



Oregon

Kate Brown, Governor

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www.oregon.gov/LCD



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

Date: April 07, 2016

Jurisdiction: City of Salem

Local file no.: CA15-02

DLCD file no.: 013-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 04/01/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



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

FOR DLCD USE
File No.: 013-15 {24182}
Received: 4/1/2016

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 ODAR 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.: CA15-02

Date of adoption: 03/28/2016 Date sent: 4/1/2016

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): 12/21/2015
- 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:

Local contact (name and title): Bryan Colbourne, Planner III
Phone: 503-540-2363 E-mail: bcolbourne@cityofsalem.net
Street address: 555 Liberty St SE City: Salem Zip: 97301-3513

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:

The amendments to Salem Revised Code Chapter 613, Broadway-High Street Retail Overlay Zone, would allow drive-through banks and credit unions as a conditional use in the Broadway-High Street Retail Overlay Zone, where all drive-through uses are currently prohibited, and establish design standards for drive-through uses in the Broadway-High Street Retail Overlay Zone.

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.

Ordinance No. 4-16
Council Staff Report dated March 14, 2016

1 **ORDINANCE BILL NO. 4-16**

2 AN ORDINANCE ALLOWING DRIVE-THROUGH USES IN THE BROADWAY/HIGH
 3 STREET RETAIL OVERLAY ZONE; AMENDING SRC 613.015, 613.020, and 613.030.

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 613.015 is amended to read as follows:

6 **613.015. 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 Broadway/High Street Retail Overlay Zone.

9 (a) **Additional Permitted Uses.** The uses set forth in Table 613-1 are additional
 10 permitted (P) uses in the Broadway/High Street Retail Overlay Zone.

11
 12 **TABLE 613-1**
 13 **ADDITIONAL PERMITTED USES**

14 **Table 613-1: Additional Permitted Uses**

15 Use	Status	16 Limitations & Qualifications
17 Household Living		
Multiple Family	P	
18 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
19 Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: ▪ Parking structures.

20
 21 (b) **Additional Conditional Uses.** The uses set forth in Table 613-2, when allowed in
 22 the underlying zone, shall be additional conditional (C) uses in the Broadway/High
 23 Street Retail Overlay Zone.

24
 25 **Table 613-2: Additional Conditional Uses**

26 Use	Status	27 Limitations & Qualifications
28 Retail Sales and Service		
Postal Services and Retail 29 Financial Services	C	Only the following Postal Services and Retail Financial Services activities are additional conditional uses: ▪ Banks and credit unions developed with a drive- through.

(bc) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying zone, any permitted, special, or conditional use, other than banks and credit unions, within the Broadway/High Street Retail Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

- (1) Drive-through.

Section 2. SRC 613.020 is amended to read as follows:

613.020. Development Standards. Development within the Broadway/High Street Retail 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) **Height.** Buildings and accessory structures within the Broadway/High Street Retail Overlay Zone shall conform to the height standards set forth in Table 613-23.

**TABLE 613-23
HEIGHT**

Table 613-23: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 50 ft.	

(b) **Reductions to Required Off-Street Parking.** Within the Broadway/High Street Retail Overlay Zone, the minimum number of off-street parking spaces required under SRC Chapter 806 shall be automatically reduced by 10 percent. Further reductions to the minimum number of required off-street parking spaces may be satisfied through one or more of the following alternative means, provided, however, the total number of off-

1 street parking spaces reduced through such alternative means shall not exceed 20
2 percent:

3 (1) **Transit Stop.** A transit stop or stops approved by the Salem-Keizer Transit
4 District may be used to satisfy 5 percent of the minimum number of required off-
5 street parking spaces for building sites located within 400 feet of the transit stop
6 or stops.

7 (2) **Covered Bicycle Parking.** Covered bicycle parking, provided at a ratio of 1
8 bicycle space for each 10 vehicle parking spaces, may be used to satisfy 5 percent
9 of the minimum number of required off-street parking spaces.

10 (3) **Pedestrian Improvements.** Pedestrian improvements, provided in an
11 amount equal to or greater than 1 percent of the estimated construction cost of the
12 proposed building(s), may be used to satisfy 10 percent of the minimum number
13 of required off-street parking spaces. Construction cost estimates shall be
14 prepared by a licensed architect, landscape architect, or other qualified
15 professional and shall be subject to review and approval by the Planning
16 Administrator.

17 (A) Pedestrian improvements include plazas, sidewalk extensions on
18 development sites (e.g., sidewalk extensions with outdoor cafe space),
19 street furnishings (e.g., benches, public art, pedestrian-scale lighting, water
20 fountains, trash receptacles, transit shelters, or shade structures),
21 wayfinding signs, or similar amenities, as approved by the Planning
22 Administrator.

23 (B) Where a plaza adjoins a building entrance, pedestrian improvements
24 include the incorporation of weather protection over that plaza in the form
25 of a canopy, awning, pergola, or similar feature.

26 **Section 3.** SRC 613.030 is amended to read as follows:

27 **613.030. Design Review Guidelines and Design Review Standards.**

28 (a) **Building Location, Orientation, and Design.**

29 (1) **Building Location.**

30 (A) **Design Review Guidelines.**

1 (i) Building setbacks from the street shall be minimized (see Figure 613-
2 1). Buildings constructed contiguous to the right-of-way of
3 Broadway/High Streets are preferred.

4 (ii) Buildings shall be located to minimize impacts to adjacent residential
5 uses.

6 **(B) Design Review Standards.**

7 **(i) Setbacks Abutting Broadway/High Street.** Buildings shall have the
8 following setbacks from Broadway/High Street:

9 (aa) Contiguous to the street right-of-way; or

10 (bb) Maximum 10 feet from the street right-of-way, for those portions
11 of a building where a plaza or other outdoor space open to the public is
12 provided between the building and the street right-of-way.

13 (cc) Portions of buildings greater than 25 feet in height may be setback
14 up to 10 additional feet from the street right-of-way.

15 **(ii) Setbacks Abutting Street other than Broadway/High Street.**

16 Buildings shall have the following setbacks abutting a street other than
17 Broadway/High Street:

18 (aa) Minimum: 0 feet.

19 (bb) Maximum: 12 feet, for buildings or portions of buildings not more
20 than 25 feet in height.

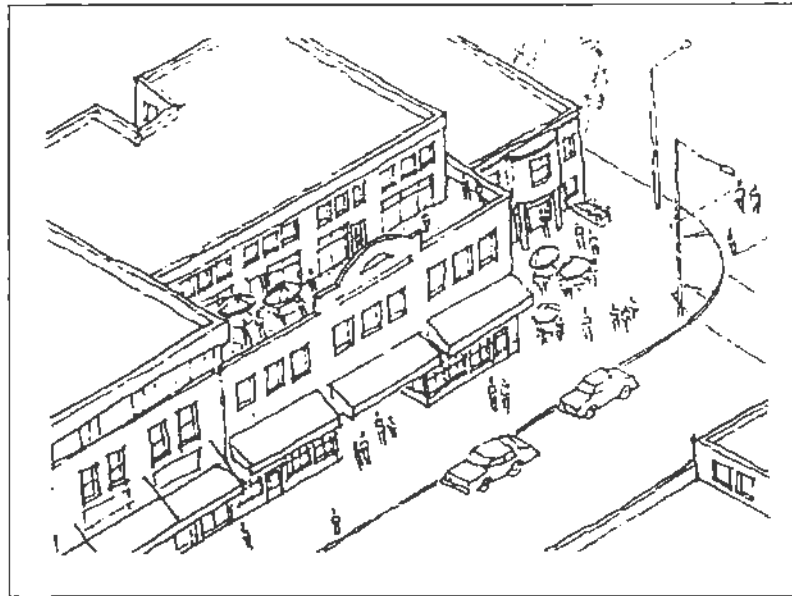
21 (cc) Maximum: 25 feet, for portions of buildings greater than 25 feet in
22 height.

23 **(iii) Interior Side Setback.** Buildings shall be constructed contiguous to
24 interior side lot lines.

25 **(iv) Interior Rear Setback.** Buildings shall have a minimum interior rear
26 setback of 1 foot for each 1 foot of building height. Such setback need not
27 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

1 providing, wherever practical, buildings with multiple stories in order to
2 create a sense of enclosure along sidewalks and a variety of street level
3 facades.

4 **(B) Design Review Standards.**

5 **(i)** A primary building entrance shall be provided for each building facade
6 facing Broadway/High Street. If a building has frontage on
7 Broadway/High Street and another street, a single primary building
8 entrance may be provided at the corner of the building where the streets
9 intersect (see Figure 613-2).

10 **(ii)** Ground floor building facades facing Broadway/High Street shall
11 include transparent windows on a minimum of 65 percent of the ground
12 floor facade. The windows shall not be mirrored or treated in such a way
13 as to block visibility into the building. The windows shall have a minimum
14 Visible Transmittance (VT) of 37 percent.

15 **(aa) Alternative Standard for Existing Buildings.** Notwithstanding
16 subsection (a)(2)(B)(ii) of this section, where a building existing on
17 November 23, 1998, does not include transparent windows on at least
18 65 percent of the ground floor facade facing Broadway/High Street, the
19 percentage of transparent windows existing on the ground floor facade
20 shall not be reduced. Additional windows meeting the transparency
21 requirements of subsection (a)(2)(B)(ii) may be added without meeting
22 the minimum ground floor facade window percentage of 65 percent.

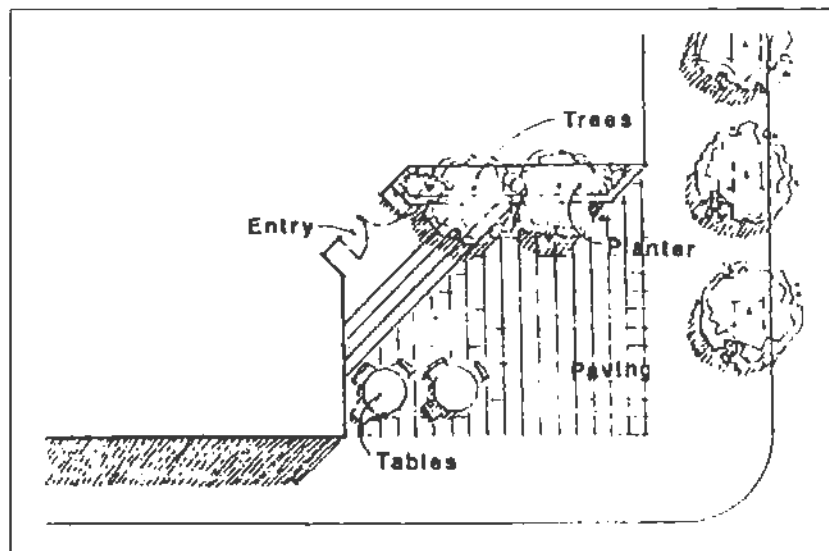
23 **(iii)** Building offsets and articulation shall be provided for building
24 frontages greater than 100 feet in length in order to create pedestrian scale.

25 **(iv)** Weather protection, in the form of awnings or canopies, shall be
26 provided along a minimum of 50 percent of the length of the ground floor
27 building facade adjacent to a street. Awnings or canopies shall have a
28 minimum clearance height above the sidewalk of 8 feet, and may encroach
29 into the street right-of-way as provided in SRC 76.160.
30

1 (aa) **Alternative Standard for Existing Buildings.** Notwithstanding
2 subsection (a)(2)(B)(iv) of this section, where a building existing on
3 November 23, 1998, does not include weather protection, in the form of
4 awnings or canopies, along a minimum of 50 percent of the length of
5 the ground floor facade adjacent to a street, the percentage of weather
6 protection along the ground floor facade shall not be reduced.
7 Additional weather protection meeting the sidewalk clearance
8 requirements in subsection (a)(2)(B)(iv) of this section may be added
9 without meeting the minimum weather protection standard of 50
10 percent.

11 (v) New buildings on lots abutting Broadway/High Street shall be a
12 minimum of 25 feet in height and shall provide space for commercial uses
13 on the ground floor and office and/or residential uses above.
14

15 **FIGURE 613-2**
16 **BUILDING CORNER ENTRY**



28 (b) **Open Space.**

29 (1) **Private Open Space.**

30 (A) **Design Review Guidelines.**

1 (i) Private open space shall be provided for each dwelling unit that
2 provides a pleasant and private place for the enjoyment of the occupants.

3 **(B) Design Review Standards.**

4 (i) A minimum of 48 square feet of private open space shall be provided
5 for each dwelling unit. The private open space shall have no dimension
6 less than 6 feet and shall be directly accessible from the dwelling unit
7 through a doorway.

8 **(c) Site Access.**

9 **(1) Vehicle Access.**

10 **(A) Design Review Guidelines.**

11 (i) Vehicle access and driveway approaches onto Broadway/High Street
12 shall be minimized. Joint use driveways providing access to
13 Broadway/High Street are preferred (see Figure 613-3).

14 (ii) Where feasible, provide vehicle access to buildings on lots abutting
15 Broadway/High Street from an alley or side street (see Figure 613-4).

16 **(B) Design Review Standards.**

17 (i) Vehicle access to off-street parking and loading areas shall be provided
18 from an alley or side street (see Figure 613-4).

19 (ii) No new driveway approaches shall be permitted onto Broadway/High
20 Street.

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FIGURE 613-3
VEHICLE ACCESS MINIMIZED THROUGH JOINT USE DRIVEWAYS

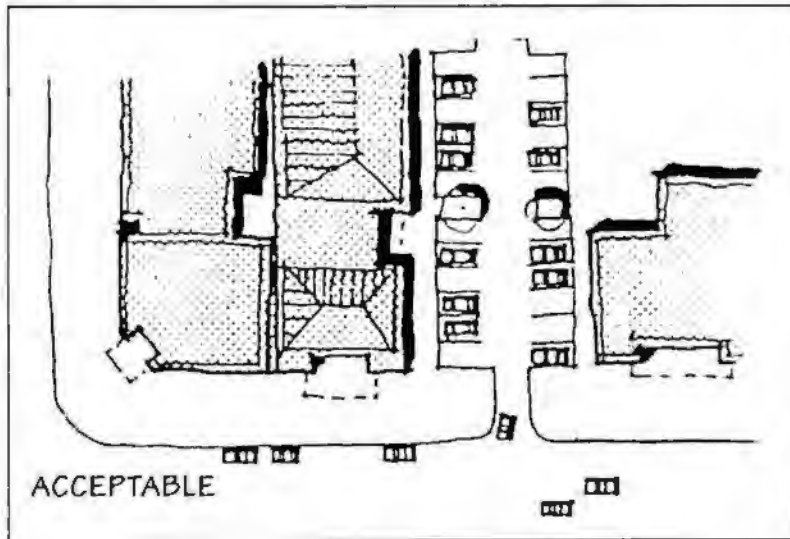
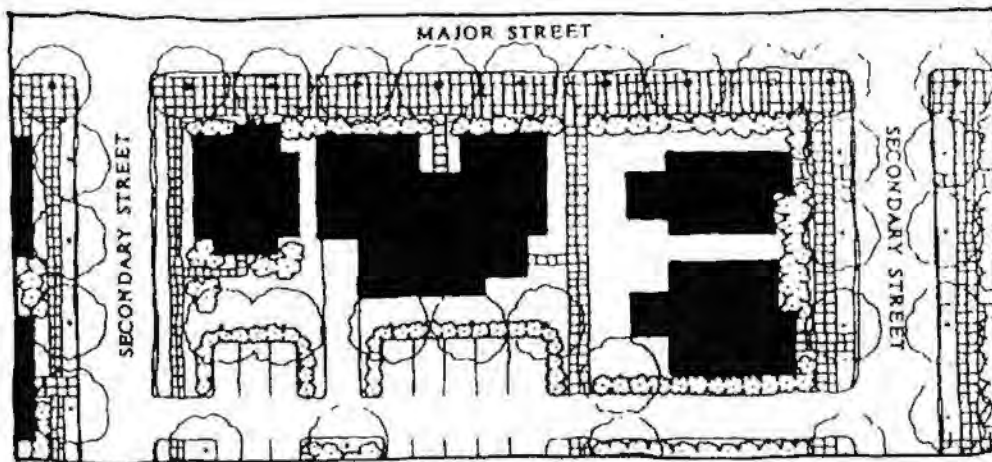


FIGURE 613-4:
VEHICLE ACCESS PROVIDED FROM ALLEY OR SIDE STREET



(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.

1 (ii) The amount of land needed to accommodate off-street parking shall be
2 minimized through shared and structured parking where such parking is
3 physically possible.

4 **(B) Design Review Standards.**

5 (i) Off-street surface parking areas and vehicle maneuvering areas shall be
6 located behind or beside buildings and structures. Off-street surface
7 parking areas and vehicle maneuvering areas shall not be located between a
8 building or structure and a street (see Figure 613-5 and Figure 613-6).

9 (iii) Off-street parking areas shall not occupy more than 50 percent of the
10 street frontage of a lot, except that:

11 (aa) Where a lot has frontage on Broadway/High Street and a side
12 street, an off-street surfacing parking area may occupy more than 50
13 percent of the side street frontage.

14 (bb) On lots abutting Broadway/High Street, multi-level parking
15 structures may occupy more than 50 percent of the Broadway/High
16 Street frontage, provided the parking structures include space for
17 ground floor commercial uses along their entire Broadway/High Street
18 frontage.

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FIGURE 613-5
PARKING CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT

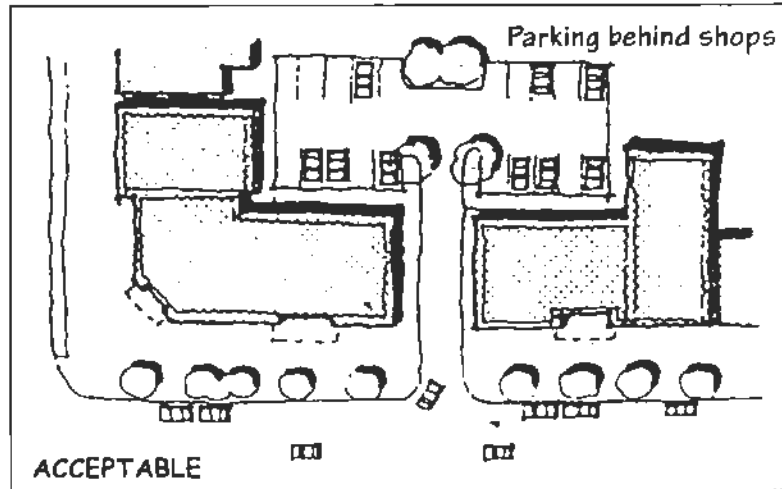
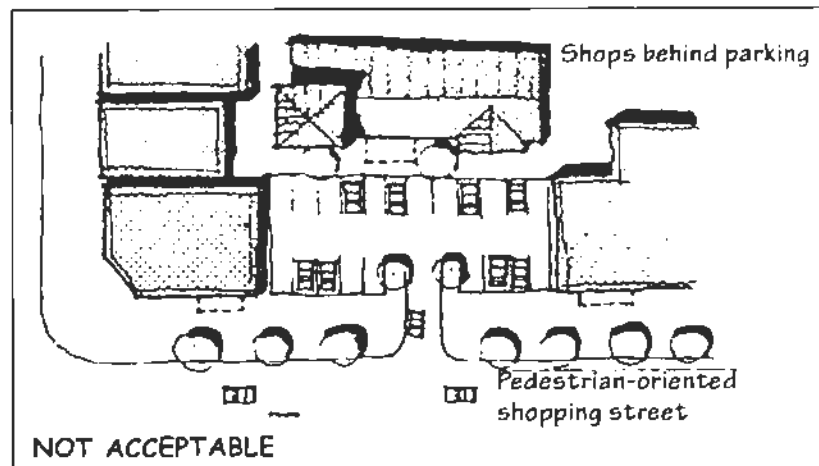


FIGURE 613-6
PARKING NOT CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT



(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.

1 (i) Off-street loading areas shall be located behind or beside buildings and
2 structures. Off-street loading areas shall not be located between a building
3 or structure and a street.

4 **(e) Drive-Through.**

5 **(1) Drive-Through Location, Access, and Design.**

6 **(A) Design Review Guidelines.**

7 (i) A drive-through shall have a scale, orientation, and design supportive of
8 a pedestrian-oriented mixed-use residential and commercial district.

9 (ii) A drive-through service area or service window shall be located and
10 designed to minimize its visibility from Broadway/High Street.

11 (iii) Any queuing lane shall be located and designed to minimize its
12 visibility from the street.

13 (iv) Vehicular access to a drive-through may enter from the street when the
14 drive-through exits onto an alley. A drive-through may exit onto the street
15 when vehicular access to the drive-through enters from an alley.

16 (v) Any queuing lane shall be located and designed to minimize conflicts
17 with pedestrians and to ensure safe pedestrian access to and throughout the
18 site.

19 **(B) Design Review Standards.**

20 (i) A drive-through service area or service window shall be located behind
21 the building or structure. For purposes of this standard, "located behind the
22 building or structure" means located on the side of the building or structure
23 that is opposite the side of the building or structure facing Broadway/High
24 Street.

25 (ii) Not more than one drive-through, which includes only one queuing
26 lane and one service area, shall be provided per development site.

27 (iii) A queuing lane shall not be located between a building or structure
28 and a street.

29 (iv) Vehicular access to and from a drive-through shall be taken from an
30 alley.



1 (v) Where pedestrians must cross a queuing lane, a minimum 5-foot-wide
2 pedestrian connection shall be provided across the queuing lane. The
3 pedestrian connection shall be defined by visual contrast or tactile finish
4 texture.

5 **Section 4. Codification.** In preparing this ordinance for publication and distribution, the City
6 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
7 limitations, may:

- 8 (a) Renumber sections and parts of sections of the ordinance;
- 9 (b) Rearrange sections;
- 10 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 11 (d) Delete references to repealed sections;
- 12 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 13 (f) Change capitalization and spelling for the purpose of uniformity;
- 14 (g) Add headings for purposes of grouping like sections together for ease of reference;
- 15 and
- 16 (h) Correct manifest clerical, grammatical or typographical errors.

17 **Section 5. Severability.** Each section of this ordinance, and any part thereof, is severable, and
18 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
19 this ordinance shall remain in full force and effect.

20 PASSED by the City Council this 28 day of March, 2016.

21 ATTEST: 
22 City Recorder
23 Approved by City Attorney: 

26 Checked by: B. Colbourne

FUTURE REPORT: February 22, 2016
FOR CITY COUNCIL MEETING OF: March 14, 2016
AGENDA ITEM NO.: 7.1(a)

TO: MAYOR AND CITY COUNCIL
THROUGH: *for* *Steve Powers* STEVE POWERS, CITY MANAGER
FROM: GLENN W. GROSS, COMMUNITY DEVELOPMENT DIRECTOR *Gross*
SUBJECT: PROPOSED AMENDMENTS TO SALEM REVISED CODE
CHAPTER 613 TO ALLOW DRIVE-THROUGH BANKS AND
CREDIT UNIONS AS A CONDITIONAL USE IN THE
BROADWAY/HIGH STREET RETAIL OVERLAY ZONE, AND
ESTABLISH DESIGN STANDARDS FOR DRIVE-THROUGH
USES IN THE BROADWAY/HIGH STREET RETAIL OVERLAY
ZONE. (CA 15-02)

ISSUE:

Should the City Council conduct first reading of Ordinance Bill No. 4-16, amending SRC Chapter 613 to allow drive-through banks and credit unions as a conditional use in the Broadway/High Street Retail Overlay Zone, and establish design standards for drive-through uses in the Broadway/High Street Retail Overlay Zone, and advance the ordinance bill to second reading for enactment?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 4-16, amending SRC Chapter 613 to allow drive-through banks and credit unions as a conditional use in the Broadway/High Street Retail Overlay Zone, and establish design standards for drive-through uses in the Broadway/High Street Retail Overlay Zone, and advance the ordinance bill to second reading for enactment.

SUMMARY AND BACKGROUND:

The proposed code amendments will allow drive-through banks and credit unions as a conditional use in the Broadway/High Street Retail Overlay Zone, where all drive-through uses are currently prohibited, and establish design standards and guidelines for drive-through uses. The proposed design standards and guidelines will hide drive-throughs from street view and minimize conflicts between drive-through lanes and pedestrians, thereby maintaining the purpose of the overlay zone as a pedestrian-oriented, mixed-use corridor.

In February 2015, Marion and Polk Schools (MAPS) Credit Union requested that the

Planning Commission initiate an amendment to the Salem Revised Code to allow drive-through uses within the Broadway/High Street Retail Overlay Zone (See Attachment 1). MAPS Credit Union requested the code amendments to facilitate development of a new bank branch with a drive-through on land within the Broadway/High Street Retail Overlay Zone at the corner of High Street NE and Division Street NE, on the same block with their existing office building and parking lot (See Attachment 2 for Conceptual Site Plan).

FACTS AND FINDINGS:

1. Under SRC 300.1100, legislative land use proceedings include proposals to amend the City's land use regulations and involve the creation, revision, or implementation of broad public policy generally affecting a large number of individual properties. The final decision in a legislative land use proceeding is an ordinance enacted by the City Council.

The Planning Commission initiated the proposed code amendments on March 17, 2015. City staff then worked with MAPS Credit Union on the proposed code language throughout 2015 and the Planning Commission held a public hearing on the matter on February 9, 2016, where they recommended that the City Council adopt the proposed amendments. The Planning Commission's recommendation is included as Attachment 3.

2. The purpose of the Broadway/High Street Retail Overlay Zone is to promote a pedestrian-oriented mixed-use residential and commercial district with an emphasis on retail. The overlay accomplishes this purpose through architectural design standards, which all development within the overlay must adhere to, and by allowing only those uses that are consistent with a pedestrian-oriented retail district. To this end, the overlay currently prohibits any land use developed with a drive-through.

The proposed code amendments remove the prohibition on drive-through uses only for banks and credit unions, while also establishing design standards and guidelines for the drive-throughs. The design standards and guidelines seek to hide drive-throughs from street view and minimize any conflicts between drive-through lanes and pedestrians.

3. Specifically, the proposed code amendments include the following provisions:
 - a) *Conditional Use*
Allow drive-through banks and credit unions as a conditional use in the Broadway/High Street Retail Overlay Zone, where all drive-through uses are currently prohibited. No other types of drive-through uses would be allowed in the overlay such as restaurants, coffee kiosks, etc. City staff

considered including other types of drive-through commercial uses with a similar traffic impact as banks and credit unions, such as drive-through pharmacies and dry cleaners, but opted to keep the scope of this amendment as narrow as possible to maintain the pedestrian-oriented purpose of the overlay. Any proposed drive-through bank or credit union would require a public notice and hearing prior to approval of their conditional use permit. Conditions of approval may be attached to the decision to mitigate identified impacts of the new drive-through, such as noise, headlights, safety concerns, etc.;

b) *Design Standards*

Establish the following design review standards for any new drive-through bank or credit union, which, if incorporated into the project's design, may be reviewed and approved by City staff without the need for public notice or hearing (a public hearing would still be required for the above-mentioned conditional use permit, but not for review of the design):

- Drive-through service areas (the drive-up service window area) must be located behind the building;
- Not more than one drive-through, including just one queuing lane and one service area, per development site is allowed;
- A drive-through queuing lane cannot be located between a building and a street;
- Vehicular access to and from the drive-through must be taken from an alley;
- Where pedestrians must cross a drive-through queuing lane, a clearly marked 5-foot-wide pedestrian crossing path must be provided;

c) *Design Guidelines*

Establish the following design review guidelines for any new drive-through bank or credit union that does not satisfy the design standards. The guidelines are more flexible than the design standards, but using the guidelines requires a public notice and hearing before the Planning Commission, in addition to the public hearing required for the conditional use permit. An applicant may combine both the conditional use permit hearing and design review hearing into one public hearing before the Planning Commission:

- The drive-through must have a scale, orientation, and design that is supportive of a pedestrian-oriented mixed-use residential and commercial district;
- Drive-through service areas must be designed and located to minimize their visibility from Broadway/High Street;
- Drive-through queuing lanes must be designed and located to

- minimize their visibility from the street;
 - Vehicular access to a drive-through may enter from a street when the drive-through exits onto an alley, or a drive-through may exit onto a street when the drive-through enters from an alley;
 - Drive-through queuing lanes shall be located and designed to minimize conflicts with pedestrians and ensure safe pedestrian movement throughout the development site;
4. During the Planning Commission hearing, the Grant Neighborhood Association submitted testimony supporting the amendments, but requesting the amendments be modified to only allow drive-through banks and credit unions in the southern part of the overlay zone, which is located in the CAN-DO neighborhood, and maintain the prohibition on all drive-throughs in the northern part of the overlay zone, which is located in the Grant neighborhood (See Attachments 5 and 6).

The Planning Commission declined to make the modification requested by the Grant neighborhood, based on the desire to not create overly complex regulations by splitting the overlay zone into sub-areas. The Planning Commission also observed that the chances of a drive-through bank or credit union developing in the northern part of the overlay are minimal because the northern part is already mostly built-out, with few redevelopment sites still available.

After declining to make the modifications requested by the Grant Neighborhood, the Planning Commission voted to recommend that the City Council accept first reading of the ordinance as proposed.

5. SRC 110.085 establishes the following approval criteria which must be met in order for a code amendment to be approved:
- a) The amendment is in the best interest of the public health, safety, and welfare of the City; and

Finding: The purpose of the Broadway/High Street Retail Overlay Zone is to promote a pedestrian-oriented mixed-use residential and commercial district with an emphasis on retail. This overlay is one of four different overlay zones north of downtown, which are intended to function together to guide redevelopment of the Broadway/High Street corridor into a mix of high density residential and commercial uses, with appropriate transitions to the existing lower density residential neighborhood to the east.

The proposed amendments to allow drive-through banks and credit unions

as a conditional use with design standards and guidelines are in the best interest of the public health, safety, and welfare of the City because they will provide the opportunity for consideration of redevelopment proposals, such as the MAPS project, while maintaining a safe and pleasant pedestrian environment through conditional use and design review. The design standards and guidelines will hide drive-throughs from view and minimize conflicts between drive-through lanes and pedestrians. The conditional use process will ensure a public review of any new drive-through bank or credit union proposal in the overlay. As a conditional use, any proposal for a drive-through would be evaluated on the basis of its specific circumstances.

Although drive-throughs are generally not consistent with the overlay's pedestrian-oriented purpose, the proposed amendments will allow appropriately designed drive-throughs that could facilitate larger bank and credit union development proposals along the corridor, such as the MAPS project. Providing local residents with convenient retail banking and credit union services along the corridor is consistent with the purpose of the overlay and in the best interest of the public health, safety, and welfare of the City.

- b) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The proposed code amendments are consistent with and supportive of the goals, objectives, and policies found in the Salem Area Comprehensive Plan and the applicable Statewide Planning Goals as described below:

Compliance with Salem Area Comprehensive Plan

Section IV (B) General Development, Policy 3 – Economic Growth

Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

And;

Section IV (H) Economic Development, Policy 1(c) – Economic Diversification

Diversify the basic economic sector of the Salem urban area through . . .

c) Expansion of businesses with an existing presence in Salem or businesses that provide goods and services to existing businesses in Salem.

Finding: The proposed amendments provide an opportunity for appropriately designed drive-through banks and credit unions within the Broadway/High Street corridor. This code change could facilitate development of new bank and credit union branches in the corridor and spur additional related development, thereby providing local residents with convenient retail banking and credit union services and expanding business opportunities.

Section IV (F) Mixed-Use Development, Policy 7 – Design

Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.

Finding: The proposed amendments will provide greater flexibility for redevelopment of sites within the corridor by allowing drive-through banks and credit unions and offering a clear yet flexible set of design guidelines for those drive-throughs.

Compliance with Statewide Planning Goals

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

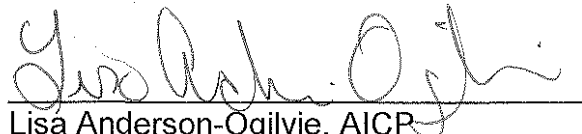
Finding: By allowing appropriately designed drive-through banks and credit unions, where all drive-throughs are currently prohibited, the proposed amendments provide Salem's banks and credit unions and local residents with additional economic opportunities.

ALTERNATIVES:

Salem Revised Code and state law require at least one public hearing before an amendment to a local government's land use code may be adopted. The Planning Commission hearing on February 9, 2016 complied with this requirement, and an additional public hearing before Council is not required. Staff recommends that City Council not conduct a second public hearing and instead proceed to second reading for enactment.

City Council may:

- A. Proceed to second reading for enactment,
- B. Set a public hearing on the proposed amendment,
- C. Refer the proposed amendment back to the Planning Commission for further
deliberation, or
- D. Decline to advance the proposed ordinance.



Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments:

1. February 3, 2015; letter from Jeff R. Tross, representing MAPS Credit
Union
2. Conceptual Site Plan for MAPS Credit Union Development Proposal
3. Planning Commission Recommendation to Council (February 10, 2016)
4. Proposed Amendments (Ordinance Bill No. 4-16)
5. Comments from the Grant Neighborhood Association
6. Map showing the boundaries of the Broadway/High Street Retail Overlay
Zone

Ward: All

February 12, 2016

February 3, 2015

City of Salem Planning Commission
c/o Pamela Cole, Planning Division
City Hall, Room 305
555 Liberty Street SE
Salem, Oregon 97301

RE: TEXT AMENDMENT TO UDC CHAPTER 613, BROADWAY/HIGH STREET
RETAIL OVERLAY ZONE

Dear Commissioners:

The Marion Polk Schools (MAPS) Credit Union is planning to build a new branch on property it owns at 465 Division Street NE, which is at the northwest corner of High and Division Streets. The property is zoned CR, which allows financial institutions, and it is also within the Broadway/High Street Retail Overlay Zone, UDC Chapter 613. The development regulations of the Overlay Zone prohibit "drive-throughs". The prohibition on drive-throughs is found in section 613.015(b)(1).

The Credit Union cannot effectively serve its customers without a drive-through, as it is an important and necessary part of its operation. Therefore, MAPS takes this opportunity to ask the Planning Commission to initiate a Zone Code Text Amendment to section 613.015(b)(1), as provided for in UDC Chapters 110.085 and 300.1100-1110, to allow for consideration of a drive-through as a Conditional Use in the Broadway/High Street Overlay Zone.

The MAPS property is identified as Tax Lot 9800 on Marion County Assessor's Map T7S-R3W Section 22DA. It is a single parcel of 1.46 acres. A copy of the Assessor's Map is attached to locate and identify the property. As shown on the Assessor's Map the parcel extends along the west side of High Street between Division Street and Mill Creek. MAPS' Administration headquarters building is on the adjacent property to the west, at 451 Division Street NE. An alley extending north from Division Street runs partially between the two properties, and provides the access to the Administration building parking lot.

The property is currently occupied, as it has been for many years, by an auto body shop and related storage building. The body shop and storage building are in the southern part of the property. The northern part is a parking area that has been leased to a nearby auto dealer as its new vehicle inventory storage. MAPS plans to redevelop the property with a new building to house a Credit Union branch and office space. However, the Overlay Zone's prohibition on drive-throughs is an obstacle to the redevelopment of the property. A copy of that specific section of the Overlay Zone is also attached.

RECEIVED

FEB 03 2015

A new MAPS Credit Union branch at this location will improve the neighborhood and be consistent with the purpose of the Overlay Zone, which is stated in section 613.001 as to promote a "pedestrian-oriented mixed-use residential and commercial district with an emphasis on retail". Replacing the auto body shop with financial services will expand and promote the retail component of the Overlay concept. However, unlike most other types of retail and office uses, a drive-through is necessary to the operation of the Credit Union, as it is an essential and expected part of the service it offers its customers. In addition, sufficient residential density has not yet developed within and around the designated Overlay district to support the operation of a Credit Union branch based on pedestrian access alone. The surrounding area within pedestrian distance is still predominantly commercial, and it does not appear likely to undergo significant redevelopment for high-density residential use in the near future.

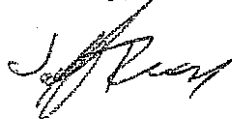
Furthermore, the configuration of the site would allow a drive-through to be situated on the west side of a building, in the interior of the property, opposite the High Street frontage. Access could be provided from the alley that currently serves the Administration building parking lot. At that location a drive-through would not visually intrude on or alter the pedestrian character of the street frontage.

As a Conditional Use, any proposal for a drive-through would be evaluated on the basis of its specific circumstances. In this case, the factors that would allow a drive through to be compatible with the intent of the Overlay district merit consideration through the Conditional Use process. Amending the Code to provide the opportunity to evaluate and recognize when the circumstances are appropriate could contribute to the intended redevelopment of the Overlay district.

For these reasons MAPS requests that the Planning Commission initiate consideration of the proposed Zone Code Text Amendment.

We will look forward to discussing this with you at a future date. Thank you for your consideration of this request.

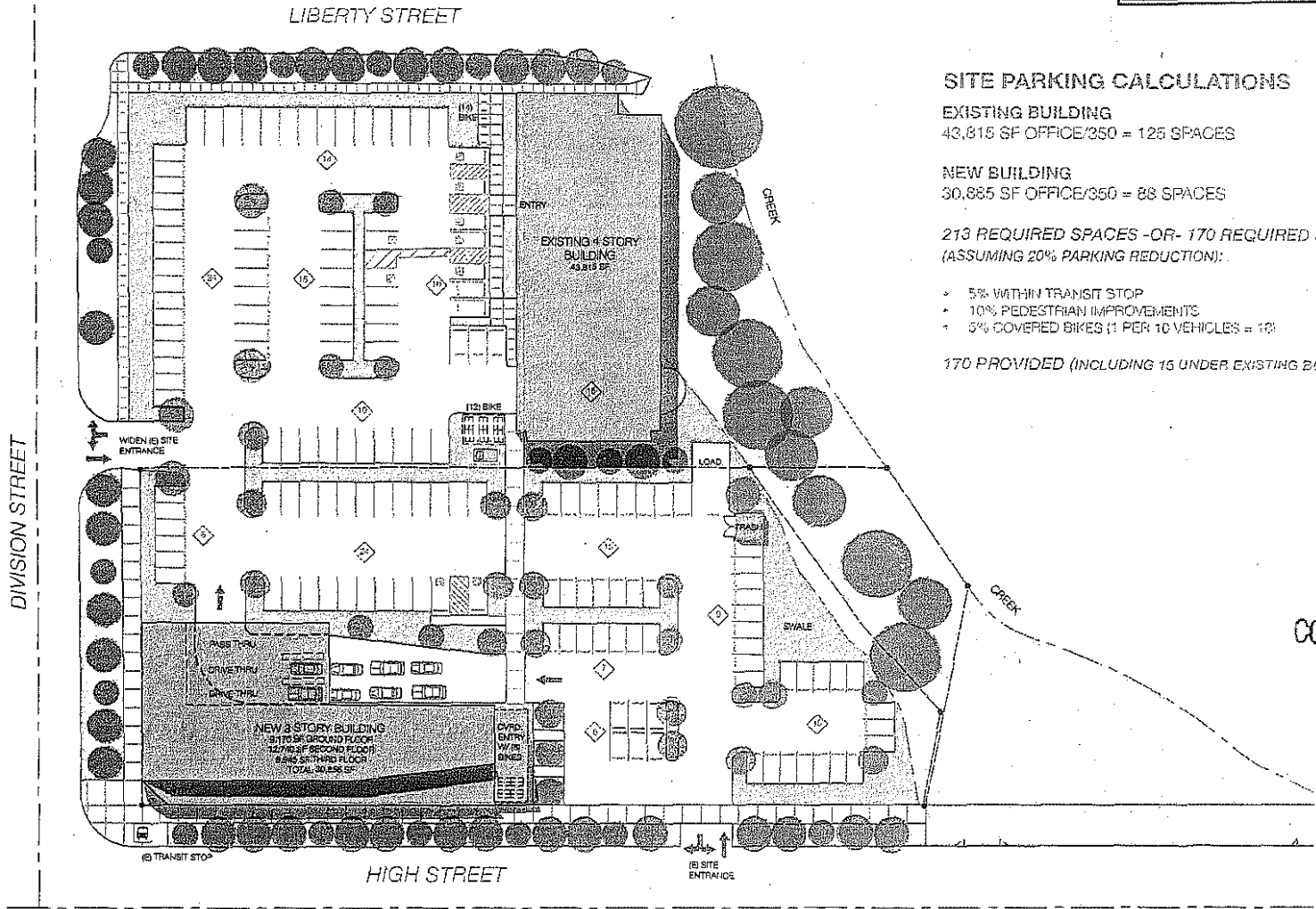
Sincerely,



Jeffrey R. Tross
cc. Kevin Cole, MAPS

CONCEPTUAL SITE PLAN

ATTACHMENT 2



SITE PARKING CALCULATIONS

EXISTING BUILDING
43,815 SF OFFICE/350 = 125 SPACES

NEW BUILDING
30,885 SF OFFICE/350 = 88 SPACES

213 REQUIRED SPACES -OR- 170 REQUIRED SPACES
(ASSUMING 20% PARKING REDUCTION):

- 5% WITHIN TRANSIT STOP
- 10% PEDESTRIAN IMPROVEMENTS
- 3% COVERED BIKES (1 PER 10 VEHICLES = 18)

170 PROVIDED (INCLUDING 15 UNDER EXISTING BUILDING)

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COMMUNITY DEVELOPMENT

ATTACHMENT 2

SITE PLAN - 1:50 SCALE
Salem, Oregon

MAPS CREDIT UNION



**RECOMMENDATION OF THE PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA15-02**

CODE AMENDMENT CASE NO. CA15-02

WHEREAS, on March 15, 2015, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission to allow drive-through banks and credit unions as a conditional use in the Broadway/High Street Retail Overlay Zone and to establish design standards for drive-through uses in the Broadway/High Street Retail Overlay Zone; and

WHEREAS, after due notice, a public hearing on the proposed code amendments was held before the Planning Commission on February 9, 2015, 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 February 9, 2015, 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 take the following action:

The City Council accept first reading of Ordinance Bill No. 4-16 for the purpose of amending Salem Revised Code Chapter 613 to allow drive-through banks and credit unions as a conditional use in the Broadway/High Street Retail Overlay Zone, and establish design standards for drive-through uses in the Broadway/High Street Retail Overlay Zone.

PLANNING COMMISSION VOTE

YES 7 NO 1 (McKinley) ABSENT 1 (Palmateer)


Rich Fry, President
Salem Planning Commission

**NOTICE OF
RECOMMENDATION**

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



Pursuant to SRC 300.1110(i), the City Council may proceed with adoption of an 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 City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

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 Bryan Colbourne, Case Manager, at 503-540-2363 or bcolbourne@cityofsalem.net to review the case file.

To Learn More about Planning in Salem, visit our website:

<http://www.cityofsalem.net/planning>

ORDINANCE BILL NO. 4-16

AN ORDINANCE ALLOWING DRIVE-THROUGH USES IN THE BROADWAY/HIGH STREET RETAIL OVERLAY ZONE; AMENDING SRC 613.015, 613.020, and 613.030.

The City of Salem ordains as follows:

Section 1. SRC 613.015 is amended to read as follows:

613.015. 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 Broadway/High Street Retail Overlay Zone.

(a) **Additional Permitted Uses.** The uses set forth in Table 613-1 are additional permitted (P) uses in the Broadway/High Street Retail Overlay Zone.

**TABLE 613-1
ADDITIONAL PERMITTED USES**

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.

(b) **Additional Conditional Uses.** The uses set forth in Table 613-2, when allowed in the underlying zone, shall be additional conditional (C) uses in the Broadway/High Street Retail Overlay Zone.

Table 613-2: Additional Conditional Uses		
Use	Status	Limitations & Qualifications
Retail Sales and Service		
Postal Services and Retail Financial Services	C	Only the following Postal Services and Retail Financial Services activities are additional conditional uses: ▪ Banks and credit unions developed with a drive-through.

(bc) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying zone, any permitted, special, or conditional use, other than banks and credit unions, within the Broadway/High Street Retail Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

- (1) Drive-through.

Section 2. SRC 613.020 is amended to read as follows:

613.020. Development Standards. Development within the Broadway/High Street Retail 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) **Height.** Buildings and accessory structures within the Broadway/High Street Retail Overlay Zone shall conform to the height standards set forth in Table 613-23.

**TABLE 613-23
HEIGHT**

Table 613-23: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 50 ft.	

(b) **Reductions to Required Off-Street Parking.** Within the Broadway/High Street Retail Overlay Zone, the minimum number of off-street parking spaces required under SRC Chapter 806 shall be automatically reduced by 10 percent. Further reductions to the minimum number of required off-street parking spaces may be satisfied through one or more of the following alternative means, provided, however, the total number of off-

1 street parking spaces reduced through such alternative means shall not exceed 20
2 percent:

3 (1) **Transit Stop.** A transit stop or stops approved by the Salem-Keizer Transit
4 District may be used to satisfy 5 percent of the minimum number of required off-
5 street parking spaces for building sites located within 400 feet of the transit stop
6 or stops.

7 (2) **Covered Bicycle Parking.** Covered bicycle parking, provided at a ratio of 1
8 bicycle space for each 10 vehicle parking spaces, may be used to satisfy 5 percent
9 of the minimum number of required off-street parking spaces.

10 (3) **Pedestrian Improvements.** Pedestrian improvements, provided in an
11 amount equal to or greater than 1 percent of the estimated construction cost of the
12 proposed building(s), may be used to satisfy 10 percent of the minimum number
13 of required off-street parking spaces. Construction cost estimates shall be
14 prepared by a licensed architect, landscape architect, or other qualified
15 professional and shall be subject to review and approval by the Planning
16 Administrator.

17 (A) Pedestrian improvements include plazas, sidewalk extensions on
18 development sites (e.g., sidewalk extensions with outdoor cafe space),
19 street furnishings (e.g., benches, public art, pedestrian-scale lighting, water
20 fountains, trash receptacles, transit shelters, or shade structures),
21 wayfinding signs, or similar amenities, as approved by the Planning
22 Administrator.

23 (B) Where a plaza adjoins a building entrance, pedestrian improvements
24 include the incorporation of weather protection over that plaza in the form
25 of a canopy, awning, pergola, or similar feature.

26 **Section 3.** SRC 613.030 is amended to read as follows:

27 **613.030. Design Review Guidelines and Design Review Standards.**

28 (a) **Building Location, Orientation, and Design.**

29 (1) **Building Location.**

30 (A) **Design Review Guidelines.**

1 (i) Building setbacks from the street shall be minimized (see Figure 613-
2 1). Buildings constructed contiguous to the right-of-way of
3 Broadway/High Streets are preferred.

4 (ii) Buildings shall be located to minimize impacts to adjacent residential
5 uses.

6 **(B) Design Review Standards.**

7 (i) **Setbacks Abutting Broadway/High Street.** Buildings shall have the
8 following setbacks from Broadway/High Street:

9 (aa) Contiguous to the street right-of-way; or

10 (bb) Maximum 10 feet from the street right-of-way, for those portions
11 of a building where a plaza or other outdoor space open to the public is
12 provided between the building and the street right-of-way.

13 (cc) Portions of buildings greater than 25 feet in height may be setback
14 up to 10 additional feet from the street right-of-way.

15 (ii) **Setbacks Abutting Street other than Broadway/High Street.**

16 Buildings shall have the following setbacks abutting a street other than
17 Broadway/High Street:

18 (aa) Minimum: 0 feet.

19 (bb) Maximum: 12 feet, for buildings or portions of buildings not more
20 than 25 feet in height.

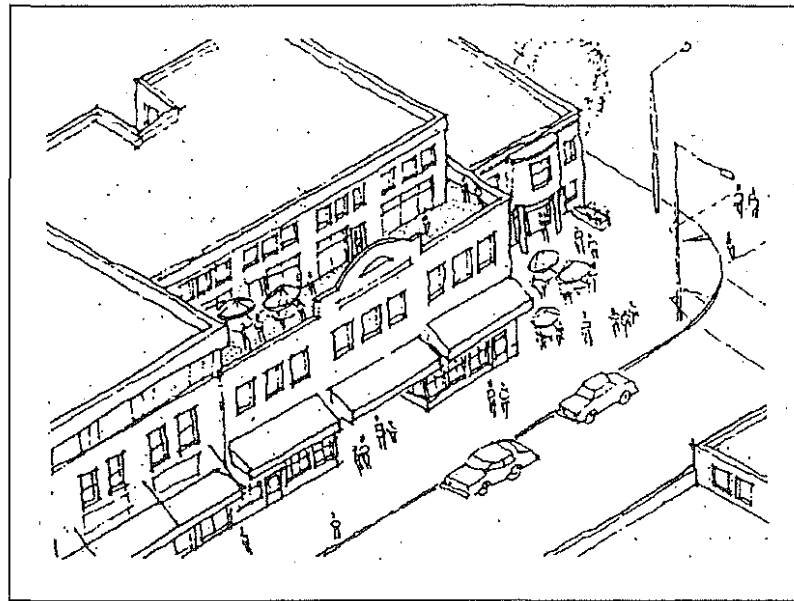
21 (cc) Maximum: 25 feet, for portions of buildings greater than 25 feet in
22 height.

23 (iii) **Interior Side Setback.** Buildings shall be constructed contiguous to
24 interior side lot lines.

25 (iv) **Interior Rear Setback.** Buildings shall have a minimum interior rear
26 setback of 1 foot for each 1 foot of building height. Such setback need not
27 exceed 20 feet in depth.

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

1 providing, wherever practical, buildings with multiple stories in order to
2 create a sense of enclosure along sidewalks and a variety of street level
3 facades.

4 **(B) Design Review Standards.**

5 (i) A primary building entrance shall be provided for each building facade
6 facing Broadway/High Street. If a building has frontage on
7 Broadway/High Street and another street, a single primary building
8 entrance may be provided at the corner of the building where the streets
9 intersect (see Figure 613-2).

10 (ii) Ground floor building facades facing Broadway/High Street shall
11 include transparent windows on a minimum of 65 percent of the ground
12 floor facade. The windows shall not be mirrored or treated in such a way
13 as to block visibility into the building. The windows shall have a minimum
14 Visible Transmittance (VT) of 37 percent.

15 (aa) **Alternative Standard for Existing Buildings.** Notwithstanding
16 subsection (a)(2)(B)(ii) of this section, where a building existing on
17 November 23, 1998, does not include transparent windows on at least
18 65 percent of the ground floor facade facing Broadway/High Street, the
19 percentage of transparent windows existing on the ground floor facade
20 shall not be reduced. Additional windows meeting the transparency
21 requirements of subsection (a)(2)(B)(ii) may be added without meeting
22 the minimum ground floor facade window percentage of 65 percent.

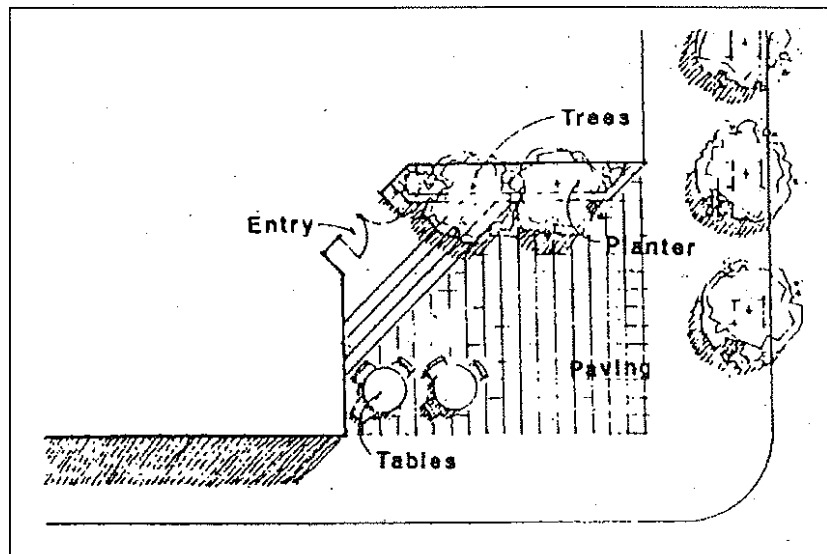
23 (iii) Building offsets and articulation shall be provided for building
24 frontages greater than 100 feet in length in order to create pedestrian scale.

25 (iv) Weather protection, in the form of awnings or canopies, shall be
26 provided along a minimum of 50 percent of the length of the ground floor
27 building facade adjacent to a street. Awnings or canopies shall have a
28 minimum clearance height above the sidewalk of 8 feet, and may encroach
29 into the street right-of-way as provided in SRC 76.160.
30

1 (aa) **Alternative Standard for Existing Buildings.** Notwithstanding
2 subsection (a)(2)(B)(iv) of this section, where a building existing on
3 November 23, 1998, does not include weather protection, in the form of
4 awnings or canopies, along a minimum of 50 percent of the length of
5 the ground floor facade adjacent to a street, the percentage of weather
6 protection along the ground floor facade shall not be reduced.
7 Additional weather protection meeting the sidewalk clearance
8 requirements in subsection (a)(2)(B)(iv) of this section may be added
9 without meeting the minimum weather protection standard of 50
10 percent.

11 (v) New buildings on lots abutting Broadway/High Street shall be a
12 minimum of 25 feet in height and shall provide space for commercial uses
13 on the ground floor and office and/or residential uses above.

14
15 **FIGURE 613-2**
16 **BUILDING CORNER ENTRY**



28 (b) **Open Space.**

29 (1) **Private Open Space.**

30 (A) **Design Review Guidelines.**

1 (i) Private open space shall be provided for each dwelling unit that
2 provides a pleasant and private place for the enjoyment of the occupants.

3 **(B) Design Review Standards.**

4 (i) A minimum of 48 square feet of private open space shall be provided
5 for each dwelling unit. The private open space shall have no dimension
6 less than 6 feet and shall be directly accessible from the dwelling unit
7 through a doorway.

8 **(c) Site Access.**

9 **(1) Vehicle Access.**

10 **(A) Design Review Guidelines.**

11 (i) Vehicle access and driveway approaches onto Broadway/High Street
12 shall be minimized. Joint use driveways providing access to
13 Broadway/High Street are preferred (see Figure 613-3).

14 (ii) Where feasible, provide vehicle access to buildings on lots abutting
15 Broadway/High Street from an alley or side street (see Figure 613-4).

16 **(B) Design Review Standards.**

17 (i) Vehicle access to off-street parking and loading areas shall be provided
18 from an alley or side street (see Figure 613-4).

19 (ii) No new driveway approaches shall be permitted onto Broadway/High
20 Street.

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FIGURE 613-3
VEHICLE ACCESS MINIMIZED THROUGH JOINT USE DRIVEWAYS

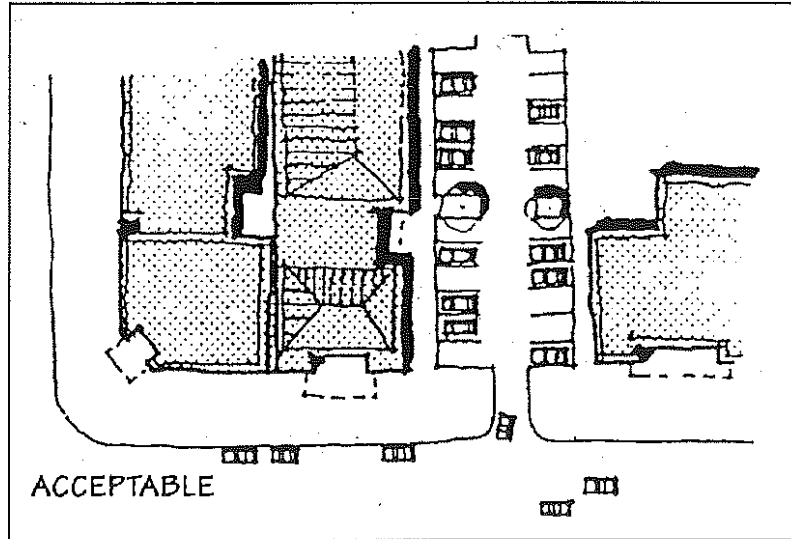
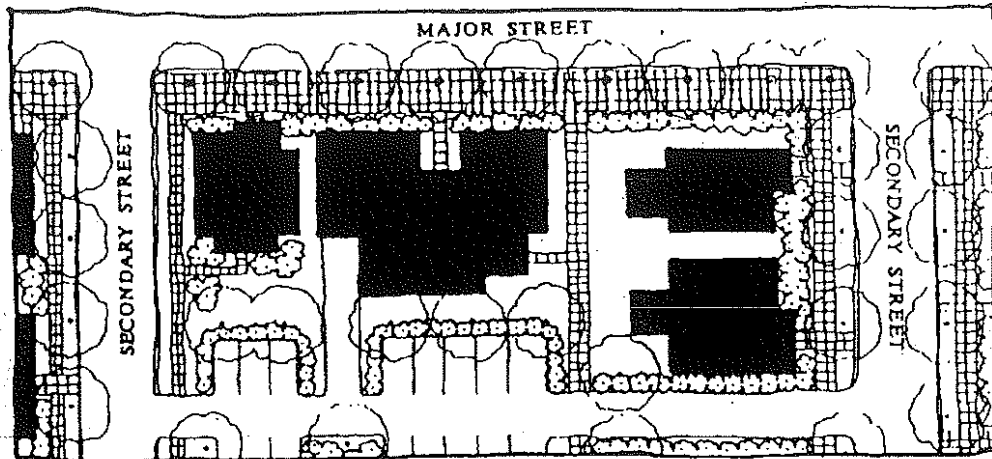


FIGURE 613-4:
VEHICLE ACCESS PROVIDED FROM ALLEY OR SIDE STREET



(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.

1 (ii) The amount of land needed to accommodate off-street parking shall be
2 minimized through shared and structured parking where such parking is
3 physically possible.

4 **(B) Design Review Standards.**

5 (i) Off-street surface parking areas and vehicle maneuvering areas shall be
6 located behind or beside buildings and structures. Off-street surface
7 parking areas and vehicle maneuvering areas shall not be located between a
8 building or structure and a street (see Figure 613-5 and Figure 613-6).

9 (iii) Off-street parking areas shall not occupy more than 50 percent of the
10 street frontage of a lot, except that:

11 (aa) Where a lot has frontage on Broadway/High Street and a side
12 street, an off-street surfacing parking area may occupy more than 50
13 percent of the side street frontage.

14 (bb) On lots abutting Broadway/High Street, multi-level parking
15 structures may occupy more than 50 percent of the Broadway/High
16 Street frontage, provided the parking structures include space for
17 ground floor commercial uses along their entire Broadway/High Street
18 frontage.

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FIGURE 613-5
PARKING CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT

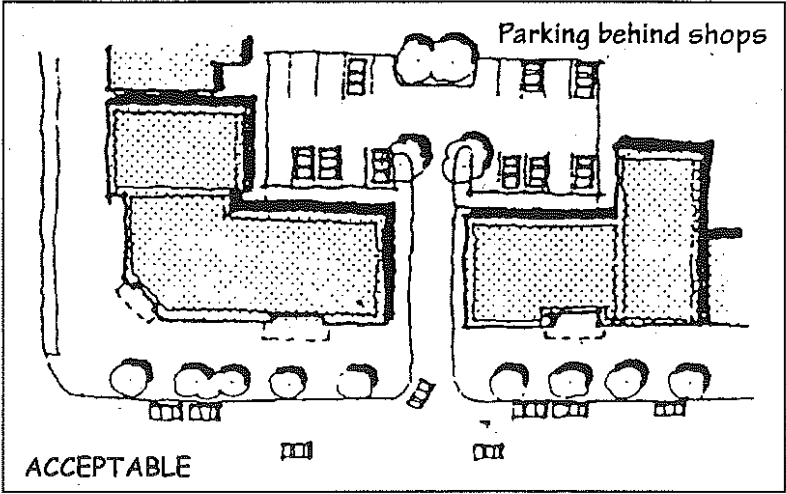
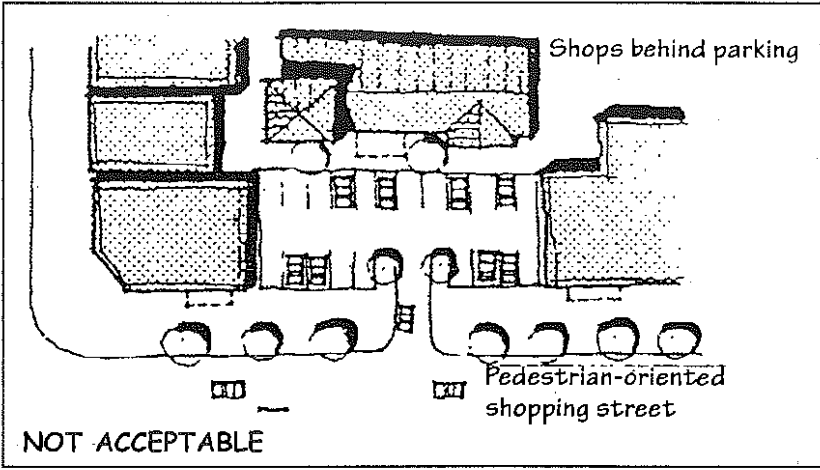


FIGURE 613-6
PARKING NOT CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT



- (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.**

1 (i) Off-street loading areas shall be located behind or beside buildings and
2 structures. Off-street loading areas shall not be located between a building
3 or structure and a street.

4 **(e) Drive-Through.**

5 **(1) Drive-Through Location, Access, and Design.**

6 **(A) Design Review Guidelines.**

7 (i) A drive-through shall have a scale, orientation, and design supportive of
8 a pedestrian-oriented mixed-use residential and commercial district.

9 (ii) A drive-through service area or service window shall be located and
10 designed to minimize its visibility from Broadway/High Street.

11 (iii) Any queuing lane shall be located and designed to minimize its
12 visibility from the street.

13 (iv) Vehicular access to a drive-through may enter from the street when the
14 drive-through exits onto an alley. A drive-through may exit onto the street
15 when vehicular access to the drive-through enters from an alley.

16 (v) Any queuing lane shall be located and designed to minimize conflicts
17 with pedestrians and to ensure safe pedestrian access to and throughout the
18 site.

19 **(B) Design Review Standards.**

20 (i) A drive-through service area or service window shall be located behind
21 the building or structure. For purposes of this standard, "located behind the
22 building or structure" means located on the side of the building or structure
23 that is opposite the side of the building or structure facing Broadway/High
24 Street.

25 (ii) Not more than one drive-through, which includes only one queuing
26 lane and one service area, shall be provided per development site.

27 (iii) A queuing lane shall not be located between a building or structure
28 and a street.

29 (iv) Vehicular access to and from a drive-through shall be taken from an
30 alley.

1 (v) Where pedestrians must cross a queuing lane, a minimum 5-foot-wide
2 pedestrian connection shall be provided across the queuing lane. The
3 pedestrian connection shall be defined by visual contrast or tactile finish
4 texture.

5 **Section 4. Codification.** In preparing this ordinance for publication and distribution, the City
6 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
7 limitations, may:

- 8 (a) Renumber sections and parts of sections of the ordinance;
- 9 (b) Rearrange sections;
- 10 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 11 (d) Delete references to repealed sections;
- 12 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 13 (f) Change capitalization and spelling for the purpose of uniformity;
- 14 (g) Add headings for purposes of grouping like sections together for ease of reference;
- 15 and
- 16 (h) Correct manifest clerical, grammatical or typographical errors.

17 **Section 5. Severability.** Each section of this ordinance, and any part thereof, is severable, and
18 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
19 this ordinance shall remain in full force and effect.

20 PASSED by the City Council this _____ day of _____, 2016.

21 ATTEST:

22
23 City Recorder

24 Approved by City Attorney: _____

25
26 Checked by: B. Colbourne

GRANT NEIGHBORHOOD ASSOCIATION

SALEM OREGON

February 6, 2016

Bryan Colbourne
Community Development
City of Salem
555 Liberty Street SE
Salem, Oregon

via email: bcolbourne@cityofsalem.net

Re: CODE AMENDMENT CASE NO. CA15-02

Dear Bryan,

Thank you for attending the Grant Neighborhood Association meeting last Thursday and providing supporting information for Mr. Tross's and Mr. Cole's presentation on the above referenced land use case as it will affect both the MAPS Credit Union and the Grant Neighborhood.

As you are aware, the Executive Board made, and passed by unanimous vote, a motion supporting the addition of language to the Salem Revised Code Chapter 613. The proposed language would allow drive-through facilities for only banks and credit unions in the Broadway/High Street Retail Overlay Zone. The allowance would only be accomplished through the approval of a conditional use application and would also be further regulated by Design Standards adopted for said use.

However, in so approving the proposal, the Executive Board expressed a concern for this allowance of drive-through facilities for banks and credit unions being applied to the entire Broadway/High Street Retail Overlay Zone.

The zone is divided into two areas. The southern area extends from Union Street, north to the intersection of High Street and Liberty Street. The northerly area begins at Belmont Street and extends north to between Shipping and Hood streets.

The south portion abuts the larger buildings and construction of the downtown area, including the Marion Parkade, the Chemeketa Small Business Development Center and the existing MAPS Credit Union Administration Center building and the proposal seems more in line with what has and is being built in this area. The planned MAPS Credit Union branch construction is the first new proposal for this southern portion of the overlay zone and we appreciate their stated efforts to make it pedestrian friendly.

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COMMUNITY DEVELOPMENT

However, the north portion covered by the retail overlay zone is already developing more closely with the pedestrian-centered guidelines of the City's 1997 North Downtown Plan. This plan was developed with the support and participation of the Grant Neighborhood and has been our guide for supporting, or opposing, proposed development projects within the designated area. The proliferation of shops, restaurants, a cinema, and gathering spaces has been a boon to the area. We wish to see the north area continue along its current development path which supports pedestrian centered activity and businesses, while providing smooth transitions to the surrounding residential portions of the neighborhood.

In supporting this code amendment on behalf of the MAPS drive-through proposal, we support an amendment only for the southern portion of the overlay zone. Given the success of the pedestrian friendly development in the northern part of the zone, we do not support the inclusion of drive-through facilities in the northern half of the zone.

Please feel free to contact any of the Executive Board members if you have any questions.

Sincerely,



Jeanne Boatwright
Executive Board Secretary
cjboat835@yahoo.com

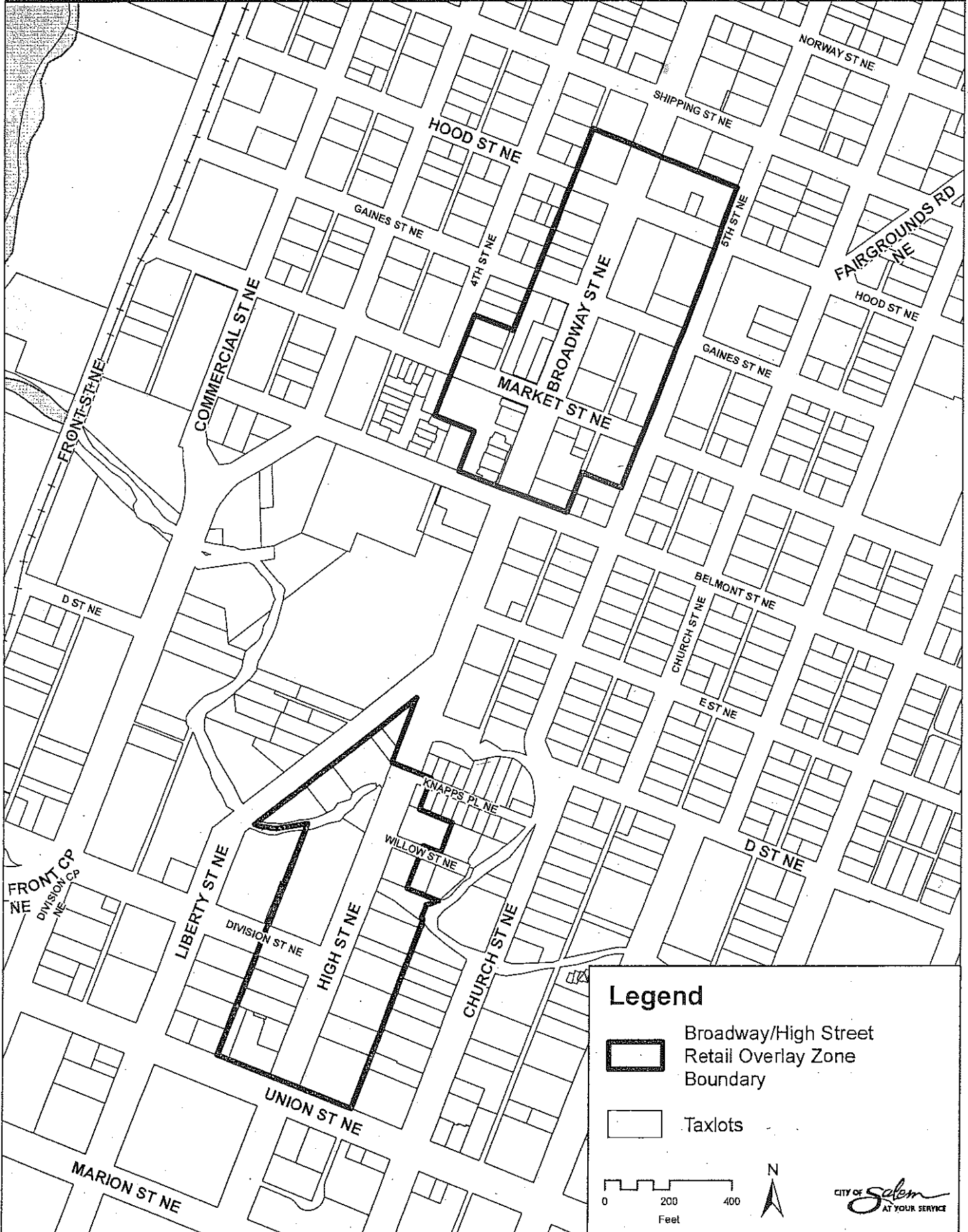
CC: Eric Bradfield, co-chair
ebradfield@gmail.com

Sam Skillern, co-chair
sam@salem1f.org

Christopher Bechtel, vice-chair
bechtelcr@gmail.com

Jeff Tross, MAPS Land Use Consultant
jefftross@msn.com

Broadway/High Street Retail Overlay Zone



ORDINANCE BILL NO. 4-16

AN ORDINANCE ALLOWING DRIVE-THROUGH USES IN THE BROADWAY/HIGH STREET RETAIL OVERLAY ZONE; AMENDING SRC 613.015, 613.020, and 613.030.

The City of Salem ordains as follows:

Section 1. SRC 613.015 is amended to read as follows:

613.015. 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 Broadway/High Street Retail Overlay Zone.

(a) Additional Permitted Uses. The uses set forth in Table 613-1 are additional permitted (P) uses in the Broadway/High Street Retail Overlay Zone.

**TABLE 613-1
ADDITIONAL PERMITTED USES**

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.

(b) Additional Conditional Uses. The uses set forth in Table 613-2, when allowed in the underlying zone, shall be additional conditional (C) uses in the Broadway/High Street Retail Overlay Zone.

Table 613-2: Additional Conditional Uses		
Use	Status	Limitations & Qualifications
Retail Sales and Service		
<u>Postal Services and Retail Financial Services</u>	<u>C</u>	<u>Only the following Postal Services and Retail Financial Services activities are additional conditional uses:</u> ▪ <u>Banks and credit unions developed with a drive-through.</u>

(bc) **Additional Prohibited Uses.** In addition to the prohibited uses in the underlying zone, any permitted, special, or conditional use, other than banks and credit unions, within the Broadway/High Street Retail Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

- (1) Drive-through.

Section 2. SRC 613.020 is amended to read as follows:

613.020. Development Standards. Development within the Broadway/High Street Retail 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) **Height.** Buildings and accessory structures within the Broadway/High Street Retail Overlay Zone shall conform to the height standards set forth in Table 613-23.

**TABLE 613-23
HEIGHT**

Table 613-23: Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 50 ft.	
Accessory Structures		
Accessory to All Uses	Max. 50 ft.	

(b) **Reductions to Required Off-Street Parking.** Within the Broadway/High Street Retail Overlay Zone, the minimum number of off-street parking spaces required under SRC Chapter 806 shall be automatically reduced by 10 percent. Further reductions to the minimum number of required off-street parking spaces may be satisfied through one or more of the following alternative means, provided, however, the total number of off-

1 street parking spaces reduced through such alternative means shall not exceed 20
2 percent:

3 (1) **Transit Stop.** A transit stop or stops approved by the Salem-Keizer Transit
4 District may be used to satisfy 5 percent of the minimum number of required off-
5 street parking spaces for building sites located within 400 feet of the transit stop
6 or stops.

7 (2) **Covered Bicycle Parking.** Covered bicycle parking, provided at a ratio of 1
8 bicycle space for each 10 vehicle parking spaces, may be used to satisfy 5 percent
9 of the minimum number of required off-street parking spaces.

10 (3) **Pedestrian Improvements.** Pedestrian improvements, provided in an
11 amount equal to or greater than 1 percent of the estimated construction cost of the
12 proposed building(s), may be used to satisfy 10 percent of the minimum number
13 of required off-street parking spaces. Construction cost estimates shall be
14 prepared by a licensed architect, landscape architect, or other qualified
15 professional and shall be subject to review and approval by the Planning
16 Administrator.

17 (A) Pedestrian improvements include plazas, sidewalk extensions on
18 development sites (e.g., sidewalk extensions with outdoor cafe space),
19 street furnishings (e.g., benches, public art, pedestrian-scale lighting, water
20 fountains, trash receptacles, transit shelters, or shade structures),
21 wayfinding signs, or similar amenities, as approved by the Planning
22 Administrator.

23 (B) Where a plaza adjoins a building entrance, pedestrian improvements
24 include the incorporation of weather protection over that plaza in the form
25 of a canopy, awning, pergola, or similar feature.

26 **Section 3.** SRC 613.030 is amended to read as follows:

27 **613.030. Design Review Guidelines and Design Review Standards.**

28 (a) **Building Location, Orientation, and Design.**

29 (1) **Building Location.**

30 (A) **Design Review Guidelines.**

1 (i) Building setbacks from the street shall be minimized (see Figure 613-
2 1). Buildings constructed contiguous to the right-of-way of
3 Broadway/High Streets are preferred.

4 (ii) Buildings shall be located to minimize impacts to adjacent residential
5 uses.

6 **(B) Design Review Standards.**

7 (i) **Setbacks Abutting Broadway/High Street.** Buildings shall have the
8 following setbacks from Broadway/High Street:

9 (aa) Contiguous to the street right-of-way; or

10 (bb) Maximum 10 feet from the street right-of-way, for those portions
11 of a building where a plaza or other outdoor space open to the public is
12 provided between the building and the street right-of-way.

13 (cc) Portions of buildings greater than 25 feet in height may be setback
14 up to 10 additional feet from the street right-of-way.

15 (ii) **Setbacks Abutting Street other than Broadway/High Street.**

16 Buildings shall have the following setbacks abutting a street other than
17 Broadway/High Street:

18 (aa) Minimum: 0 feet.

19 (bb) Maximum: 12 feet, for buildings or portions of buildings not more
20 than 25 feet in height.

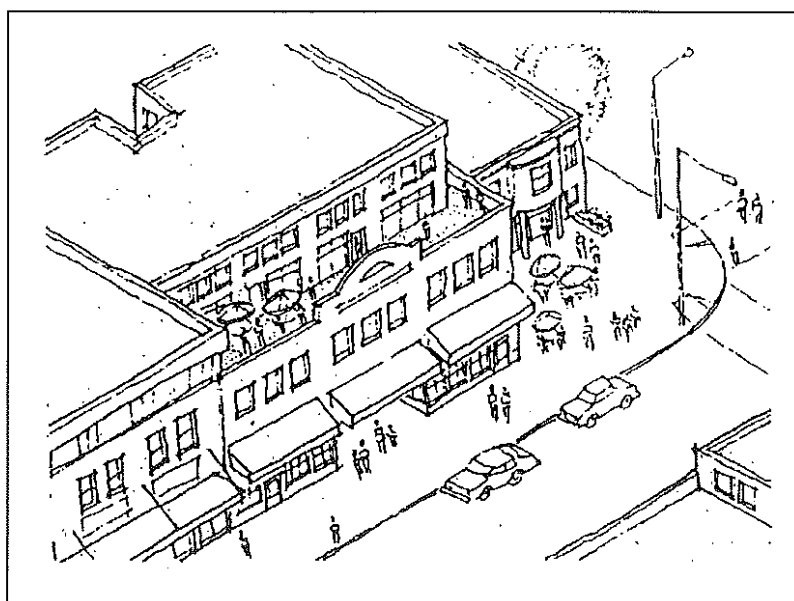
21 (cc) Maximum: 25 feet, for portions of buildings greater than 25 feet in
22 height.

23 (iii) **Interior Side Setback.** Buildings shall be constructed contiguous to
24 interior side lot lines.

25 (iv) **Interior Rear Setback.** Buildings shall have a minimum interior rear
26 setback of 1 foot for each 1 foot of building height. Such setback need not
27 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

1 providing, wherever practical, buildings with multiple stories in order to
2 create a sense of enclosure along sidewalks and a variety of street level
3 facades.

4 **(B) Design Review Standards.**

5 (i) A primary building entrance shall be provided for each building facade
6 facing Broadway/High Street. If a building has frontage on
7 Broadway/High Street and another street, a single primary building
8 entrance may be provided at the corner of the building where the streets
9 intersect (see Figure 613-2).

10 (ii) Ground floor building facades facing Broadway/High Street shall
11 include transparent windows on a minimum of 65 percent of the ground
12 floor facade. The windows shall not be mirrored or treated in such a way
13 as to block visibility into the building. The windows shall have a minimum
14 Visible Transmittance (VT) of 37 percent.

15 (aa) **Alternative Standard for Existing Buildings.** Notwithstanding
16 subsection (a)(2)(B)(ii) of this section, where a building existing on
17 November 23, 1998, does not include transparent windows on at least
18 65 percent of the ground floor facade facing Broadway/High Street, the
19 percentage of transparent windows existing on the ground floor facade
20 shall not be reduced. Additional windows meeting the transparency
21 requirements of subsection (a)(2)(B)(ii) may be added without meeting
22 the minimum ground floor facade window percentage of 65 percent.

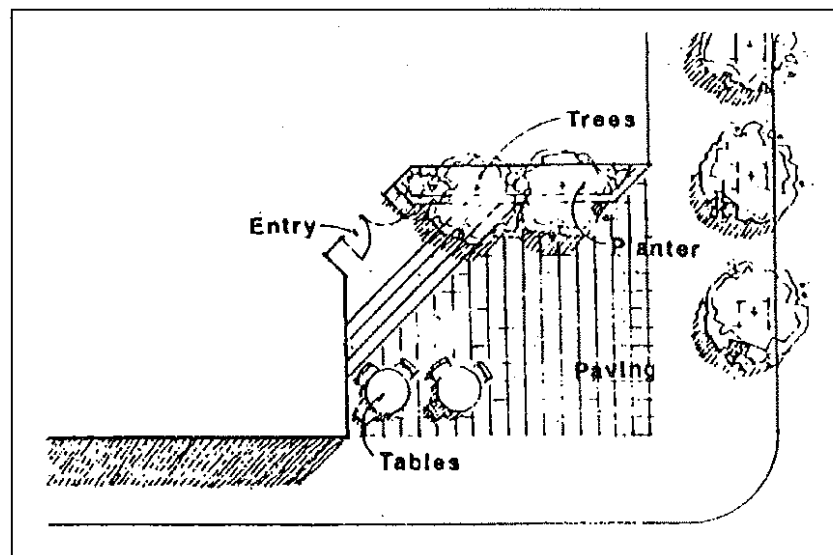
23 (iii) Building offsets and articulation shall be provided for building
24 frontages greater than 100 feet in length in order to create pedestrian scale.

25 (iv) Weather protection, in the form of awnings or canopies, shall be
26 provided along a minimum of 50 percent of the length of the ground floor
27 building facade adjacent to a street. Awnings or canopies shall have a
28 minimum clearance height above the sidewalk of 8 feet, and may encroach
29 into the street right-of-way as provided in SRC 76.160.
30

1 (aa) **Alternative Standard for Existing Buildings.** Notwithstanding
2 subsection (a)(2)(B)(iv) of this section, where a building existing on
3 November 23, 1998, does not include weather protection, in the form of
4 awnings or canopies, along a minimum of 50 percent of the length of
5 the ground floor facade adjacent to a street, the percentage of weather
6 protection along the ground floor facade shall not be reduced.
7 Additional weather protection meeting the sidewalk clearance
8 requirements in subsection (a)(2)(B)(iv) of this section may be added
9 without meeting the minimum weather protection standard of 50
10 percent.

11 (v) New buildings on lots abutting Broadway/High Street shall be a
12 minimum of 25 feet in height and shall provide space for commercial uses
13 on the ground floor and office and/or residential uses above.
14

15 **FIGURE 613-2**
16 **BUILDING CORNER ENTRY**



28 (b) **Open Space.**

29 (1) **Private Open Space.**

30 (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 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

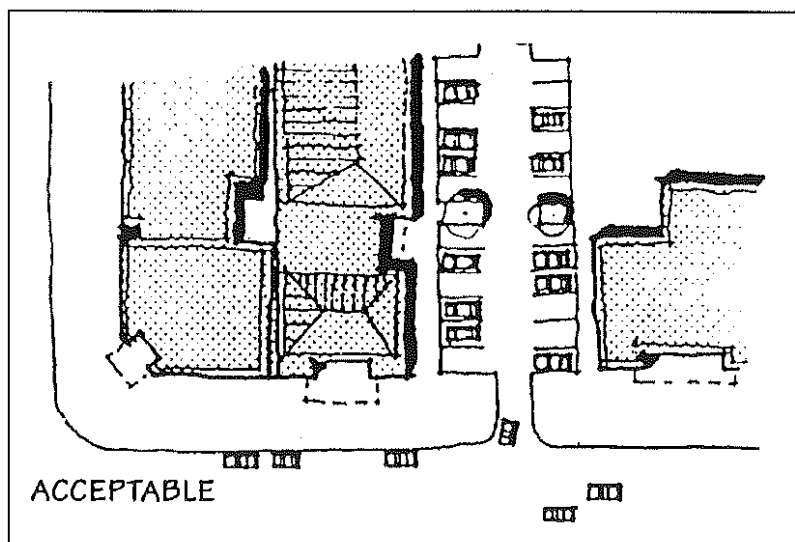
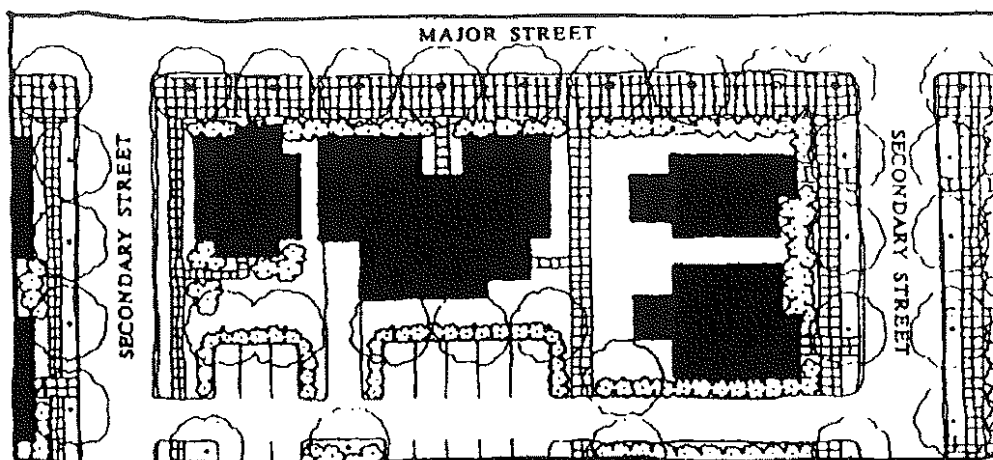


FIGURE 613-4:
VEHICLE ACCESS PROVIDED FROM ALLEY OR SIDE STREET



(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

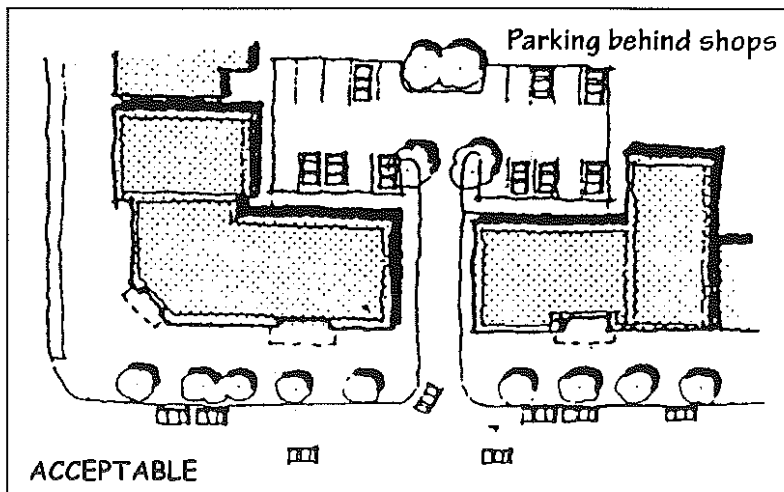
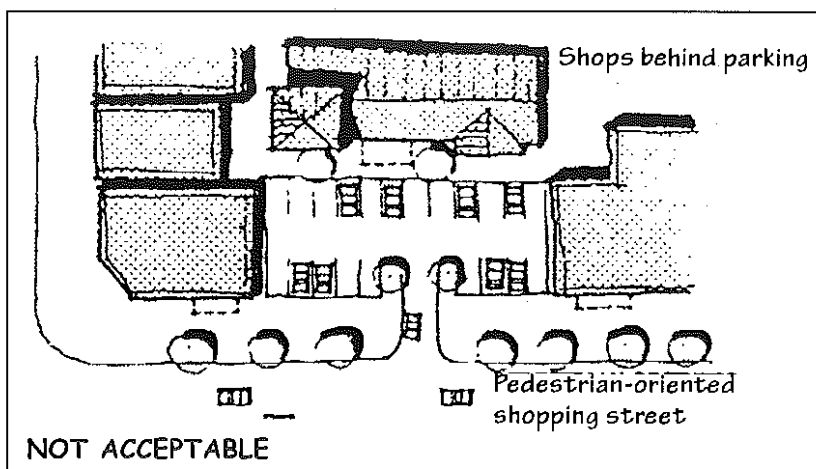


FIGURE 613-6
PARKING NOT CONSISTENT WITH PEDESTRIAN-ORIENTED MIXED-USE
RESIDENTIAL AND COMMERCIAL DISTRICT



(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.

1 (i) Off-street loading areas shall be located behind or beside buildings and
2 structures. Off-street loading areas shall not be located between a building
3 or structure and a street.

4 **(e) Drive-Through.**

5 **(1) Drive-Through Location, Access, and Design.**

6 **(A) Design Review Guidelines.**

7 (i) A drive-through shall have a scale, orientation, and design supportive of
8 a pedestrian-oriented mixed-use residential and commercial district.

9 (ii) A drive-through service area or service window shall be located and
10 designed to minimize its visibility from Broadway/High Street.

11 (iii) Any queuing lane shall be located and designed to minimize its
12 visibility from the street.

13 (iv) Vehicular access to a drive-through may enter from the street when the
14 drive-through exits onto an alley. A drive-through may exit onto the street
15 when vehicular access to the drive-through enters from an alley.

16 (v) Any queuing lane shall be located and designed to minimize conflicts
17 with pedestrians and to ensure safe pedestrian access to and throughout the
18 site.

19 **(B) Design Review Standards.**

20 (i) A drive-through service area or service window shall be located behind
21 the building or structure. For purposes of this standard, "located behind the
22 building or structure" means located on the side of the building or structure
23 that is opposite the side of the building or structure facing Broadway/High
24 Street.

25 (ii) Not more than one drive-through, which includes only one queuing
26 lane and one service area, shall be provided per development site.

27 (iii) A queuing lane shall not be located between a building or structure
28 and a street.

29 (iv) Vehicular access to and from a drive-through shall be taken from an
30 alley.

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(v) Where pedestrians must cross a queuing lane, a minimum 5-foot-wide pedestrian connection shall be provided across the queuing lane. The pedestrian connection shall be defined by visual contrast or tactile finish texture.

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PASSED by the City Council this _____ day of _____, 2016.

ATTEST:

City Recorder

Approved by City Attorney: _____

Checked by: B. Colbourne