommend that the City Council hold a public hearing and advance Ordinance Bill No. 31-13, amending the Salem Revised Code to adopt the remaining chapters of the Unified Development Code, to second reading for adoption?

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council hold a public hearing and advance Ordinance Bill No. 31-13, amending the Salem Revised Code to adopt the remaining chapters of the Unified Development Code, to second reading for adoption.

BACKGROUND:

City staff, along with the help of a citizen member Unified Development Code Advisory Committee, have been involved in a multi-year project known as the Unified Development Code (UDC) to review, update, and reorganize the City's zoning and development codes. The purpose of the Unified Development Code is to clean up the code and make it easier to use and administer by simplifying and streamlining processes, clarifying confusing standards, filling gaps, and correcting conflicts and inconsistencies in order to reduce confusion and error.

This proposed reorganization and update is needed because the code has not had a comprehensive update since 1983. In the years since the last major update, the code has become increasingly complex, disorganized, and difficult to navigate. This presents a challenge for City staff and users of the code, and can lead to mistakes, misinterpretations, and errors.

On May 28, 2013, the City Council began the process of implementing the UDC with the adoption of the following eight chapters (Phase I):

- SRC Chapter 220 – Site Plan Review
- SRC Chapter 225 – Design Review
- SRC Chapter 240 – Conditional Use
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- SRC Chapter 265 – Zone Changes
- SRC Chapter 270 – Nonconforming Situations

These chapters were selected to be brought forward for adoption before the rest of the UDC because they did not need the remainder of the UDC to be in place in order to function, and because public review of the chapters had been completed by the UDC Advisory Committee.

Since the adoption of the first eight chapters with Phase I, the remaining 83 chapters of Phase II have been completed and readied for adoption. These chapters, along with the first eight, fall into the following organizational structure of the UDC:

- **Division 100 – General Administration.** Chapters within Division 100 govern the overall administration and enforcement of the UDC, and establish definitions for selected terms and methods of measurement for certain development standards under the UDC.
- **Division 200 – Land Use and Development Review.** Chapters within Division 200 govern the various types of land use and development review applications under the UDC. These chapters identify the specific submittal requirements, the applicable review procedure types, and the approval criteria for such applications. While a majority of the chapters within Division 200 were adopted with Phase I of the UDC, Ordinance Bill 31-13 includes the adoption of additional chapters that were not included in Phase I.
- **Division 300 – Procedures.** Division 300 includes the City's procedures ordinance. The procedures ordinance establishes the applicable procedures for the review and processing of land use and development review applications, and legislative land use proceedings, under the UDC. The chapter establishes general submittal requirements, specific procedure types for the processing of land use and development review applications, and requirements for public notice, hearings, and appeals. Though the City's procedures ordinance was adopted separately from the UDC, Ordinance Bill No. 31-13 includes amendments to conform the chapter to the new provisions of the UDC.
- **Division 400 – Use Classifications.** Division 400 includes the Use Classifications chapter. The Use Classifications chapter governs the classification of land uses under the UDC and replaces the outdated 1987 Standard Industrial Classification (SIC) system currently used by the code for the classification of land uses.

The Use Classifications chapter identifies general categories of land uses and defines them by their functional characteristics. Examples of specific activities which meet the characteristics of the individual land uses are provided. The land uses identified in Chapter 400 form the basis for identifying land uses allowed within the City's zones and overlay zones.

- **Division 500 – Zone Districts.** Chapters within Division 500 cover the different zones within the City. These chapters identify the land uses that are allowed within each zone, and also establish basic development standards (e.g., lot standards, setbacks, and height) applicable within each zone. The City's zones are shown on the City's official zoning map. Zones are intended reserve land for planned land uses, promote compatibility between different land uses, and implement planned housing densities.
- **Division 600 – Overlay Zone Districts.** Chapters within Division 600 cover the different overlay zones within the City. These chapters establish additional regulations beyond those of the base zone in order fulfill specific community objectives within identified areas of the City. Overlay zones are shown on the City's official zoning map. Overlay zone standards apply in addition to the standards of the base zone, or, in some cases, may supersede them.

- **Division 700 – Special Requirements.** Chapters within Division 700 establish special standards that apply to specific land uses in some or all zones where those land uses are allowed. The standards in these chapters apply in addition to the general standards of the zones, or, in some cases, may supersede them. Division 700 includes chapters establishing standards for special uses, temporary uses, and multiple family design review. The City's proposed wireless communication facilities ordinance will also be included within Division 700, but that ordinance is being reviewed separately from the UDC.
- **Division 800 – Development Standards.** Chapters within Division 800 establish standards that are generally applicable to development throughout the City, including, but not limited to, standards for City utilities, streets, driveways and driveway approaches, off-street parking and loading, landscaping, tree preservation, and sensitive lands. These standards are used in preparing development plans and reviewing development applications.
- **Division 900 – Sign Code.** Division 900 includes the City's Sign Code. The Sign Code establishes regulations applicable to all signage within the City. Though the Sign Code was adopted separately from the UDC, Ordinance Bill No. 31-13 includes amendments to conform the chapter to the new provisions of the UDC.

The table of contents identifying the individual proposed chapters of the UDC, along with the corresponding chapters of the existing code that the proposed UDC chapters will replace, is included as Attachment 1. The proposed text of Ordinance Bill No. 31-13 can be viewed online at <http://salemcodecleanup.net>. A copy of the ordinance is also available for review at the office of the City of Salem Planning Division.

FACTS AND FINDINGS:

Procedural Findings

1. Pursuant to SRC 300.1110(a)(3), legislative land use proceedings may be initiated by staff through preparation and placement of an ordinance bill on the City Council agenda for first reading. The City Council may schedule a public hearing on the ordinance bill, refer it to another Review Authority for review and recommendation, or may decline to advance the ordinance bill to second reading.
2. On September 23, 2013, Ordinance Bill No. 31-13 was presented to the City Council for first reading. The Council voted to refer the proposed ordinance bill to the Planning Commission for a public hearing and recommendation. After the public hearing, the proposed ordinance will return to the Council for consideration and final adoption.
3. SRC 300.1110(d) and ORS 197.610 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Notice to DLCD was provided on September 4, 2013.
4. On October 3, 2013, notice of public hearing required by State law was mailed to all property owners within the City, pursuant to ORS 227.186.
5. Public hearing notice required under SRC 300.1110(e)(1)(A) was mailed on October 16, 2013. Notice of public hearing was also published in the newspaper.

Review Process

For over three and one-half years staff, along with the help of the Unified Development Code Advisory Committee, worked to review the proposed new chapters of the UDC. The Unified Development Code Advisory Committee was established to help with this process and serve as the hub for public review and involvement. The Committee consisted of 18 members, which included the Planning Commission, two City Council representatives, and nine members from the public.

The Committee met regularly each month. Over the course of their review more than 30 meetings were held. Meetings were open to the public, and the public was encouraged to attend. Notice of the meetings, and updates on the UDC, were distributed to a project notification list of over 150 individuals, including representatives from all of the City's Neighborhood Associations, code users (architects, engineers, developers, realtors, land use attorneys, etc.), and the public. Meetings were televised on Capitol Community Television (CCTV) channel 21 and streamed live on the CCTV website.

A project website was also established, salemcodecleanup.net, where individuals could go to learn more about the UDC, review proposed chapters as they were completed, provide comments, and sign up for updates.

When requested, staff also attended various neighborhood association and community group meetings to provide additional information and background on the UDC.

Summary of Proposed Amendments

The overall goal of the UDC is to establish a more user-friendly code that is clearly written, easier to understand, internally consistent, and more streamlined and concise. In order to achieve this goal, several code revision and code drafting principles were established to help guide staff and the Committee as work on the UDC progressed. These principles included:

- Whenever possible, keep changes policy neutral.
- Make changes where necessary to address legal requirements.
- Address areas of the code where there are gaps or standards or criteria that are missing.
- Address areas of the code where there are conflicts and inconsistencies.
- Implement current practice.
- Clarify language and make it more concise.
- Utilize terms consistently throughout the code.
- Group related parts together.
- Organize provisions chronologically and from the general to the specific.

Examples of some of the proposed changes to the code reflecting these principles include:

- Incorporating tables and graphics to more simply convey development requirements.
- Establishing a new Measurements chapter (proposed Chapter 112) making it easier to identify how different standards are measured under the code, such as density, lot dimensions, setbacks, lot coverage, building height, etc.
- Moving lot size and dimension standards out of the subdivision code and into their respective zones so they are located in only one place.

- Moving accessory structure standards (e.g. height, setbacks, lot coverage, etc.) out of the accessory structure chapter and into the zones so the standards for main buildings and accessory structures can be found together in one place.
- Establishing approval criteria for replats, property line adjustments, and property boundary verifications where such criteria are currently missing from the code.
- Updating the standards for manufactured dwelling parks to conform to State law.
- Establishing a new Temporary Uses chapter (proposed Chapter 701) covering the requirements for uses currently allowed under the code on a temporary basis, such as mobile food units.
- Establishing a new Multiple Family Design Review Guidelines and Standards chapter (proposed Chapter 702) to accommodate the existing multiple family design review guidelines and standards currently contained in the City's *Development Design Handbook*.
- Establishing a uniform minimum off-street parking standard of 1 space per 250 square feet for shopping centers.
- Establishing minimum off-street parking standards for uses where they are currently missing from the code.
- Simplifying the requirements for obtaining joint parking agreements.

Because the UDC is intended to be policy neutral, the majority of the standards and requirements under the UDC will be the same as they are under the current code, but reorganized in a clearer, more concise, and consistent format.

In those cases where a proposed change was identified representing a major policy issue, the proposed change was generally set aside and added to a list of potential future code revisions to be addressed separately from the UDC process. There were some instances, however, where a current problem with the code required making a more significant change with the UDC now, rather than waiting to address it through a separate process later. These proposed changes, which represent some of the most significant improvements to the code, include the following:

- Establishing a new use classification system to serve as the basis for identifying the different land uses that are allowed within the City's zones and overlay zones.
- Establishing a simpler approach to setbacks to replace bufferyards.
- Revisions to the Industrial Business Campus (IBC) zone.
- Allowing greater flexibility within overlay zones.

A summary of these proposed changes is included below:

1. New Use Classification System.

A new system for the classification of uses (proposed Chapter 400 – Use Classifications) is included in the UDC that replaces the existing outdated 1987 Standard Industrial Classification (SIC) system currently used by the code. The new proposed system serves as the basis for identifying the land uses that are allowed within the City's various zones and overlay zones. The new proposed system is similar to that used by other cities in Oregon and represents an important improvement to the code by being more flexible, adaptable, and understandable to the public.

The use classification system currently used by the code, the 1987 SIC, was a document produced by the Federal Government to categorize land uses for the purpose of economic

statistics. The SIC is not well suited for the purpose of regulating land use because it is overly prescriptive and groups uses together that do not always share the same characteristics that are important when considering zoning and regulation of land use. In addition, because the system dates back to 1987, it has become outdated.

Under the UDC, a simpler common-sense approach to classifying land uses is proposed that groups land uses that share the same characteristics and impacts together under general categories of land use, such as Single Family Residential, Multiple Family Residential, Office, Retail Sales, General Wholesaling, and General Manufacturing. These general categories of land use in-turn become the basis for identifying which uses are allowed in the City's various zones and overlay zones. The following table provides a few different examples of how individual activities under the existing code are proposed to be grouped together under the more general categories of land use under the UDC.

Comparison of Use Classifications Systems		
Zone District	Existing Code	Unified Development Code
CR (Commercial Retail)	<u>Permitted in Zone:</u> -Grocery Stores (SIC 541) -Apparel and Accessory Stores (SIC 56) -Hardware Stores (SIC 525) -Drug Stores (SIC 591)	<u>Permitted in Zone:</u> Retail Sales
RS (Single Family Residential)	<u>Not Permitted in Zone:</u> -Apartment Houses -Court Apartments	<u>Not Permitted in Zone:</u> Multiple Family
IP (Industrial Park)	<u>Permitted in Zone:</u> -Manufacturing of Guided Missiles, Space Vehicles, and Parts (SIC 376) <u>Conditional Use in Zone:</u> -Manufacturing of Food and Related Products (SIC 20)	<u>Permitted Use in Zone:</u> General Manufacturing

Because the UDC is intended to be policy neutral, a focused effort was made during the process of converting uses currently allowed under the 1987 SIC to the proposed new use classification system to ensure that uses allowed today will continue to be allowed under the UDC. In some instances, however, where a particular use was allowed in a zone but the use was not appropriate for that zone based on its impacts, the use was made a prohibited use. An example of such a change can be found in the Single Family Residential (RS) zone where crude petroleum and natural gas extraction is currently allowed with conditional use permit approval. Under the UDC this use is no longer proposed to be allowed because of its potential impacts and inconsistency with the intended character of residential neighborhoods.

In other instances, primarily in commercial and industrial zones, the types of some uses allowed in the zones have been expanded. One example of such a change can be found in the Industrial Park (IP) zone where manufacturing of guided missiles is currently allowed as a permitted use, but manufacturing of potato chips is allowed as a conditional use. Because it is unclear why manufacturing of missiles would be allowed as an outright permitted use,

but manufacturing of potato chips would not, the UDC proposes to allow all General Manufacturing as a permitted use in the IP zone.

2. Simpler Approach to Setbacks Replacing “Bufferyards”.

A new approach to setbacks is included in the UDC that will replace bufferyards in the existing code. A “bufferyard” is a landscaped setback required between abutting properties with land uses of differing impact. Bufferyards generally apply in the City’s multiple family residential, commercial, and industrial zones. The requirements for bufferyards are included in existing SRC Chapter 132.

The way a bufferyard works is that the uses involved (e.g. the proposed use of a property and the existing use on an abutting property) are assigned a level of impact ranging from Minimum Impact to Heavy Impact. The required bufferyard is based on the level of impact assigned to the uses. If the level of impact is the same, (e.g. Heavy Impact abutting Heavy Impact or Light Impact abutting Light Impact), a bufferyard is not required. If the level of impact is different (e.g. Heavy Impact abutting residential or Moderate Impact abutting Light or Heavy Impact), a bufferyard is required. Bufferyards can range from 5 feet to 40 feet in depth, depending on the levels of impact assigned to the uses in question. Bufferyards are required to be landscaped with a specified number of plant units and, depending on the category of bufferyard required, have to include screening in the form of a fence or wall.

Because bufferyards are based on the use of property, setback requirements remain fluid and subject to change any time there is a change of use on a property. Because required setbacks can potentially change whenever there is a change of use, there is the potential for problems to be created by making developments nonconforming.

In order to address this issue, a new approach to setbacks is proposed in the UDC to replace bufferyards. The new approach, know as a “zone-to-zone setback” still uses impacts as the underlying method to determine required setbacks, but instead of assigning impacts to individual uses, impacts are assigned to zone districts. This means that under the new approach, required setbacks in those zones where bufferyards are currently required will be based on abutting zoning rather than abutting use. The table below identifies the impact levels that were assigned to individual zones for the purpose of establishing the proposed new zone-to-zone setbacks.

Zones Classified by Level of Impact			
Zone District	Impact Level	Zone District	Impact Level
EFU	Light	CB	Light
RA	Residential Use	PA	Light
RS	Residential Use	PC	Light
RD	Residential Use	PE	Light
RM-I	Three or More Dwelling Units	PH	Light
RM-II	Three or More Dwelling Units	PS	Light
RH	Three or More Dwelling Units	PM	Light
FMU	Light	EC	Moderate
SWMU	Light	IC	Moderate
NCMU	Light	IBC	Moderate
CN	Light	IP	Moderate
CO	Light	IG	Heavy

Zones Classified by Level of Impact			
Zone District	Impact Level	Zone District	Impact Level
CR	Light	II	Heavy
CG	Light		

Required zone-to-zone setbacks are located in the individual zones where they are applicable. Like bufferyards, zone-to-zone setbacks are required to include landscaping, and when applicable, differing levels of screening. Within the CN, CO, CR, CG, IC, IBC, and IP zones, a minimum percentage of site landscaping is also required. Landscaping required elsewhere in the UDC, such as landscaping within required setbacks or parking areas, may be counted towards meeting this minimum requirement.

The proposed new approach to setbacks in the UDC represents another important improvement to the code that will make determining required setbacks easier and more predictable. Using zoning as the basis for determining required setbacks instead of use will also help prevent situations where developments are made nonconforming solely because the use of a neighboring property changes.

3. Revisions to IBC Zone

The Industrial Business Campus (IBC) zone is proposed to be improved under the UDC to address a number of different issues relating to both the types of uses allowed and the applicable development standards. Over the years, these issues have led to numerous requests from land owners to change the zoning of their property from the IBC zone to another zone that is more reflective of modern market conditions.

Proposed improvements to the IBC zone include:

- Allowing a broader range of uses consistent with modern market forces.
- Modification of flexible space use requirements.
- Simplifying development standards.

4. Greater Flexibility within Overlay Zones

An overlay zone is a type of zone that applies to property in addition to the base zoning of the property, and is used to establish additional requirements in order to achieve a desired community outcome. Common uses of overlay zones include allowing additional or fewer uses than the underlying zone would allow, establishing special development standards to promote a specific development pattern, or requiring design review.

In Salem, overlay zones are used as a tool to help shape the development pattern of certain areas within the City, many of which are associated with Urban Renewal Areas where the City is seeking to promote redevelopment. While overlay zones are a useful tool, they can also be a source of confusion for people by requiring them to understand and navigate through both the requirements of the underlying zone and the overlay zone.

The UDC includes improvements to the City's overlay zones to provide greater flexibility and make the standards and requirements more clear and understandable. Examples of such improvements include:

- Providing additional options for the reuse of existing industrial and warehouse buildings in the Riverfront High-Density Residential Overlay Zone (proposed Chapter 616), the Riverfront Overlay Zone (proposed Chapter 617), and the Commercial/High Density Residential Overlay Zone (proposed Chapter 626).
- Establishing new design review standards that make it easier for existing buildings within overlay zones to be improved when proposed changes are being made to the building to bring it closer to meeting the standards.
- Eliminating situations in the code where there are overlay zones within overlay zones. This proposed change applies to those overlay zones that currently are currently divided into multiple subareas, such as the Edgewater Street/Wallace Road Area Overlay Zone which is divided into seven separate subareas. Under the UDC a separate code chapter is proposed for each subarea in order to provide for greater clarity and less confusion in identifying which development standards apply to a proposed development.
- Incorporating the design review guidelines and standards currently contained in the City's *Development Design Handbook* into their respective overlay zones so all of the applicable requirements within an overlay can be found in one place, rather than having to search for a separate document.

Conclusion

The Unified Development Code represents an important and much needed update to the code which has not had a comprehensive review in over 30 years. While the Unified Development Code will not fix every problem with the existing code, it addresses a significant number of them. The Unified Development Code establishes a clear, consistent, and improved organizational framework and structure that will help to make the code easier to use, understand, and administer; and will provide the foundation upon which future amendments continuing the improvement of the code can be built.

Attachment: 1. Unified Development Code Table of Contents

Prepared by Bryce Bishop, Planner II

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Unified Development Code

Salem Code Cleanup



Unified Development Code Table of Contents

Division 100 – General Administration			
New Chapter Number	Chapter Title		Old Chapter Number
110	Administration		110
111	Definitions		111
112	Measurements		N/A – New Chapter
Division 200 – Land Use and Development Review			
New Chapter Number	Chapter Title		Old Chapter Number
200	Urban Growth Management		66
205	Land Division and Reconfiguration		63
210	Planned Unit Development		121
215	Neighborhood Center Master Plan		Same
220	Site Plan Review	<i>Adopted with Phase I of UDC</i>	Same
225	Design Review	<i>Adopted with Phase I of UDC</i>	Same
230	Historic Preservation	<i>Adopted separately from UDC</i>	Same
235	Manufactured Dwelling Parks		123
240	Conditional Use	<i>Adopted with Phase I of UDC</i>	Same
245	Variances	<i>Adopted with Phase I of UDC</i>	Same
250	Adjustments	<i>Adopted with Phase I of UDC</i>	Same
255	Street Naming, Addressing, and Vacation of Public Property	<i>Adopted with Phase I of UDC</i>	Same
260	Annexation Procedures	<i>Adopted with Phase I of UDC</i>	Same
265	Zone Changes	<i>Adopted with Phase I of UDC</i>	Same
270	Nonconforming Situations	<i>Adopted with Phase I of UDC</i>	Same
Division 300 - Procedures			
New Chapter Number	Chapter Title		Old Chapter Number
300	Procedures for Land Use Applications and Legislative Land Use Proposals	<i>Adopted separately from UDC</i>	N/A - New Chapter
Division 400 – Use Classifications			
New Chapter Number	Chapter Title		Old Chapter Number
400	Use Classifications		N/A - New Chapter

Division 500 – Zone Districts

New Chapter Number	Chapter Title		Old Chapter Number
500	EFU - Exclusive Farm Use		144
510	RA - Residential Agriculture		145
511	RS - Single-Family Residential		146
512	RD - Duplex Residential		147
513	RM-I - Multiple Family Residential		148
514	RM-II - Multiple Family Residential		148
515	RH - Multiple Family High-Rise Residential		149
520	CN - Neighborhood Commercial)		151
521	CO - Commercial Office		150
522	CR - Retail Commercial		152
523	CG - General Commercial		153
524	CB - Central Business District		154
530	FMU - Fairview Mixed-Use		143C
531	SWMU - South Waterfront Mixed-Use		162
532	NCMU - Neighborhood Center Mixed-Use		Same
540	PA - Public Amusement		160
541	PC - Public and Private Cemeteries		
542	PE - Public and Private Educational Services		
543	PH - Public and Private Health Services		
544	PS - Public Service		
545	PM - Capitol Mall		
550	EC - Employment Center		161
551	IC - Industrial Commercial		155
552	IBC - Industrial Business Campus		156
553	IP - Industrial Park		157
554	IG - General Industrial		158
555	II - Intensive Industrial		159

Division 600 – Overlay Zone Districts

New Chapter Number	Chapter Title		Old Chapter Number
600	Willamette Greenway		141
601	Floodplain Overlay Zone		140
602	Airport Overlay Zone		125
603	Portland/Fairgrounds Road Overlay Zone		143B
604	Pine Street Mixed-Use Overlay Zone		
605	Northgate Mixed-Use Overlay Zone		
606	Wallace Road Corridor Overlay Zone		143D
607	West Salem Gateway Overlay Zone		
608	West Salem General Industrial Overlay Zone		
609	Patterson Street Corridor Overlay Zone		
610	Edgewater Street Corridor Overlay Zone		
611	Second Street Corridor Overlay Zone		
612	Walker School Residential Area Overlay		

	Zone		
613	Broadway/High Street Retail Overlay Zone		138
614	Broadway/High Street Housing Overlay Zone		
615	Broadway/High Street Transition Overlay Zone		
616	Riverfront High Density Residential Overlay Zone		137
617	Riverfront Overlay Zone		
618	Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone		136
619	Mixed-Use Overlay Zone		143F
620	Salem Hospital Overlay Zone		143H
621	Superior/Rural Overlay Zone		142
622	Oxford/West Nob Hill Overlay Zone		
623	Oxford/Hoyt Overlay Zone		
624	Hoyt/McGilchirst Overlay Zone		
625	Saginaw Street Overlay Zone		143
626	Commercial/High Density Residential Overlay Zone		143A
627	22nd and Electric Overlay Zone		134
628	State Street Overlay Zone		143I
629	McNary Field Overlay Zone		143G
630	South Gateway Overlay Zone		143E
631	Compact Development Overlay Zone		139
632	General Retail/Office Overlay Zone		154
633	Front Street Overlay Zone		154
Division 700 – Special Requirements			
New Chapter Number	Chapter Title		Old Chapter Number
700	Special Use Provisions		119
701	Temporary Uses		NA – New Chapter
702	Multiple Family Design Review Guidelines and Standards		Development Design Handbook
703	Wireless Communications Facilities	<i>Proposed for adoption separately from UDC</i>	116; 118
Division 800 – Development Standards			
New Chapter Number	Chapter Title		Old Chapter Number
800	General Development Standards		130
802	Public Improvements		63
803	Streets and Right-of-Way Improvements		63
804	Driveway Approaches		80
805	Vision Clearance		76
806	Off-Street Parking, Loading, and Driveways		133

807	Landscaping and Screening		132
808	Preservation of Trees and Vegetation		68
809	Wetlands		126
810	Landslide Hazards		69
Division 900 – Sign Code			
New Chapter Number	Chapter Title		Old Chapter Number
900	Sign Code	<i>Adopted separately from UDC</i>	Same

December 9, 2013

4 (a)

January 27, 2014

4 (b)

Engrossed Ordinance Bill No. 31-13

The full text of Engrossed Ordinance Bill No. 31-13 is available at the City Recorder's office and can be viewed online at:

http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/Documents/UDC_Phase-II_Engrossed_Ord_31-13.pdf

Excerpts from the engrossed ordinance bill identifying those specific sections that are proposed to be changed are available at the City Recorder's office and can be viewed online at:

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March 24, 2014

4 (b)

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612	Walker School Residential Area Overlay		

	Zone		
613	Broadway/High Street Retail Overlay Zone		138
614	Broadway/High Street Housing Overlay Zone		
615	Broadway/High Street Transition Overlay Zone		
616	Riverfront High Density Residential Overlay Zone		137
617	Riverfront Overlay Zone		
618	Chemawa/I-5 Northeast Quadrant Gateway Overlay Zone		136
619	Mixed-Use Overlay Zone		143F
620	Salem Hospital Overlay Zone		143H
621	Superior/Rural Overlay Zone		142
622	Oxford/West Nob Hill Overlay Zone		
623	Oxford/Hoyt Overlay Zone		
624	Hoyt/McGilchirst Overlay Zone		
625	Saginaw Street Overlay Zone		143
626	Commercial/High Density Residential Overlay Zone		143A
627	22nd and Electric Overlay Zone		134
628	State Street Overlay Zone		143I
629	McNary Field Overlay Zone		143G
630	South Gateway Overlay Zone		143E
631	Compact Development Overlay Zone		139
632	General Retail/Office Overlay Zone		154
633	Front Street Overlay Zone		154
Division 700 – Special Requirements			
New Chapter Number	Chapter Title		Old Chapter Number
700	Special Use Provisions		119
701	Temporary Uses		NA – New Chapter
702	Multiple Family Design Review Guidelines and Standards		Development Design Handbook
703	Wireless Communications Facilities	<i>Proposed for adoption separately from UDC</i>	116; 118
Division 800 – Development Standards			
New Chapter Number	Chapter Title		Old Chapter Number
800	General Development Standards		130
802	Public Improvements		63
803	Streets and Right-of-Way Improvements		63
804	Driveway Approaches		80
805	Vision Clearance		76
806	Off-Street Parking, Loading, and Driveways		133

807	Landscaping and Screening		132
808	Preservation of Trees and Vegetation		68
809	Wetlands		126
810	Landslide Hazards		69
Division 900 – Sign Code			
New Chapter Number	Chapter Title		Old Chapter Number
900	Sign Code	<i>Adopted separately from UDC</i>	Same