

Planning Commission Work Session – August 16, 2021

On August 16th, the Planning Commission will hold the last in a series of work sessions on the package of proposed changes to the City's zoning and development code, known as the Unified Development Code (UDC).

The proposed changes address a variety of issues that have arisen since the last update to the UDC in 2019 and range from minor housekeeping amendments to policy-related changes that respond to concerns from the community and changes in State law.

The focus of the August 16th work session will be on proposed amendments to provisions of Chapters identified in the table below.

A general overview of the proposed changes is provided below. For the specific proposed text of the amendments, please refer the Salem Revised Code (SRC) chapters included with this summary. New language proposed to be added is identified by red underline and existing language proposed to be deleted is identified by ~~red strikethrough~~.

Keeping of Poultry and Miniature Swine (SRC Chapter 50)

SRC Chapter 50 (Property Maintenance) is proposed to be amended to expand the types of animals that may be kept in the City.

The amendments expand the types of **poultry** that may be kept to include guinea fowl, pheasants, pigeons, quail, partridge, doves, and similar bird birds in addition to the chickens and ducks that are currently allowed. Larger poultry such as geese, turkey, emu, ostrich, or similar sized birds are not allowed. Under the amendments a maximum total of 12 birds are allowed which must be kept in accordance with the current standards applicable to the keeping of chickens and ducks.

The amendments also change the location in the code where the requirements for the keeping of **miniature swine** are located. Standards for the keeping of miniature swine are currently included under SRC Chapter 95 (Miscellaneous Offences) and are proposed to be relocated to SRC Chapter 50 (Property Maintenance) so as to be located in the same chapter with the standards for the keeping of other animals.

Amendments Implementing State Senate Bill SB458 – Concerning Middle Housing Land Divisions (SRC Chapter 205)

Senate Bill SB458 requires local governments to establish a special land division process that applies specifically to partitions and subdivisions of land that has been or is proposed to be developed with middle housing (*townhouses, two family uses, three family uses, four family uses, and cottage clusters*). The intent of the bill is to provide a streamlined process with minimal standards in order to allow middle housing developments to be divided so that each dwelling unit can be located on its own lot to create the opportunity for home ownership. The bill requires the middle housing land division to be processed as an expedited land division under Oregon Revised Statutes (ORS) 197.360 through ORS 197.380.

In order to implement the provisions of SB458, the land division chapter of the UDC (SRC Chapter 205) is proposed to be amended to include a new section specifically dedicated to middle housing land divisions (SRC 205.051) which identifies the applicable review procedure, submittal requirements, and approval criteria for these applications. Middle housing land divisions are reviewed by the Planning Administrator, include public notice and comment, and are appealable to the Hearings Officer.

Site Plan Review (SRC Chapter 220)

Amendments are proposed to the City's Site Plan Review chapter (SRC Chapter 220) to:

- Require Class 1 Site Plan Review prior to a change of use when a building permit is not otherwise required.
- Exempt middle housing (*townhouses, three family uses, four family uses, and cottage clusters*) from Site Plan Review.
- Clarify that demolition permits and construction of fences are also exempt from Site Plan Review.
- Clarify that any development proposal that includes the placement of conditions on the approval is considered a land use/limited land use decision for the purposes of Site Plan Review and therefore Class 3 Site Plan Review is required.
- Add building elevations as a submittal requirement for Class 2 and Class 3 Site Plan Review applications in order to be able to review developments for conformance with maximum building height standards.

Manufactured Dwelling Parks (SRC Chapter 235)

Amendments are proposed to the City's Manufactured Dwelling Park chapter (SRC Chapter 235) to:

- Clarify that recreational vehicles are allowed to be sited within a manufactured dwelling park and occupied as a residential dwelling when they're located in a manufactured dwelling park space and lawfully connected to water, sewer, and electricity. This change is being recommended in order to comply with the requirements of ORS 197.493 which precludes a local government from prohibiting occupancy of a recreation vehicle in a

manufactured dwelling park if its occupied as a residential dwelling and lawfully connected to services.

- Eliminate the minimum size and skirting requirements for manufactured homes located in parks less than three acres in size within the RA and RS zones. This change is recommended in order to comply with the requirements of ORS197.314(6) which does not allow a local government to place such standards on manufactured homes in parks.

Annexation Procedures (SRC Chapter 260 and SRC Chapter 300)

Amendments are proposed to the City's Annexation chapter (SRC Chapter 260) to:

- Update annexation procedures of the chapter to conform with the requirements of State Law.
- Incorporate the annexation review procedures into SRC Chapter 300 to be located with the other land use application review procedures. Annexation review procedures are currently located in SRC Chapter 260 and separate from the land use application review procedures of SRC Chapter 300.

Land Use Application Procedures (SRC Chapter 300)

Amendments are proposed to the City's land use application procedures ordinance (SRC Chapter 300) to:

- Require public notice to be sent to the Salem Area Mass Transit District for all Type II, Type III, and Type IV land use applications, as well as legislative land use proposals (e.g. code amendments).
- Clarify that land use decisions are not effective until both the appeal period has expired and the decision has not been called-up for City Council review (*for land use decisions subject to City Council review under SRC 300.1050*).

Commercial Retail Zone (SRC Chapter 522)

Amendments are proposed to the Retail Commercial (CR) zone (SRC Chapter 522) to:

- Establish transit centers as a permitted use in the zone.

Central Business District Zone (SRC Chapter 524)

Amendments are proposed to the Central Business District (CB) zone (SRC Chapter 524) to:

- Prohibit single **family dwellings**.
- Prohibit **drive-through** uses.

- Change **commercial parking** from a permitted use to a conditional use requiring a Conditional Use Permit.
- Allow **self-service storage** as a special use in the CB zone within existing buildings that are not within the Downtown Historic District. This amendment is intended to provide additional flexibility for reuse of large vacant buildings within the Downtown that can have difficulties in finding a replacement use due to their size, configuration, and construction.

Self-service storage would only be allowed within an existing building if it meets the proposed special use standards included under **SRC 700.071**. These proposed new standards would limit the storage use to not more than 50 percent of the floor area of the existing building, restrict its location to the basement and upper floors of the building, and require the service and loading area to be located behind the building. The ground floor of the building would be required to have active uses other than storage to maintain vibrancy and activity at the street level. If additional floors are added to the building those floors could include additional storage space, but the storage space would have to be surrounded by perimeter uses other than storage facing the street to effectively wrap the use and hide the presence of storage on new upper floors. No alterations could be made to the appearance of the building that would reduce its conformance with the design standards of the CB zone including ground floor and upper floor windows, building entrances, weather protection, building articulation, etc..

- Update the development stands of the CB zone to:
 - ❖ Establish a minimum required residential density of 20 dwelling units per acre that's applicable to development that is **exclusively residential**.
 - ❖ Establish a minimum floor-area-ratio of 2.0 and a minimum building height of two-stories to promote development intensity with the Downtown that's consistent with the purpose of the CB zone.
 - ❖ Establish a minimum 90% building frontage requirement for buildings adjacent to streets to ensure that the majority of the width of a lot adjacent to the street is occupied by buildings placed at the setback line. For corner lots, the minimum required building frontage is 75 percent adjacent to the intersecting street.
 - ❖ **Eliminate the General Retail/Office Overlay Zone and Front Street Overlay Zone** and incorporate the design standards from those overlay zones into the CB zone itself; together with additional design standards from the MU-I and MU-II zones to promote improved building and site design.

Fairview Mixed-Use Zone (SRC Chapter 530)

Amendments are proposed to the Fairview Mixed Use (FMU) zone (SRC Chapter 530) to further clarify the relationship between the Fairview plan and refinement plans to reflect how the code has been historically applied in regard to the approval of refinement plans within the zone. The proposed amendment:

- Adds language providing greater clarify regarding the purpose of the Fairview Plan and its regulatory authority over subsequent refinement plans.
- Revises approval criteria for refinement plans under SRC 530.030(e) to specify which specific portions of the Fairview plan that refinements plans must be found to be in conformance with.

- Clarifies that the maps and drawings in the plan are conceptual//illustrative in nature and may be further revised by refinement plans in substantial conformance with the thirteen sustainable land use principles included in the *Fairview Training Center Redevelopment Master Plan* document.
- Clarifies who has standing to initiate amendments to the Fairview plan and refinement plans.
- Clarifies that amendments to the Fairview plan and refinements plans are actual changes to the text and/or supporting documents of the plans, not site-specific proposals for development requesting deviation from the standards of a refinement plan (e.g. a request that would normally be addressed through a variance or adjustment to the standard rather than an amendment to the standard).

Edgewater/Second Street Mixed-Use Corridor Zone (SRC Chapter 535)

Amendments are proposed to the Edgewater/Second Street Mixed-Use Corridor (ESMU) zone (SRC Chapter 535) to:

- Prohibit **commercial parking**.

Airport Overlay Zone (SRC Chapter 602)

Amendments are proposed to the Airport Overlay Zone (SRC Chapter 5602) to update the chapter to conform to current FAA requirements identified by the Airport Administrator.

Temporary Uses (SRC Chapter 701)

Amendments are proposed to the Temporary Uses chapter (SRC 701) to establish **managed temporary camping** and **warming shelters** as temporary uses that are allowed within the City.

Managed temporary camping (SRC 701.025) is intended to help address homelessness within the City by providing temporary living accommodations to individuals experiencing homelessness in a managed and secure environment with consistent access to on-site restrooms, storage, garbage removal, and additional services. Temporary living accommodations include non-permanent structures such as micro shelters, tents, and vehicles.

Managed temporary camping areas are allowed to have up to a maximum total of 30 camp shelter units (*micro shelters, tents, vehicles/RVs*) with a maximum of two adults per unit (*except for vehicles which can be occupied by a family*).

Managed temporary camping is proposed to be allowed within residential zones, but only when it's operated on the site of a church or other religious organization, and within all other zones. The use will require either a Class 1 or Class 2 Temporary Use permit depending on its location and the number of camp shelter units that will be provided.

Within residential zones a Class 2 Temporary Use permit is required regardless of the number of camp shelter units provided. A Class 2 Temporary Use permit follows the Type II land use review procedure which is a staff level decision following public notice and comment. The decision is appealable to the Hearings Officer.

Outside of residential zones, a Class 1 Temporary Use permit is required for managed temporary camping areas with 10 or fewer camp shelter units and a Class 2 Temporary Use permit is required for camping areas with 11 to 30 camp shelter units and a. A Class 1 Temporary Use permit follows the Type I land use view procedure which is a staff level decision without public notice or comment. SRC Chapter 701 includes a range of siting and operational standards that managed temporary camping areas must comply with in order to not only help meet the needs of camp residents but also promote security and minimize potential impacts on adjacent properties.

Warming shelters (SRC 701.050) are proposed to be allowed as a temporary use because they're currently not identified as an allowed use in the code but serve an essential emergency service to individuals when temperatures or a combination of inclement weather become a threat to human health and safety.

Similar to managed temporary camping, warming shelters are proposed to be allowed within residential zones, when operated on the site of a church or other religious organization, and with all other zones. Warming shelters are proposed to require a Class 1 Temporary Use permit.

General Development Standards (SRC Chapter 800)

Amendments are proposed to the General Development Standards chapter (SRC Chapter 800) to:

- Require maintenance easements for townhouses, zero side yard dwellings, and other dwellings units constructed contiguous to a property. Maintenance easements are currently only required under the code for townhouses and zero side dwellings when allowed as special uses in particular zones. Maintenance easements are necessary, however, for any dwelling unit constructed contiguous to a property line regardless of the zone it's located within.
- Allow barbed wire fencing, for security purposes, around electrical substations.

Streets and Right-of-Way Improvements (SRC Chapter 803)

Amendments are proposed to the Streets and Right-of-Way Improvements chapter (SRC Chapter 803) to:

- Require the construction of transit stops and dedication of right-of-way (if necessary to accommodate the transit stop) when a transit stop has been identified by the Salem Area Mass Transit as being needed in connection with a proposed development.
- Restrict on-street parking in the area of the transit stop to ensure unobstructed access by transit.
- Exempt middle housing (*specifically single-family detached dwellings converted to duplexes, triplexes, and quadplexes*) from boundary street and sidewalk improvements to maintain consistency with what is allowed for single family dwellings as required under House Bill HB2001.

Off-Street Parking, Loading, and Driveways (SRC Chapter 806)

Amendments are proposed to the City's off-street parking, loading, and driveways chapter (SRC Chapter 806) to:

- Change the minimum off-street parking requirement for non-profit shelters and non-profit shelters serving victims of domestic violence serving 10 or fewer people.
- Require vehicle storage areas, and the vehicular access to them, serving single family, two family, three family, and four family uses to be paved.
- Clarify that a minimum 20-foot driveway is not required leading to a screened off-street parking area within a side or rear yard.
- Require bike parking with any change of use or activity.
- Establish a minimum bike parking requirement of one space per dwelling unit for multiple family dwelling units located within the downtown (CSDP area) or within one-quarter mile of the Cherriots Core Transit Network.

- Allow long-term bicycle parking together with the establishment of new standards for long-term bicycle parking.
- Eliminate minimum required 5-foot setback between loading areas and alleys to be consistent with what is currently allowed for parking areas abutting alleys.

Landscaping and Screening (SRC Chapter 807)

Amendments are proposed to the City's landscaping and screening chapter (SRC Chapter 807) to:

- Clarify that the separate tree replanting requirements of the chapter do not apply to single family uses, two family uses, three family uses, four family uses, and cottage clusters.
- Establish a requirement for a landscaping permit to apply in those situations when site plan review is required, but no corresponding subsequent building permit is required. This will ensure that there is a process in place to review and approve the subsequent landscape plan that's submitted following site plan review approval.

Commercial Parking (Various SRC Chapters)

Amendments are proposed to the code relating to commercial parking that:

- Revise SRC Chapter 400 (Use Classifications) to define commercial parking as parking available to the public, not related to a specific development.
- Eliminate commercial parking as a special use (SRC 700.050) and correspondingly eliminate commercial parking as a special use within the RA, RS, RM-I, RM-II, and RH zones.

CHAPTER 50. PROPERTY MAINTENANCE

GENERAL PROVISIONS

(Note: The following amendments are excerpts from SRC Chapter 50. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=PTIICOR_TITIVHESA_CH50PRMA

Sec. 50.710. Keeping of ~~chickens and ducks~~ poultry.

- (a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

~~Chicken means the common domestic fowl (Gallus domesticus) or its young.~~

~~Chicken and duck facility means a combination of a coop and a runway.~~

Commercial poultry operation means a farm that raises chickens for sale or the production of eggs for profit.

Community garden means a lot or parcel of land gardened collectively by a group of people or gardened individually in individual allotments.

Coop means a structure providing roofed shelter for chickens or ducks.

~~Duck means any breed of domestic duck of the Anatidae family, excluding swans and geese.~~

~~Hen means an adult female chicken.~~

Poultry means any domesticated bird kept for eggs or meat including chicken, duck, guinea fowl, pheasant, pigeon, quail, partridge, dove, or similar bird. For purposes of this section poultry does not include geese, turkey, emu, ostrich, or similar sized bird.

Poultry facility means a combination of a coop and a runway.

Rooster means a male chicken, and includes a capon.

Runway means a fully enclosed, fenced area connected to the coop.

Water source means a clean supply of water in a pond, wading pool, tub or other container that is large enough for a duck to fit its entire body in and deep enough to submerge its head.

- (b) *Location.* ~~Chickens and ducks~~ Poultry may be kept at any residence, community garden, on any lot owned by a school or a religious organization, or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.

- (c) *Standards.* Except where the keeping of livestock and other animals is allowed under the UDC, ~~chickens and ducks~~ poultry kept at any residence, community garden, or on any premises owned by a school or religious organization shall be subject to the following conditions:

(1) A maximum total of ~~six twelve poultry hens and ducks total, per premises, is allowed~~ are allowed per premises;

(2) Roosters are prohibited;

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- (3) ~~Poultry Chickens and ducks~~ shall be confined at all times within a ~~chicken and duck~~poultry facility, except when under the personal control of an owner or custodian;
 - (4) No ~~chicken or duck~~poultry facility or other structure that houses ~~chickens and ducks~~poultry, either temporarily or permanently, shall be located within three feet of any other building on the same premises, or within 25 feet of a residence on an adjacent unit of land;
 - (5) A ~~chicken and duck~~poultry facility shall be located in the rear yard of a premises, and shall comply with the setback requirements of the zone in which it is located;
 - (6) A ~~chicken and duck~~poultry facility, and the premises where the ~~chicken or duck~~poultry facility is located, shall be maintained in a condition such that the facility or ~~chickens or ducks~~poultry do not produce noise or odor that creates a nuisance for adjacent properties;
 - (7) A coop shall not exceed 120 square feet; and
 - (8) There shall be a minimum of three square feet of coop space, and six square feet of run space, per chicken and duck.
 - (9) Duck~~s~~ shall be provided with an adequate water source which shall be maintained so as not to create a nuisance.
- (d) ~~Chickens or ducks~~Poultry not in compliance deemed nuisance. ~~Chickens or ducks~~Poultry not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.
- (e) *Violation.* Except as otherwise provided under the UDC, it shall be unlawful to keep ~~chickens or ducks~~poultry in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:
- (1) \$250.00 for the first violation;
 - (2) \$500.00 for the second violation; and
 - (3) \$750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping ~~chickens and ducks~~poultry for ten years.

(Prior Code, § 50.710; Ord. No. 19-10; Ord. No. 8-12; Ord. No. 12-14; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

Editor's note(s)—Ord. No. 6-19 , § 1(Exh. A), adopted June 24, 2019, effective July 24, 2019, changed the title of § 50.710 from "Keeping of chickens" to read as herein set out.

Sec. 50.715. Keeping of miniature swine.

- (a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
Miniature swine means a swine of the species *Sus scrofa bittatus*, commonly known as a "pot-bellied pig."
- (b) Location. Miniature swine may be kept at any residence or in any zone where the keeping of livestock and other animals as set forth in SRC 400.120(d) is allowed under the UDC.
- (c) Standards. Except where the keeping of livestock and other animals is allowed under the UDC, miniature swine kept at a residence shall be subject to the following conditions:
- (1) Not more than one miniature swine may be kept per residence;
 - (2) The miniature swine must be:

(A) Less than 100 pounds in weight;

(B) Less than 18 inches in height at the shoulder; and

(C) Spayed or neutered.

(d) *Miniature swine not in compliance deemed nuisance.* Miniature swine not kept in compliance with this section shall be deemed a public nuisance under SRC 50.800. If the owner or custodian has not rectified the conditions by the date provided in any notice provided under SRC 50.810, the City may abate the nuisance, as provided in SRC 50.800 through 50.880.

(e) *Violation.* Except as otherwise provided under the UDC, it shall be unlawful to keep miniature swine in a manner that does not comply with the provisions of this section. A violation of this section is an infraction and shall be punishable as follows:

(1) \$250.00 for the first violation;

(2) \$500.00 for the second violation; and

(3) \$750.00 for the third and each subsequent violation, and the violator shall be prohibited from keeping miniature swine for ten years.

CHAPTER 205. LAND DIVISION AND RECONFIGURATION¹

(Note: The following amendments are excerpts from SRC Chapter 110. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH205LADIRE

Sec. 205.051. Middle housing land division.

- (a) Applicability. When land which has been, or is proposed to be, developed for middle housing is proposed to be partitioned or subdivided so that each dwelling unit will be located on its own separate lot, the partition or subdivision shall be processed as a middle housing land division pursuant to this section, in-lieu of the standards and procedures otherwise applicable to partitions and subdivisions included under this chapter.
- (b) Procedure type. Unless an applicant requests that the application be reviewed under the procedures set forth in SRC chapter 300, a middle housing land division shall be processed as provided under ORS 197.360 through ORS 197.380, in-lieu of the procedures set forth in SRC chapter 300. If an applicant requests review of a middle housing land division under the procedures set forth in SRC chapter 300, the application shall be processed as a Type II procedure under SRC chapter 300.
- (c) Submittal requirements. An application for a middle housing land division shall include the following:
- (1) The information required under SRC 300.210;
 - (2) A site plan for the middle housing development as it relates to the existing lot, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) Scale and north arrow;
 - (B) The boundaries, dimensions, and area of the lot;
 - (C) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the lot;
 - (D) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessways, and public accessways;
 - (E) The location and use of all existing and proposed buildings and accessory structures on the lot, indicating the distance of such buildings and accessory structures to all property lines and adjacent on-site structures and identification of any that will be removed;
 - (F) The location of all existing and proposed off-street parking and vehicle use areas;
 - (G) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
 - (H) Driveway locations, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;

¹State law reference(s)—Planning and development, ORS 227.010 et seq.

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- (I) The location, height, and material of fences, berms, walls, and other existing and proposed screening;
 - (J) 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;
 - (K) The location of all existing trees and vegetation required to be protected under SRC chapter 808; and
 - (L) The location of all existing and proposed street trees required under SRC chapter 86;
 - (3) A tentative plan map for the middle housing development as it relates to the proposed lots, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) A title block on each sheet indicating the names and addresses of the landowner; the names and addresses of the professional engineers or surveyors responsible for preparing the plan; the date; and the township, range, and section of the subject property;
 - (B) Scale and north arrow;
 - (C) The location of all property lines within 50 feet of the perimeter of the subject property;
 - (D) The boundaries, dimensions, and area of each proposed lot;
 - (E) The location, width, and names of all existing streets, flag lot accessways, and public accessways abutting the perimeter of the subject property;
 - (F) The location, width, curve radius, grade, and names of all proposed streets, flag lot accessways, and public accessways;
 - (G) The location and use of all buildings and accessory structures that will be located on each proposed lot, indicating the distance of such buildings and accessory structures to proposed lot lines and to adjacent structures on abutting lots.

 - (H) The location of all existing and proposed easements necessary to serve the development;
 - (I) The location, dimensions, and use of all existing and proposed public areas, including, but not limited to, stormwater management facilities and detention facilities;
 - (J) The location of any canals, ditches, waterways, detention facilities, sewage disposal systems, and wells on the subject property, indicating which will remain and which will be removed or decommissioned;
 - (K) The location of any natural topographic features on the subject property, including, but not limited to, creeks, drainage ways as shown on the most recent USGS maps, wetlands as shown on the Local Wetland Inventory, and floodplains; and
 - (L) For middle housing land divisions proposing the creation of four or more lots, site topography shown at five-foot contour intervals, or two-foot contour intervals for areas within a floodplain;
 - (4) A current title report for the property;
 - (5) A completed tree inventory on a form as provided by the Director and, if required under SRC chapter 808, a tree conservation plan;
 - (6) A geological assessment or geo-technical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment;

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- (7) A preliminary grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property is necessary to accommodate the proposed development.
 - (8) A utility plan showing the location of existing and proposed city infrastructure;
 - (9) A description of the proposed stormwater management system, including pre and post construction conditions, prepared in accordance with the Public Works Design Standards;
 - (10) A completed trip generation estimate on forms provided by the City;
 - (11) A traffic impact analysis, if required under SRC chapter 803; and
 - (12) A statement from the County Surveyor approving the name of the subdivision, for middle housing land divisions proposing the creation of four or more lots.
- (d) *Criteria.* The tentative plan of a middle housing land division shall be approved if all of the following criteria are met:
- (1) The middle housing land division is for an existing or proposed middle housing development.
 - (2) The existing or proposed middle housing development complies with the Oregon residential specialty code and all applicable standards of the UDC, including, but not limited to, the following, as those standards apply to the existing lot prior to division:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
 - (B) City infrastructure standards; and
 - (C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
 - (3) The existing or proposed middle housing development will comply with the applicable provisions of the Building Code and the Oregon residential specialty code, as those standards apply to the buildings and accessory structures on the proposed lots subsequent to division.
 - (4) The street(s) abutting the middle housing land division conform to the Salem Transportation System Plan.
 - (5) The tentative plan results in exactly one dwelling unit on each proposed lot, except for lots or tracts used as common areas.
 - (6) Separate utilities are provided for each dwelling unit.
 - (7) All access and utility easements necessary to serve each dwelling unit are provided on the tentative plan for:
 - (A) Locating, accessing, servicing, and replacing all utilities;
 - (B) Pedestrian access from the primary entrance of each dwelling unit to a public or private street;
 - (C) Any driveways or off-street parking;
 - (D) Any common use areas or shared building elements; and
 - (E) Any common area.
 - (8) The type of middle housing on the existing lot is not altered by the proposed middle housing land division.
- (e) *Conditions of Approval.* Notwithstanding SRC 300.820, conditions may not be placed on the approval of a middle housing land division except to:

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- (1) Prohibit further division of the resulting lots;
 - (2) Prohibit the construction of an accessory dwelling unit on any of the resulting lots;
 - (3) Require dedication of right-of-way when an existing street abutting the property does not conform to the requirements of SRC 803.025(a);
 - (4) Require boundary street improvements when an existing street abutting the property does not conform to the requirements of SRC 803.025(b); and
 - (5) Require a notation on the final plat indicating that the approval of the land division was given under ORS xxx
- (f) *Expiration.* Tentative plan approval for a middle housing land division shall expire as provided in SRC 300.850, unless a final plat is approved within the time limits set forth in SRC 300.850.

CHAPTER 220. SITE PLAN REVIEW

Sec. 220.001. Purpose.

The purpose of this chapter is to provide a unified, consistent and efficient means to conduct site plan review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

(Prior Code, § 220.001; Ord. No. 12-12)

Sec. 220.005. Site plan review.

(a) *Applicability.*

(1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:

(A) Prior to issuance of ~~{a}~~ building permit, for any development that requires a building permit; ~~and~~

(B) Prior to a change of use, when a building permit is not otherwise required; and

(C)~~(B)~~ Prior to commencement of work, for any of the following when a building permit is not otherwise required:

(i) Development of a new off-street parking ~~and-or~~ vehicle use areas;

(ii) Expansion of an existing off-street parking ~~and-or~~ vehicle use areas, when additional paved surface is added;

(iii) Alteration of an existing off-street parking ~~and-or~~ vehicle use areas, when the existing paved surface is replaced with a new paved surface;

(iv) Paving of an unpaved area; and

(v) Restriping of an off-street parking ~~and-or~~ vehicular use areas, when the layout will be reconfigured.

(2) Exemptions.

(A) The following development that requires a building permit is exempt from site plan review:

(i) ~~The construction~~Development of a single family use, or duplex dwelling two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such ~~dwelling uses~~.

(ii) Sign installation.

(iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.

(iv) The alteration to the facade of a building except in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones.

(v) Interior construction or tenant improvements that involve no change of use or occupancy.

(vi) Demolition permit.

(vii) Construction of a fence.

- (B) Any of the activities identified under subsection (a)(1)~~(B)(C)~~ of this section are exempt from site plan review if they are for a single family ~~use, or duplex dwelling~~two family use, three family use, four family use, or cottage cluster on an individual lot~~;~~.

(b) *Classes.* The three classes of site plan review are:

- (1) *Class 1 site plan review.* Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either: a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

(A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or

(B) A change of use when a building permit is not otherwise required.

- (2) *Class 2 site plan review.* Class 2 site plan review is required site plan review for any development under subsection (a)(1) of this section that requires a building permit, other than development subject to Class 1 site plan review, ~~and~~ that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

- (3) *Class 3 site plan review.* Class 3 site plan review is required site plan review for any development under subsection (a)(1) of this section that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:

(A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;

(B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;

(C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;

(D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;

(E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; ~~or~~

(F) Involves the imposition of conditions of approval; or

(G)(F) Requires a variance, adjustment, or conditional use permit.

(c) *Procedure type.*

- (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
- (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.
- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.

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- (d) *Submittal requirements for Class 1 site plan review.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:
- (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (2) The address or location of the subject property and its assessor's map and tax lot number;
 - (3) The size of the subject property;
 - (4) The comprehensive plan designation and zoning of the subject property;
 - (5) The type of application(s);
 - (6) A brief description of the proposal; and
 - (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (e) *Submittal requirements for Class 2 and Class 3 site plan review.*
- (1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:
 - (A) A site 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 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, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (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;

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- (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 100-year floodplain, if applicable.
- (C) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
 - (D) A completed trip generation estimate for the proposed development, on forms provided by the City.
 - (E) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.
 - ~~(E)~~ For development in the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, architectural drawings, renderings, or sketches showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.
- (2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
- (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
 - (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
 - (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
 - (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
 - (E) The location of drainage patterns and drainage courses, if applicable;
 - (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
 - (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
 - (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
 - (I) A Transportation Impact Analysis, if required by SRC chapter 803.
- (f) *Criteria.*
- (1) *Class 1 site plan review.* An application for a Class 1 site plan review shall be granted if:
- (A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;
 - (B) Only construction or improvements to the interior of the building or structure will be made;
 - (C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

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- (D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and
 - (E) The application meets all applicable standards of the UDC.
- (2) *Class 2 site plan review.* An application for a Class 2 site plan review shall be granted if:
- (A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.
 - (B) The application meets all the applicable standards of the UDC.
- (3) *Class 3 site plan review.* An application for Class 3 site plan review shall be granted if:
- (A) The application meets all applicable standards of the UDC;
 - (B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;
 - (C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
 - (D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

(Prior Code, § 220.005; Ord. No. 12-12; Ord. No. 31-13; Eng. Ord. No. 4-18 , § 5, 8-13-2018, eff. 9-12-2018; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

Sec. 220.010. Modification of site plan review approval.

- (a) *Applicability.* A site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review.
- (b) *Procedure type.*
 - (1) Modification of a Class 1 or Class 2 site plan review approval is processed as a Type I procedure under SRC chapter 300.
 - (2) Modification of a Class 3 site plan review approval is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.*
 - (1) Modification of a Class 1 or Class 2 site plan review approval shall include, in addition to the submittal requirements for a Type I application under SRC chapter 300, the following:
 - (A) For modification of a Class 1 site plan review approval, the information required under SRC 220.005(d); and
 - (B) For modification of a Class 2 site plan review approval, the information required under SRC 220.005(e)(1).
 - (2) Modification of a Class 3 site plan review approval shall include, in addition to the submittal requirements for a Type II application under SRC chapter 300, the information required under SRC 220.005(e)(2).
- (d) *Criteria.*
 - (1) Modification of a Class 1 or Class 2 site plan review approval shall be granted if all of the following criteria are met:

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- (A) The proposed modification does not change the class of site plan review of the original application; and
 - (B) The proposed modification meets all applicable standards of the UDC.
- (2) Modification of a Class 3 site plan review approval shall be granted if all of the following criteria are met:
- (A) The proposed modification does not substantially change the original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
- (e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.
- (Prior Code, § 220.010; Ord. No. 12-12; Ord. No. 31-13; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

CHAPTER 235. MANUFACTURED DWELLING PARKS

(Note: The following amendments are excerpts from SRC Chapter 235. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH235MADWPA

Sec. 235.030. Standards for manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks.

In addition to the requirements of the Oregon Manufactured Dwelling and Park Specialty Code and the Oregon Manufactured Dwelling Installation Specialty Code, manufactured dwellings, accessory structures, and park buildings within manufactured dwelling parks shall comply with the standards set forth in this 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		
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 1 story in height.
	Min. 20 ft.	For any portion of a park building greater than 1 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 1 story in height.
	Min. 20 ft.	For any portion of a manufactured dwelling greater than 1 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. 1 ft. for each 1 ft. 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 1 story in height.
	Min. 20 ft.	For any portion of a park building greater than 1 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		
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 other equivalent surface material which, either singly or in combination, total not less than 120 square feet in area and are not less than four feet in width in their smallest dimension.
- (d) *Storage of manufactured dwellings.* A manufactured dwelling shall not remain overnight in a manufactured dwelling park unless it is parked in a manufactured dwelling space.
- (e) ~~*Storage of recreational*~~ *Recreational vehicles.* ~~Storage of recreational vehicles is allowed in the following locations:~~
- (1) A recreational vehicle may be occupied as a dwelling within a manufactured dwelling parking if the recreation vehicle is:

(A) Occupied as a residential dwelling;

(B) Located in a manufactured dwelling park space; and

(C) Lawfully connected to water, sewer, and electricity.

(2) Storage of recreational vehicles is allowed in the following locations:

(A)(1) On driveways within a yard adjacent to a street; and

(B)(2) Within side or rear yards that are screened from all public areas, public and private rights-of-way, and property that is used for residential purposes by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

(f) *Manufactured home size, design, and materials with RA and RS zones.* Manufactured homes located within manufactured dwelling parks less than three acres in size within RA and RS zones shall:

~~(1) Be a minimum of 864 square feet in size and a minimum of 24 feet in width;~~

(1)(2) Have a pitched roof with a minimum nominal slope of three feet in height for each 12 feet in width; and

(2)(3) Have exterior siding and roofing that is similar in color, material, and appearance to the exterior siding and roofing material used on residential dwellings in the community, or which is comparable to the predominant materials used on surrounding dwellings, as determined by the City; and

~~(4) Have skirting which appears in design, color, and texture to be an integral part of the exterior walls, unless the manufactured home is set on a ground level foundation.~~

(Prior Code, § 235.030; Ord. No. 31-13)

CHAPTER 300. PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS

(Note: The following amendments are excerpts from SRC Chapter 300. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH300PRLAUSAPLELAUSPR

Sec. 300.520. Type II procedure.

- (a) *Application requirements.*
 - (1) *Application form.* Type II applications shall be made on forms provided by the Planning Administrator.
 - (2) *Submittal requirements.* Type II applications shall include the information required under SRC 300.210.
- (b) *Public notice and comment.* Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for subdivisions, Class 2 wireless communications facilities siting, manufactured dwelling park permits, and Class 1 greenway development permits. All Type II applications include a comment period of 14 days from the date notice is mailed.
 - (1) *Mailed notice.* Mailed notice shall be provided as follows:
 - (A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.
 - (B) Notice of the application shall be mailed to:
 - (i) The applicant(s) and/or the applicant's authorized representative(s);
 - (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) The address of the subject property, based on the City's current addressing records;
 - (iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
 - (v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property.

[\(viii\) The Salem Area Mass Transit District](#)

~~(ix)(viii)~~ Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and

~~(x)(ix)~~ Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.

(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 land use action;
- (iii) The proposed site plan;
- (iv) The street address, or other easily understood geographical reference, for 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 approval criteria by name and code section;
- (vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;
- (viii) A brief summary of the decision making process for the application;
- (ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;
- (x) A statement that comments received after the close of the public comment period will not be considered;
- (xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;
- (xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and
- (xiii) The name and contact information for the staff case manager.

(2) *Posted notice.* Posted notice shall be provided, when required, as follows:

- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14 day comment period. The notice shall remain in place throughout the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file.
- (B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
- (C) Posted notice shall be provided on signs as prescribed by the Planning Administrator.
- (D) The applicant shall remove the signs from the subject property within seven days after the date the decision is issued.

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- (c) *Application review.* The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.
- (d) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.
- (e) *Notice of decision.* Notice of the decision shall be mailed within five days after the decision is signed. An affidavit of mailing shall be prepared and made part of the file.
- (1) Notice of the decision shall be mailed to:
- (A) The applicant(s) and/or authorized representative(s);
 - (B) The owner(s) or contract purchaser(s) of record of the subject property;
 - (C) The address of the subject property, based on the City's current addressing records;
 - (D) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
 - (E) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (F) Any group or individual who submitted written comments during the comment period;
 - (G) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (H) Addresses, based on the City's current addressing records, within 250 feet of the subject property-;
 - (I) The Salem Area Mass Transit District;
 - (J)(+) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and
 - (K)(+) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.
- (2) Notice of the decision shall include:
- (A) A brief description of the application;
 - (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
 - (C) A brief summary of the decision, and conditions of approval, if any;
 - (D) A statement of the facts relied upon;
 - (E) The date the Review Authority's decision becomes effective, unless appealed;
 - (F) The date and time by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;

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- (G) A statement that all persons entitled to notice of the decision may appeal the decision; and
 - (H) A statement that the complete case file, including findings, conclusions, 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.
- (f) *Appeal and review.*
- (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the Council pursuant to SRC 300.1050, the decision of the Review Authority on a Type II application shall be the final decision of the City.
 - (2) Only the applicant, persons who provided comments during the public comment period, and persons entitled to notice of the decision have standing to appeal the decision.
 - (3) The Review Authorities for appeals are identified under Table 300-2. Except as otherwise provided in subsections (f)(3)(A) and (B) of this section, the decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.
 - (A) Upon receipt of an appeal of a decision on a Class 3 site plan review, modification of a Class 3 Site Plan Review, Class 2 adjustment, or modification of a Class 2 Adjustment, notice of the appeal shall be provided to the Council at its next regular meeting. The Council may, pursuant to SRC 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the Council does not assume jurisdiction, then the decision of the Review Authority on the appeal is the final decision of the City.
 - (B) The decision on a Class 1 adjustment, modification of a Class 1 adjustment, Class 2 design review, modification of a Class 2 design review, Class 2 driveway approach permit, Class 2 minor historic design review, Class 2 temporary use permit, PUD final plan, modification of a PUD final plan, or sign adjustment is not subject to Council review. The decision of the Review Authority is the final decision of the City.
 - (4) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (g) *Expiration of approval.* Approval of a Type II application expires automatically as provided by SRC 300.850(a). (Prior Code, § 300.520; Ord. No. 1-10; Ord. No. 12-12; Ord. No. 24-13; Ord. No. 31-13; Ord. No. 6-19 , § 1(Exh. A),

Sec. 300.840. Issuance; effective date.

- (a) Each decision shall be specific as to the approval granted and shall be subject to the standards and conditions set forth in UDC, including any variances or conditions authorized pursuant to the UDC.
- (b) Decisions on land use actions become effective on:
 - (1) The day the decision is issued, if no appeal is allowed;
 - (2) ~~The later occurring of either: The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed;~~
 - (A) ~~The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed; or~~
 - (B) ~~The day after the decision appears on the City Council agenda, if the decision is eligible for Council Review pursuant to SRC 300.1050, but Council Review is not initiated;~~
 - (3) The day the decision is issued by the final appeal body, if an appeal is allowed and notice of appeal is timely filed; or

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- (4) The day the decision is issued by the Council, if the decision is eligible for Council Review and Council Review is initiated ~~called up for review by the Council~~ pursuant to SRC 300.1050.

(Prior Code, § 300.840; Ord. No. 1-10; Ord. No. 12-12; Ord. No. 31-13)

CHAPTER 522. CR—RETAIL COMMERCIAL

(Note: The following amendments are excerpts from SRC Chapter 522. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH522ETCO

Sec. 522.005. Uses.

(a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

TABLE 522-1. USES		
Use	Status	Limitations & Qualifications
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	<u>The following passenger ground transportation facilities:</u> <ul style="list-style-type: none"> ■ Transit centers. ■ Transit stop shelters.
	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	

(b) Continued uses. Existing single family and two family uses , other than manufactured dwellings, within the CR zone constructed prior to February 1, 1983, but which would otherwise be made nonconforming 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 nonresidential use shall thereafter prevent conversion back to a residential use.

(Prior Code, § 522.005; Ord. No. 31-13; Ord. No. 11-14; Ord. No. 22-15, § 11, 11-23-2015; Ord. No. 7-16, § 12, 6-27-2016; Ord. No. 10-17, § 13, 7-10-2017; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020)

CHAPTER 524. CB—CENTRAL BUSINESS DISTRICT

Sec. 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.

(Prior Code, § 524.001; Ord. No. 31-13)

Sec. 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		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	The following single family activities: ■ 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.
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	The following room and board activities: ■ 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	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.

	C	The following nonprofit shelters: <ul style="list-style-type: none"> ■ Nonprofit shelters serving 6 to 75 persons. ■ Relocation of an existing nonprofit 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.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	N	Medical marijuana and recreational marijuana sales or transfers, except for retail sales of cannabidiol (CBD) products.
	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	N	Mobile home dealers.
	P	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	P	
Commercial parking	P C	
Park-and-ride facilities	P	
Taxicabs and car services	P	
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	
Nonprofit 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		
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	NS	<u>Self-service storage within a building existing on [Insert Effective Date of Ordinance] located outside the Salem Downtown Historic District, subject to SRC 700.071.</u>
	<u>N</u>	<u>All other self-service storage.</u>
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		
Petroleum and natural gas production	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	Marijuana production.
	P	All other agriculture.
Forestry	N	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	
Other Uses		
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007

(b) Notwithstanding Table 524-1, any permitted, special, or conditional use within the CB zone shall be a prohibited use within the zone if developed with a drive-through. 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.~~

(Prior Code, § 524.005; Ord. No. 31-13; Ord. No. 11-14; Ord. No. 22-15, § 13, 11-23-2015; Ord. No. 10-16, § 2, 8-8-2016; Ord. No. 6-17, § 14, 5-8-2017; Ord. No. 10-17, § 15, 7-10-2017; Ord. No. 6-19, § 1(Exh. A), 6-24-2019, eff. 7-24-2019; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

Sec. 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		
Requirement	Standard	Limitations and 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) Development density. Development density within the CB zone shall conform to the standards set forth in table 524-3.

TABLE 524-3. DEVELOPMENT DENSITY			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Dwelling Unit Density			
<u>Two family, three family, four family, and multiple family</u>	<u>20 dwelling units per acre</u>	<u>None</u>	<u>Applicable to development that is exclusively residential.</u>

Floor Area Ratio			
All uses	2.0 FAR	None	

~~(c)(b)~~ *Setbacks.* Setbacks within the CB zone shall be provided as set forth in Table 524-34.

TABLE 524-34. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or <u>Max.</u> 10 ft.	<u>Maximum 10-foot setback applies to 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.</u>
		<u>Portions of buildings greater than 25 feet in height may be setback up to 10 additional feet from the street right-of-way.</u>
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	<u>0 ft. or 10 ft. Min. 10 ft.</u>	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	<u>0 ft. or 10 ft. Min. 10 ft.</u>	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	
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	

~~(d)~~ Lot coverage; height; building frontage. Buildings and accessory structures within the CB zone shall conform to the lot coverage, ~~and~~ height, and building frontage standards set forth in Table 524-45.

TABLE 524-45. LOT COVERAGE; HEIGHT; <u>BUILDING FRONTAGE</u>		
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	<u>Min. 2 stories</u>	
	No Max.	
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	No Max.	
<u>Building Frontage</u>		
<u>Buildings</u>		
<u>All uses</u>	<u>Min. 90%</u>	<u>For corner lots, this standard applies to the street with the highest street classification. Where both streets have the same street classification, this standard shall apply to the street designated by the applicant.</u> <u>For the intersecting street, the building frontage standard shall be a minimum of 75%.</u>

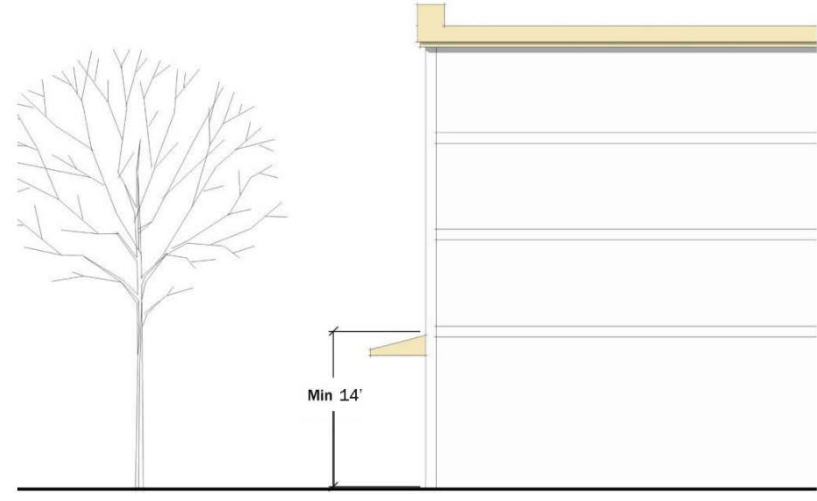
~~(e)~~ Landscaping. Landscaping within the CB zone shall be provided as set forth in this subsection.

- (1) *Setbacks*. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas*. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

(f) Design. Development within the CB zone shall conform to the design standards set forth in this subsection; provided, however, any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230 and any development within an overlay zone shall only be subject to the design standards set forth in this subsection in-lieu of the design review standards or the design review guidelines of the overlay zone. The design standards included in this subsection are not design review standards and are therefore not subject to design review under SRC Chapter 225.

(1) Ground floor building height. The ground floors of buildings shall be a minimum of 14 feet in height (see Figure 524-x). For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.

FIGURE 524-x. GROUND FLOOR BUILDING HEIGHT



(2) Building façade articulation. The ground floor facades of buildings shall be distinguished from their upper floor facades through incorporation of at least one of the following architectural detailing techniques identified in this subsection (see Figure 524-x). This standard does not apply to the repainting of the façade of an existing building.

- (A) Change in materials;
- (B) Change in color; or
- (C) Molding or other horizontally-articulated transition piece.

FIGURE 524-x. BUILDING FAÇADE ARTICULATION



(3) Building entrances. Primary building entrances shall be provided for each building façade facing a street as follows:

(A) For non-residential uses on the ground floor, a primary building entrance shall be provided for each tenant space facing a primary street. If a non-residential tenant space within a building has frontage on a primary street and any other street, a single primary building entrance for the non-residential tenant space may be provided at the corner of the building where the streets intersect.

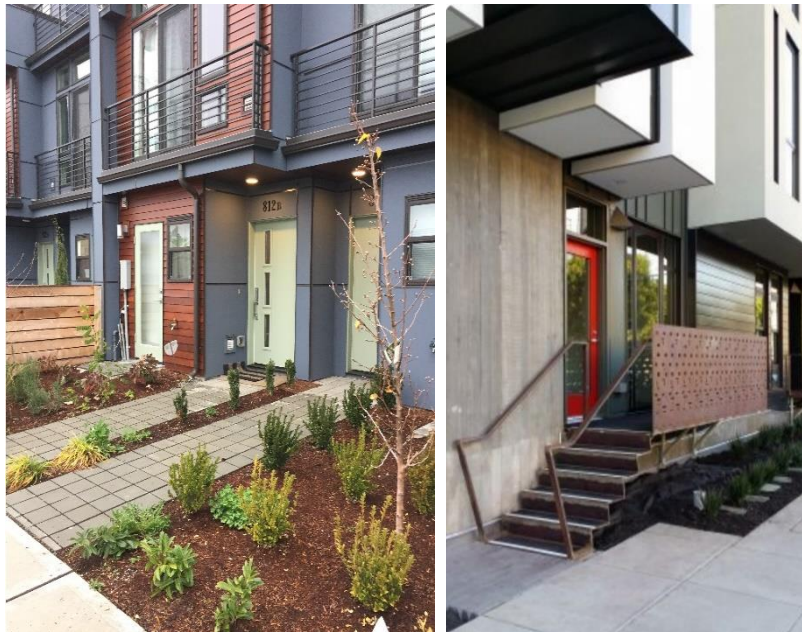
(B) For residential uses on the ground floor, a primary building entrance shall be provided for each building facade facing a primary street. If a building has frontage on a primary street and any other street, a single primary building entrance may be provided at the corner of the building where the streets intersect.

(4) Separation of residential ground floor entrances from street. When a residential entrance is located on the ground floor of a building adjacent to a street, the entrance shall be vertically or horizontally separated from the public right-of-way as follows:

(A) Vertical separation. Where vertical separation is provided between the residential entrance and the public right-of-way, the vertical separation shall be a minimum of 1.5 feet but not more than three feet and shall take the form of steps or a ramp to a porch, stoop or terrace (see Figure 524-x).

(B) Horizontal separation. Where horizontal separation is provided between the residential entrance and the public right-of-way, the horizontal separation shall be a minimum of five feet but not more than 10 feet and shall take the form of a landscaped area, such as private open space, or a hardscaped area, such as a plaza (see Figure 524-x).

FIGURE 524-x. RESIDENTIAL GROUND FLOOR ENTRANCE SEPRATION FROM STREET



(5) Windows. Windows shall be provided throughout building facades as follows:

(A) Ground floor windows.

(i) Ground floor building facades facing a primary street shall include transparent windows on a minimum of 65 percent of the ground floor façade (see Figure 524-x).

The windows shall not be mirrored or treated in such a way to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

(ii) Alternative standard for existing buildings. Notwithstanding subsection (f)(5)(A)(i) of this section, where a building existing on [Insert Effective Date of Ordinance] does not include ground floor windows as required under this subsection, the percentage of transparent windows existing on the ground floor façade shall not be reduced and additional windows meeting the transparency requirements of subsection (f)(5)(A)(i) may be added without meeting the minimum 65 percent standard.

(B) Upper floor windows. Upper floor building facades facing streets and open space shall include 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 façade.

FIGURE 524-x. GROUND FLOOR WINDOWS

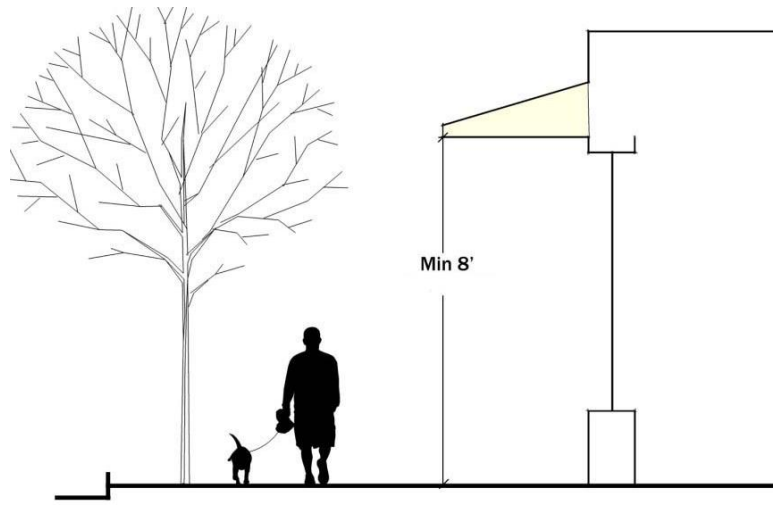


(6) Weather protection.

(A) Building facades facing a street shall include weather protection, in the form of awnings or canopies, along a minimum of 90 percent of the length of the ground floor building façade adjacent to a street. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet and may encroach into the public street right-of-way as provided in SRC 76.160 (see Figure 524-x).

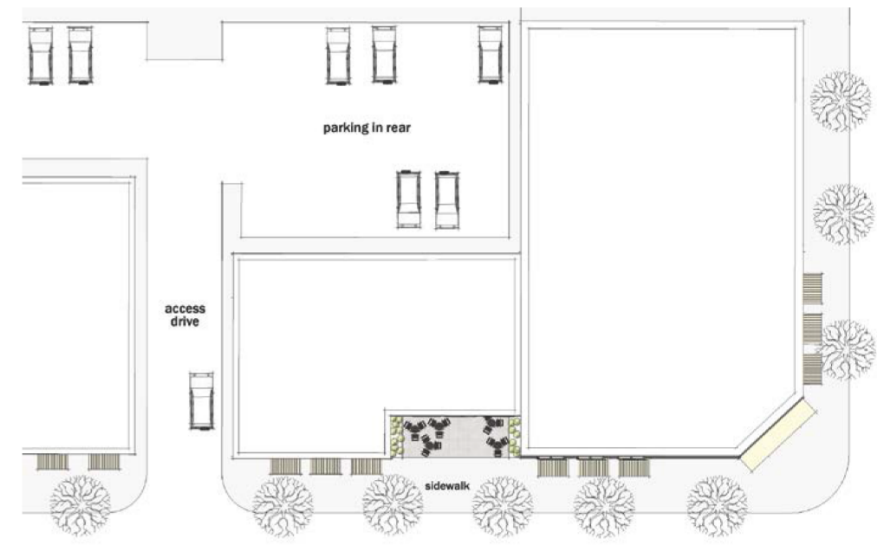
(B) Alternative standard for existing buildings. Notwithstanding subsection (f)(6)(A) of this section, where a building existing on [Insert Effective Date of Ordinance], does not include weather protection as required under this subsection, the percentage of weather protection existing along the ground floor façade shall not be reduced and additional weather protection meeting the sidewalk clearance requirements of subsection (f)(6)(A) may be added without meeting the minimum 90 percent standard.

FIGURE 524-x. WEATHER PROTECTION



- (7) Balconies. 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 six feet, and shall be directly accessible from each dwelling unit through a doorway.
- (8) Off-street parking location. 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 524-x).

FIGURE 524-x. OFF-STREET PARKING LOCATION



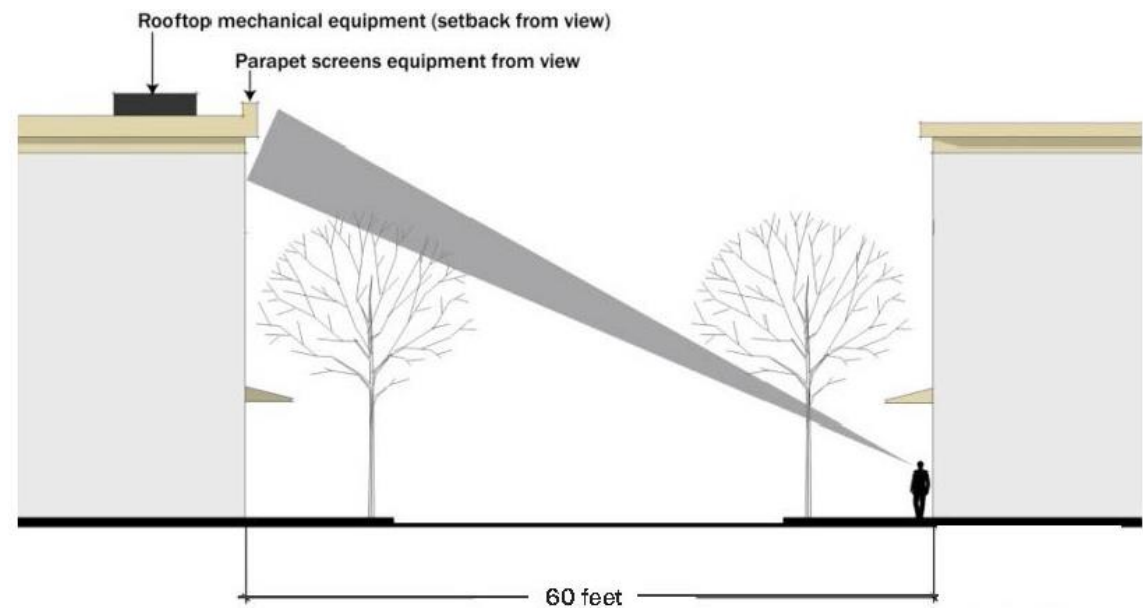
- (9) Mechanical and service equipment. Mechanical and service equipment shall conform to the following standards:
 - (A) Ground level mechanical and service equipment. Ground level mechanical and service equipment shall be screened with landscaping and/or a sight-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings (see Figure 524-x).

(B) Rooftop mechanical and service equipment. Rooftop mechanical and service equipment, with the exception of solar panels and wind generators, shall be setback or screened so as to no be visible to a person standing at ground level 60 feet from the building. (see Figure 524-x).

FIGURE 524-x. GROUND LEVEL MECHANICAL AND SERVICE EQUIPMENT



FIGURE 524-x. ROOFTOP MECHANICAL AND SERVICE EQUIPMENT



(10) Pedestrian walkways. Above grade pedestrian walkways may be provided, except that no above grade pedestrian walkway shall be provided to property located within the Salem Downtown Historic District.

(Prior Code, § 524.010; Ord. No. 31-13; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020)

Sec. 524.015. Other provisions.

In addition to the standards set forth in this chapter, all development within the CB zone must comply with the applicable development standards of the UDC, including, but not limited to, the following chapters:

- (a) Trees and Shrubs: SRC chapter 86.
- (b) Wireless Communications Facilities: SRC chapter 703.
- (c) General Development Standards: SRC chapter 800.
- (d) Public Improvements: SRC chapter 802.
- (e) Streets and Right-of-Way Improvements: SRC chapter 803.
- (f) Driveway Approaches: SRC chapter 804.
- (g) Vision Clearance: SRC chapter 805.
- (h) Off-Street Parking, Loading and Driveways: SRC chapter 806.
- (i) Landscaping and Screening: SRC chapter 807.
- (j) Preservation of Trees and Vegetation: SRC chapter 808.
- (k) Wetlands: SRC chapter 809.
- (l) Landslide Hazards: SRC chapter 810.
- (m) Sign Code: SRC chapter 900.

(Prior Code, § 524.015; Ord. No. 31-13)

CHAPTER 530. FMU—FAIRVIEW MIXED-USE

(Note: The following amendments are excerpts from SRC Chapter 530. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH530FAIMIE

Sec. 530.001. Purpose.

The purpose of the Fairview Mixed-Use (FMU) Zone is to implement the mixed-use designation of the Salem Area Comprehensive Plan by establishing a ~~master planning~~ process through which allowed uses are identified and ~~development~~ standards ~~are for development within the zone are~~ established that:

- (a) Encourage innovative planning resulting in mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
- (b) Encourage the innovative integration of park and school uses;
- (c) Encourage developments that recognize the relationship between buildings, their use, open space, and infrastructure; providing varied opportunities for innovative and diversified living environments in line with the principles of sustainable development and sustainable business practices;
- (d) Support affordable housing options and mixed-income neighborhoods;
- (e) Facilitate the resourceful use of land through the arrangement of land uses, buildings, circulation systems, open space, and infrastructure;
- (f) Encourage economic opportunity;
- (g) Preserve, to the greatest extent possible, existing natural areas and open space that may not otherwise be protected through conventional development;
- (h) Recognize and preserve the historical and archeological significance of buildings, structures, and sites, and encourage historic resource designation of those buildings, structures, and sites that merit official recognition; and
- (i) Encourage energy conservation and improved air and water quality.

(Prior Code, § 530.001; Ord. No. 31-13)

Sec. 530.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Building footprint means the total area enclosed by the exterior walls of a building at ground level, exclusive of courtyards.

Development means the construction or demolition of a building or structure; or alterations or improvements to the land, including, but not limited to, grading, for the purposes of enhancing its economic value or productivity.

Master plan means a comprehensive long-range plan intended to guide the growth and development of a region and that includes analysis, recommendations, and proposals for the region's population, economy, housing, transportation, community facilities, natural resources, and land use.

Mixed-use building means a single building containing a combination of residential and non-residential use more than one type of land use such as, but not limited to, residential, office, manufacturing, retail, public, or entertainment.

Natural open space means open space consisting of natural landscape set aside for the purpose of preservation or conservation of natural resources, natural features, habitat, or scenic/aesthetic values. Natural open space may include paths and trails.

(Prior Code, § 530.005; Ord. No. 31-13)

Sec. 530.010. Overlay areas.

For the purpose of regulating development within the FMU zone, the following overlay areas, identified in Figure 530-1, are established:

- (a) *Low-intensity residential (LI)*. The low-intensity residential area comprises single family activities in detached housing types sited on separate lots with private yards and street and/or alley access. Nonresidential uses, except for a few limited exceptions, are prohibited.
- (b) *Mixed-intensity (MI)*. The mixed-intensity area comprises primarily residential uses, along with a mix of small-scale neighborhood commercial, employment, and public services uses. Buildings will be a mix of one-story to three-story detached, attached, or stacked housing types sited on smaller individually-owned lots with private yards and street and/or alley access, or larger lots under multiple or separate ownership with shared street and/or alley access. Townhouse development is appropriate at the higher density range.
- (c) *Adaptive use (AU)*. The adaptive use area is intended to comprise the highest concentration of existing buildings and historic development patterns. Residential and nonresidential development within this area may occur within existing structures that have been rehabilitated or within new structures.
- (d) *Village center (VC)*. The village center area comprises the most intense and pedestrian-oriented residential, commercial, employment, and public services uses. Residential uses will have densities of no less than 16 dwelling units per net acre. Nonresidential uses include a mix of large and small scale commercial establishments, which cumulatively will be limited to not more than approximately 80,000 square feet of pedestrian-oriented retail. Office uses are encouraged.

(Prior Code, § 530.010; Ord. No. 31-13)

Sec. 530.015. Development within the FMU zone.

All development within the FMU zone shall be undertaken pursuant to the ~~fairview-Fairview~~ plan, a refinement plan, and the development standards set forth in this chapter.

(Prior Code, § 530.015; Ord. No. 31-13)

Sec. 530.020. Fairview plan.

The ~~fairview-Fairview~~ plan is a master plan that identifies the goals and policies, ~~and serves as the guiding document,~~ for development within the FMU zone. ~~Unless otherwise provided in this chapter, the fairview plan controls all development proposed to be undertaken within the FMU zone.~~

-
- (a) *Applicability.* An approved ~~fairview~~-Fairview plan shall be required prior to the approval of any refinement plan.
 - (b) *Procedure type.* An application for the ~~fairview~~-Fairview plan is processed as a Type III procedure under SRC chapter 300.
 - (c) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for the ~~fairview~~-Fairview plan shall include the following in the form of map(s), text, or both, as applicable:
 - (1) A description of the purpose, main concepts, goals, policies, and general development guidelines for development within the FMU zone in light of the purpose of this chapter.
 - (2) A ~~conceptual~~ open space plan for the entire FMU zone identifying an integrated network of open spaces for the purpose of preserving and enhancing identified natural drainage patterns, significant trees and vegetation, and wetlands; responding to significant topographical features; and providing opportunities for active and passive recreation.
 - (3) A ~~conceptual~~ transportation and mobility plan for the entire FMU zone addressing the integration of pedestrian, transit, and vehicular use on the site and providing safe and efficient pedestrian, bicycle, and other non-single occupancy vehicle (SOV) mobility; promoting transit; and reducing SOV trips.
 - (4) A transportation impact analysis (TIA) of the major transportation and circulation elements intended to serve the FMU zone.
 - (5) A site analysis, which shall include the following:
 - (A) Identification of significant natural and built constraints of the site and surroundings;
 - (B) Identification of existing and potential transit connections;
 - (C) Identification of adjacent parcels and structures within 150 feet of the FMU zone boundary;
 - (D) On-site open space, recreational facilities, parks, and trails;
 - (E) Identification and delineation of existing natural resources, including, but not limited to, wetlands, as identified on the Local Wetlands Inventory, perennial and intermittent streams, and significant tree stands or groves. Proposed methods for the preservation or conservation of these resources shall be identified, with attention given to the Natural Resource Guidelines under 530.065;
 - (F) Identification of existing structures, roads, and other development;
 - (G) Identification of existing provisions for city infrastructure and utilities;
 - (H) Identification of area hydrology and water resources;
 - (I) Identification of existing topography and slope;
 - (J) General geologic character of the site;
 - (K) Identification of general soil types on the site;
 - (L) Identification and visual analysis of area viewsheds; and
 - (M) An inventory of buildings, structures, sites, objects, and known archeological sites which possess the criteria for historic resource designation under SRC chapter 230. The inventory shall identify any buildings, structures, sites, objects, or known archeological sites for which official historic resource designation will be sought. The inventory may identify any buildings, structures, or sites designated by the applicant as "historically significant" that

may be adaptively reused or renovated, but for which historic resource designation will not be sought.

- (d) *Criteria.* The ~~fairview-Fairview~~ plan shall be approved if all of the following criteria are met:
- (1) The plan conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - (2) The plan is compatible with adjoining land uses.
 - (3) The plan is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (4) The plan conforms to the following goals:
 - (A) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
 - (B) Encourage the innovative integration of park and school uses;
 - (C) Encourage the principles of sustainable development and sustainable business practices;
 - (D) Support affordable housing options and mixed-income 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.

(Prior Code, § 530.020; Ord. No. 31-13)

Sec. 530.025. Amendments to the ~~fairview-Fairview~~ plan.

(a) *Applicability.* An amendment to the Fairview plan is an amendment to the text and/or supporting documents of the plan. Except as provided under SRC 530.030 for the approval of refinement plans, No-no amendment to the ~~fairview-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;*~~

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- ~~(E) Results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the fairview plan;~~
 - ~~(F) Cumulatively results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines of the fairview plan as a consequence of more than one non-substantial change submitted concurrently; or~~
 - ~~(G) Results in a significant change in pedestrian or vehicular traffic circulation within the FMU zone or in the surrounding area.~~
- (b) Standing to initiate Fairview plan amendment. An amendment to the Fairview plan may only be initiated by an owner of property within the FMU zone, or that owner's agent, the Council, or the Planning Commission.
- (c) Procedure type. An amendment to the Fairview plan is processed as a Type III procedure under SRC chapter 300, unless the amendment is initiated by the City. An amendment to the Fairview plan initiated by the City is processed as a Type IV procedure under SRC chapter 300.
- ~~(1) Minor amendment. A minor amendment is processed as a Type II procedure under SRC chapter 300.~~
 - ~~(2) Major amendment. A major amendment is processed as a Type III procedure under SRC chapter 300, unless the amendment is initiated by the City. A major amendment initiated by the City is processed as a Type IV procedure under SRC chapter 300.~~
- (d) Submittal requirements. In addition to the submittal requirements for a ~~Type II or~~ Type III application under SRC chapter 300, an application for an minor or major amendment to the ~~fairview~~Fairview plan shall include:
- (1) The specific amendment proposed; and
 - (2) A statement documenting the need for the amendment.
- (e) Criteria.
- ~~(1) Minor amendment. A minor amendment shall be approved if all of the following criteria are met:~~
 - ~~(A) The proposed amendment does not substantially change the fairview plan.~~
 - ~~(B) The proposed amendment will not unreasonably impact surrounding existing or potential uses or development.~~
 - ~~(2) Major amendment. An major amendment to the Fairview plan shall be approved if all of the following criteria are met:~~
 - ~~(1)(A)~~ The proposed amendment conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - ~~(2)(B)~~ The proposed amendment is compatible with adjoining land uses and will not unreasonably impact surrounding existing or potential uses or development.
 - ~~(3)(C)~~ The proposed amendment is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - ~~(4)(D)~~ The proposed amendment conforms to the following goals:
 - ~~(A)(i)~~ Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
 - ~~(B)(ii)~~ Encourage the innovative integration of park and school uses;
 - ~~(C)(iii)~~ Encourage the principles of sustainable development and sustainable business practices;
 - ~~(D)(iv)~~ Support affordable housing options and mixed-income neighborhoods;
 - ~~(E)(v)~~ Facilitate the resourceful use of land through the efficient arrangement of land uses, buildings, circulation systems, open space and infrastructure;

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- ~~(F)(vi)~~ Encourage economic opportunities that comply with and support business practices;
 - ~~(G)(viii)~~ 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)(viii)~~ Encourage energy conservation and improved air and water quality.

(Prior Code, § 530.025; Ord. No. 31-13)

Sec. 530.030. Refinement plans.

Refinement plans are detailed regulatory plans that further refine and implement the ~~fairview~~ Fairview plan in specific areas of the FMU zone based on more detailed site planning, design, and engineering than was conducted with the Fairview Plan. Refinement plans act as amendments to the Fairview plan for the specific affected area of the FMU zone and become the controlling document for development within the refinement plan area. Standards and processes stipulated in an approved refinement plan supersede the standards and processes of the UDC and shall be used as review criteria for any specific development proposal within the area covered by the refinement plan.

- (a) *Applicability.* An approved refinement plan shall be required prior to development within the FMU zone.
- (b) *Minimum refinement plan area.* The area subject to a refinement plan shall contain no less than 40 acres.
- (c) *Procedure type.* An application for a refinement plan is processed as a Type III procedure under SRC chapter 300.
- (d) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a refinement plan shall include the following in the form of map(s), text, or both, as applicable:
 - (1) An illustrative site plan;
 - (2) An identification of those land uses allowed under SRC 530.040 that are proposed to be allowed in the refinement plan area;
 - (3) A general allocation and identification of major proposed land uses, including residential by density range, nonresidential, open space, and recreational land uses;
 - (4) The name, location, and width of existing streets located within the refinement plan area;
 - (5) The name, location, and width of proposed streets located within the refinement plan area;
 - (6) Typical street cross-sections;
 - (7) Detailed standards governing development within the refinement plan area, such as performance standards and standards for development densities, building and accessory structure height, floor area and FAR, open space, lot area and lot coverage, parking, landscaping, and other site improvements;
 - (8) Standards for the conservation, development, or utilization of natural resources, including surface water, soils, vegetation, and wildlife;
 - (9) An identification and inventory of all wetland and riparian resources and all intermittent and perennial waterways;
 - (10) An identification and inventory of all trees regulated under SRC chapter 808;

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- (11) Where applicable, the proposed methods of protection or conservation of natural features, historic structures, and view sheds;
 - (12) Proposed method for the perpetual maintenance of any common open space and common facilities;
 - (13) Standards and responsibilities for maintenance of infrastructure and whether the infrastructure is to be public or private;
 - (14) Standards for phasing and construction of streets proposed within the refinement plan area, or needed for servicing the area, as identified in the required studies submitted with the refinement plan;
 - (15) Location and extent of proposed provision for sewage disposal, effluent use, stormwater drainage, and utilities;
 - (16) Standards for the phasing and construction of sewage disposal, effluent use, stormwater drainage, solid waste disposal, and public utilities, as identified in the required studies submitted with the refinement plan;
 - (17) A phasing plan for the following, as applicable:
 - (A) The preservation of site features established by the ~~fairview~~Fairview plan;
 - (B) The development of the refinement plan area; and
 - (C) The construction, dedication, and provision of infrastructure and public services;
 - (18) A draft form of financial assurances to be recorded prior to refinement plan approval;
 - (19) A detailed explanation of how and to what extent the refinement plan is to supplement or supersede city standards;
 - (20) Standards for the interpretation of the refinement plan regulations and requirements;
 - (21) Development design guidelines and applicable approval process;
 - (22) General landscape plan;
 - (23) General drainage plan;
 - (24) An update to the traffic impact analysis (TIA) approved for the ~~fairview~~Fairview plan that includes trip generation factors for various modes, estimated trips per day by land use, proposed vehicular access and circulation plan, and traffic impacts by mode on adjacent development;
 - (25) Impacts on existing structures and other development;
 - (26) Impacts on existing infrastructure and public services; and
 - (27) Location of any buildings, structures, sites, objects, or known archeological sites identified in the ~~fairview~~Fairview plan inventory of buildings, structures, sites, objects, or known archeological sites which possess the criteria for historic resource designation under SRC chapter 230, or which have been designated as "historically significant" in the ~~fairview~~Fairview plan inventory pursuant to SRC 530.020(c)(5)(M).
- (e) *Criteria.* A refinement plan shall be approved if all of the following criteria are met:
- (1) The refinement plan substantially conforms ~~is consistent~~ with the ~~fairview plan~~Fairview Training Center Redevelopment Master Plan, provided that any plans or drawings depicting the layout of the development, including, but not limited to, the location of streets, City utilities, paths/trails, open space, buildings, or specific uses are conceptual in nature and may be revised by the refinement plan in substantial conformance with the applicable sustainable land use principles of the plan.

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- (2) The refinement plan conforms with the applicable provisions of the Salem Area Comprehensive Plan.
 - (3) The refinement plan is compatible with adjoining land uses and will not unreasonably impact surrounding existing or potential uses or development.
 - (4) The refinement plan is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (5) The refinement plan conforms to all applicable standards of the UDC, except where alternative standards are proposed.
 - (6) The refinement plan conforms to the following goals:
 - (A) Encourage mixed-use development, improved protection of open spaces and natural features, and greater housing and transportation options;
 - (B) Encourage the innovative integration of park and school uses;
 - (C) Encourage the principles of sustainable development and sustainable business practices;
 - (D) Support affordable housing options and mixed-income 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.

(Prior Code, § 530.030; Ord. No. 31-13)

Sec. 530.035. Amendments to refinement plans.

- (a) *Applicability.* An amendment to a refinement plan is an amendment to the text and/or supporting documents of a refinement plan. No amendment to a refinement plan shall be made without receiving approval as set forth in this section. An amendment to a refinement plan does not include an application requesting a variance or adjustment to deviate from the development standards of a refinement plan for a particular property.
- (b) *Classes.*
 - (1) *Minor amendment.* A minor amendment is any amendment to ~~a~~ the text and/or supporting documents of a refinement plan that does not result in a substantial change to the ~~refinement~~ plan.
 - (2) *Major amendment.* A major amendment to a refinement plan is any amendment to ~~a~~ the text and/or supporting documents of a refinement plan that results in a substantial change to the ~~refinement~~ plan. A substantial change to a refinement plan ~~includes, but is not limited to,~~ is one that:
 - (A) Changes the uses allowed within the refinement plan;
 - (B) Varies or changes a ~~fairview-refinement~~ plan policy;
 - (C) 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;

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- (D) Changes designated buffers, perimeter landscaping, or significant natural resource areas that were established to adapt the FMU zonerefinement plan to specific site characteristics or mitigate development impacts on the site and surrounding area;
 - (E) ~~Varies the~~Changes building height, FAR, lot coverage, building setbacks, or other development standards by more than 20 percent of that delineated in the refinement plan;
 - (F) Cumulatively results in a significant change in the purpose, scope, main concepts, goals, policies, or general development guidelines and standards of the refinement plan, as a consequence of more than one non-substantial change submitted concurrently; or
 - (G) Results in a significant change in pedestrian or vehicular traffic circulation within the FMU zonerefinement plan or in the surrounding area.

(c) Standing to initiate refinement plan amendment. A minor amendment or major amendment to a refinement plan may only be initiated by an owner of property within the refinement plan, or that owner's agent, the Council, or the Planning Commission.

(c) *Procedure type.*

- (1) *Minor amendment.* A minor amendment is processed as a Type II procedure under SRC chapter 300.
- (2) *Major amendment.* A major amendment is processed as a Type III procedure under SRC chapter 300, unless the amendment is initiated by the City. A major amendment initiated by the City is processed as a Type IV procedure under SRC chapter 300.

(d) *Submittal requirements.* In addition to the submittal requirements for a Type II or Type III application under SRC chapter 300, an application for a minor or major amendment to a refinement plan shall include:

- (1) The specific amendment proposed; and
- (2) A statement documenting the need for the amendment.

(e) *Criteria.*

- (1) *Minor amendment.* A minor amendment shall be approved if all of the following criteria are met:
 - (A) The proposed amendment does not substantially change the refinement plan.
 - (B) The proposed amendment will not unreasonably impact surrounding existing or potential uses or development.
- (2) *Major amendment.* A major amendment shall be approved if all of the following criteria are met:
 - (A) The proposed amendment conforms to the applicable provisions of the Salem Area Comprehensive Plan.
 - (B) The proposed amendment is compatible with adjoining land uses and will not unreasonably impact surrounding existing or potential uses or development.
 - (C) The proposed amendment is physically feasible, given consideration of existing or proposed infrastructure and public services.
 - (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;

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- (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.

(Prior Code, § 530.035; Ord. No. 31-13)

**CHAPTER 535. ESMU—EDGEWATER/SECOND STREET MIXED-USE CORRIDOR
ZONE**

(Note: The following amendments are excerpts from SRC Chapter 535. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH535ESDGSESTMIECOZO

Sec. 535.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the ESMU zone are set forth in Table 535-1.

**TABLE 535-1
USES**

Table 535-1: Uses		
Use	Status	Limitations and 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 -N	
Park-and-ride facilities	P	
Taxicabs and car services	N	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	N	

- (b) *Prohibited uses.* Notwithstanding Table 535-1, any permitted, special, or conditional use within the ESMU zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Land uses existing within the ESMU zone prior to June 13, 2018, which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.
- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
 - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
 - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 535.010(a).
 - (2) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.
 - (3) 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 ESMU zone.

(Ord. No. 3-18 , § 4, 5-14-2018, eff. 6-13-2018; Ord. No. 1-20 , § 2(Exh. B), 2-24-2020)

CHAPTER 602. AIRPORT OVERLAY ZONE

Sec. 602.001. Purpose.

The purpose of the Airport Overlay Zone is to establish standards to promote air navigational safety and prevent hazards and obstructions to air navigation and flight.

(Prior Code, § 602.001; Ord. No. 31-13)

Sec. 602.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Airport elevation means the highest point of an airport's usable runways measured in feet above mean sea level ~~elevation that is 210 feet above mean sea level.~~ Airport elevation for McNary Field Airport is 213.4 feet.

Approach surface means a surface longitudinally centered on the extended runway centerline, and extending outward and upward from the end of the primary surface at the same slope as the approach area height limitation slope set forth in SRC 602.020(a). The perimeter of the approach surface coincides with the perimeter of the approach area.

Conical surface means a surface extending outward and upward from the periphery of the horizontal surface at a slope of 20 to 1, for a horizontal distance of 4,000 feet.

Federal Aviation Administration (FAA) means ~~the Federal Aviation Administration~~ the Federal regulatory authority on airports, airspace, aircraft, and pilots in the U.S. FAA policy is created in Washington D.C. and administered by local regional and district offices.

Federal Regulations Part 77 means the part of Federal Aviation Regulations (FAR) as set forth in Title 14, Code of Federal Regulations, Part 77, Safe, Efficient Use and Preservation of the Navigable Airspace, that deals with objects affecting navigable airspace in the vicinity of airports. Objects that exceed the Part 77 height limits constitute airspace obstructions. Part 77 establishes standards for identifying obstructions to navigable airspace, sets forth requirements for notice to the FAA of certain proposed construction or alteration, and provides for aeronautical studies of obstructions to determine their effect on the safe and efficient use of airspace.

Hazard to air navigation means an obstruction determined by the Federal Aviation Administration to have a substantial adverse effect on the safe and efficient utilization of the navigable airspace.

Horizontal surface means a horizontal plane 150 feet above the airport elevation, the perimeter of which in plan coincides with the perimeter of the horizontal area.

Larger than utility runway means a runway that is constructed for, and intended to be used by, any aircraft of greater than 12,500 pounds maximum gross weight.

McNary Field means the Salem Municipal Airport, which is owned and operated by the City of Salem.

Non-precision instrument runway means a runway having an instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area-type navigation equipment, for which a straight-in non-precision instrument approach procedure has been approved by FAA.

Obstruction means any building, structure, object, including mobile objects, or vegetative growth, that exceeds the height limitations in SRC 602.020(a).

Precision instrument runway means a runway having an instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR), for which a precision approach system has been approved by FAA.

Primary surface means a surface longitudinally centered on a runway, and having the width set forth in SRC 602.010. When a runway has a specialty prepared hard surface, the primary surface extends a distance of 200 feet beyond each end of the-that runway. When a runway does not have a specialty prepared hard surface, or is a military runway, the primary surface ends at each end of the-that runway. The elevation of any point on the primary surface is the same as the elevation as of the nearest point on the runway centerline.

Runway means the area of an airport prepared for the takeoff and landing of aircraft along its entire length. McNary Field includes two runways, Runway 16/34 and Runway 13/31.

Transitional surfaces means the surfaces that extend outward and upward at 90-degree90-degree angles from-to the runway centerline and the runway centerline extended at a slope of seven feet horizontally for each one foot vertically from the sides of the primary surface and the sides of the approach surfaces to the point of intersection with the horizontal surface and conical surface. Transitional surfaces for those portions of the precision approach surfaces which project through and beyond the limits of the conical surface extend a distance of 5,000 feet, measured horizontally from the edge of the approach surface at a-90-degree90-degree angles to the extended runway centerline.

Utility runway means a runway that is constructed for, and intended to be used by, propeller driven aircraft of 12,500 pounds maximum gross weight and less.

Visual runway means a runway intended solely for the operation of aircraft using visual approach procedures.

(Prior Code, § 602.005; Ord. No. 31-13)

Sec. 602.010. Airport Overlay Zone boundary.

The boundaries of the Airport Overlay Zone are shown in Figure 602-1. The Airport Overlay Zone is divided into the following seven areas that apply to land beneath, upon, and above the approach surfaces, transitional surfaces, horizontal surfaces, and conical surfaces of McNary Field:

~~(a) Utility runway visual approach (URVA) area. The inner boundary of the URVA area lies along the end of the primary surface and is 250 feet wide. The URVA area expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the URVA area is the continuation of the centerline of proposed runway 16-34.~~

~~(a) Approach area. The approach area consists of the following:~~

~~(1)(b) Runway larger other than utility runway with only visual approach (RLUVA) area. The inner boundary of the RLUVA runway other than utility runway with only visual approach area lies along the end of the primary surface and is 500 feet wide. The RLUVA area expands outward uniformly to a width of 1,500 feet at a horizontal distance of 5,000 feet from the primary surface. The centerline of the RLUVA area is the continuation of the centerline of runway Runway 16-/34.~~

~~(2)(c) Non-precision instrument Runway runway larger than utility having a non-precision instrument approach with a-visibility minimums as low as three-quarter mile non-precision instrument approach (RLUVM) area. The inner boundary of the RLUVM non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile area lies along the end of the primary surface and is 1,000 feet wide. The RLUVM area expands outward uniformly to a width of 4,000 feet at a horizontal distance of 10,000 feet from the primary surface. The centerline of the RLUVM area is the continuation of the centerline of runway Runway 13.~~

~~(3)(e)~~ *Precision instrument runway approach (PIRA) area.* The inner boundary of the PIRA-precision instrument runway approach area lies along the end of the primary surface and is 1,000 feet wide. The ~~PIRA~~ area expands outward uniformly to a width of 16,000 feet at a horizontal distance of ~~50,000~~10,000 feet from the primary surface and thereafter to a horizontal distance of 50,000 feet from the primary surface. The centerline of the ~~PIRA~~ area is the continuation of the centerline of ~~runway~~Runway 31.

~~(b)(e)~~ *Transitional areas.* The transitional areas are those areas that lie beneath the transitional surfaces of each runway.

~~(c)(f)~~ *Horizontal area.* The boundary of the horizontal area is established by swinging arcs with 5,000 feet radii, for all utility or visual runways, and 10,000 feet radii, for all other runways, from the center of each end of the primary surface of each runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The horizontal area does not include the approach and transitional areas.

~~(d)(g)~~ *Conical surface area.* The conical surface area commences at the periphery of the horizontal area and extends outward a horizontal distance of 4,000 feet.

(Prior Code, § 602.010; Ord. No. 31-13)

Sec. 602.015. Uses.

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 Airport Overlay Zone.

(Prior Code, § 602.015; Ord. No. 31-13)

Sec. 602.020. Development standards.

Development within the Airport 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 or any other overlay zone, the more restrictive development standards shall be the applicable development standard.

(a) *Height.* Except as otherwise provided in this chapter, no building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this subsection. If all or part of a lot is located in more than one Airport Overlay Zone area, the applicable height limitation shall be the most restrictive height limitation.

~~(1)~~ *Utility runway visual approach (URVA) area.* ~~In the URVA area, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerline of runway 16-34.~~

~~(1)(2)~~ *Runway other than a utility runway with only visual approaches-larger than utility visual approach (RLUVA) area.* ~~In the RLUVA area, no~~No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 5,000 feet along the extended centerline of ~~runway~~Runway 16-34.

~~(2)(3)~~ *Non-precision instrument runway having a non-precision instrument approach with visibility minimums as low as three-quarter mile-larger than utility with a visibility minimum as low as three-quarter mile non-precision instrument approach (RLUVM) area.* ~~In the RLUVM area, no~~No

building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 34 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline of ~~runway~~ Runway 13.

~~(3)~~(4) *Precision instrument runway approach (PIRA) area.* In ~~the PIRA area, no~~ No building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 50 feet outward for each one foot upward beginning at the end of, and at the same elevation as, the primary surface and extending to a horizontal distance of 10,000 feet along the extended centerline of ~~runway~~ Runway 31; thence sloping 40 feet outward for each one foot upward to an additional horizontal distance of 40,000 feet along the extended centerline of ~~runway~~ Runway 31.

~~(4)~~(5) *Transitional surface areas.* In the transitional surface areas, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping seven feet outward for each one foot upward beginning at the sides of, and at the same elevation as, the primary surface and the approach surface, and extending to a height of 150 feet above the airport elevation. In addition, in the transitional areas ~~surface~~ there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending to where they intersect the conical surface. Where the precision instrument runway approach ~~PIRA~~ area projects beyond the conical area, there are established height limits sloping seven feet outward for each one foot upward beginning at the sides of, and the same elevation as, the approach surface, and extending a horizontal distance of 5,000 feet measured at ~~90-degree~~ 90-degree angles to the extended runway centerline.

~~(5)~~(6) *Horizontal surface area.* In the horizontal surface area, no building, structure, object, or vegetative growth shall have a height greater than that established by a horizontal plane 150 feet above the airport elevation.

~~(6)~~(7) *Conical surface area.* In the conical surface area, no building, structure, object, or vegetative growth shall have a height greater than that established by a plane sloping 20 feet outward for each one foot upward beginning at the periphery of the horizontal surface area, 150 feet above the airport elevation, and extending to a height of 350 feet above the airport elevation.

- (b) *Development compatibility.* Uses within the Airport Overlay Zone shall not be developed, conducted, or maintained in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and other lights, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, attract wildlife, or endanger or interfere in any other manner with landing, takeoff, or maneuvering of aircraft using or intending to use McNary Field.
- (c) *Marking and lighting.* Marking and lighting necessary to indicate the presence of buildings, structures, or vegetation to operators of aircraft in the vicinity of the airport shall be provided as required by the FAA.

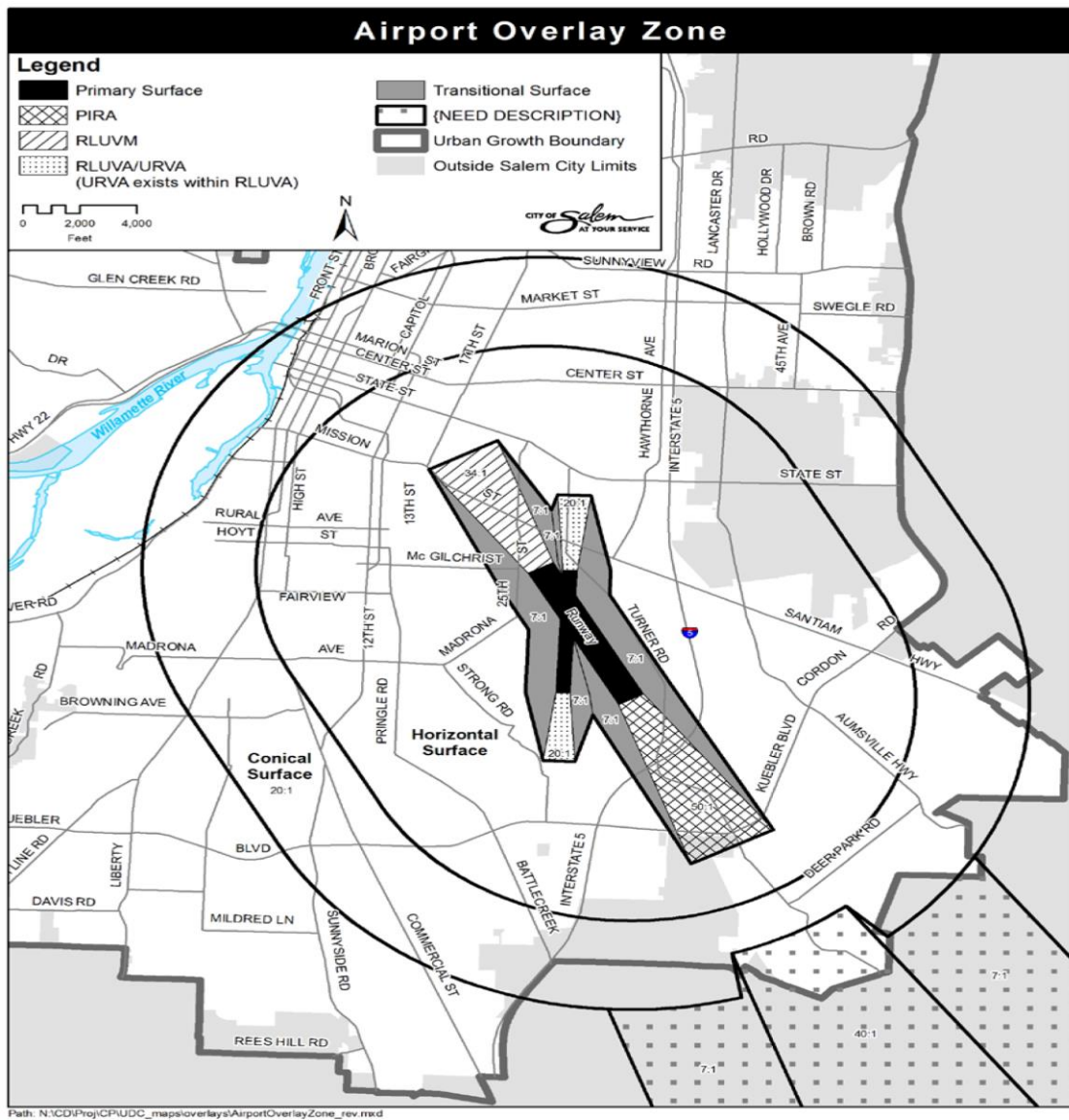
(Prior Code, § 602.020; Ord. No. 31-13)

Sec. 602.025. Airport overlay zone height variance.

- (a) *Applicability.* No building, structure, or object shall be erected or increased in height, and no vegetation shall be allowed to grow, to a height in excess of the height limitations set forth in this chapter unless a variance has been granted pursuant to this section.
- (b) *Procedure type.* An Airport Overlay Zone height variance is processed as a Type I procedure under SRC chapter 300.

- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for an Airport Overlay Zone height variance shall include:
 - (1) A statement of the specific height limitation for which the variance is requested, and the amount of the variance; and
 - (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.

FIGURE 602-1. AIRPORT OVERLAY ZONE



(Prior Code, § 602.025; Ord. No. 31-13)

CHAPTER 701. TEMPORARY USES

(Note: The following amendments are excerpts from SRC Chapter 701. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH701TEUS

Sec. 701.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Construction storage yard means a storage area for construction supplies, materials, and/or equipment, located on a site other than the construction site itself, for use only during the actual construction of a project.

Managed temporary camping means an area providing temporary living accommodations to individuals experiencing homelessness in a managed and secure environment within temporary non-permanent structures, such as micro shelters, tents, and vehicles, and with consistent access to on-site restrooms, storage, garbage removal, and additional services.

Replacement single family dwelling means a new single family dwelling constructed to replace an existing owner occupied, site-built, single family dwelling on the same lot.

Residential sales/development office means a building or structure within a subdivision, planned unit development (PUD), condominium development, apartment complex, or manufactured dwelling park whose principal use is for the sale, rent, lease, and/or development of lots, units, and/or structures within the subdivision, PUD, condominium development, apartment complex, or manufactured dwelling park.

Camp shelter unit means an individual structure within a managed temporary camping area providing living and sleeping accommodations.

Temporary and seasonal gravel off-street parking and loading area means a gravel off-street parking or loading area utilized to meet a need for parking or loading that is temporary or seasonal in nature, and which is restricted to a limited duration.

Temporary motor vehicle and recreational vehicle sales means the use of property for the sale of cars, light trucks, or recreational vehicles by a commercial dealer for a period that does not exceed four consecutive days.

Warming shelter means a short-term emergency shelter that operates when temperatures or a combination of inclement weather becomes a threat to human health and safety.

(Prior Code, § 701.005; Ord. No. 31-13)

Sec. 701.010. Temporary use permit.

(a) *Applicability.* No building, structure, or land shall be used or developed for any use which is allowed as a temporary use under the UDC unless a temporary use permit has been granted pursuant to this chapter.

(b) *Classes.*

(1) *Class 1 temporary use permit.* A Class 1 temporary use permit is a temporary use permit for the following:

(A) Christmas tree sales;

(B) Construction storage yard;

(C) Managed temporary camping with ten or fewer camp shelter units located within a non-residential zone.

(D)(C) Replacement single family dwelling;

(E)(D) Residential sales/development office; and

(F)(E) Temporary motor vehicle and recreational vehicle sales; and

(G) Warming shelter.

(2) *Class 2 temporary use permit.* A Class 2 temporary use permit is a temporary use permit for the following:

(A) Managed temporary camping:

(i) Located on the site of a religious assembly use within a residential zone; or

(ii) With eleven to thirty camp shelter units located within a non-residential zone; and

(B)(A) Temporary and seasonal gravel parking and loading areas.

(c) *Procedure type.*

(1) A Class 1 temporary use permit is processed as a Type I procedure under SRC chapter 300.

(2) A Class 2 temporary use permit is processed as a Type II procedure under SRC chapter 300.

(Prior Code, § 701.010; Ord. No. 31-13)

Sec. 701.025. Managed temporary camping.

Managed temporary camping shall comply with the following:

(a) Temporary use permit required. Managed temporary camping shall require either a Class 1 or Class 2 temporary use permit.

(1) A Class 1 temporary use permit shall be required for a managed temporary camping area with ten or fewer camp shelter units located within a non-residential zone.

(2) A Class 2 temporary use permit shall be required for a managed temporary camping area:

(A) Located on the site of a religious assembly use within a residential zone; or

(B) With eleven to thirty camp shelter units located within a non-residential zone.

(b) Submittal requirements. In addition to the submittal requirements set forth under SRC chapter 300, an application for a Class 1 or Class 2 temporary use permit for managed temporary camping shall include the following:

(1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total size area, dimensions, and orientation relative to north;

(B) The proposed layout of the shelter, including the location of all proposed camp shelter units and structures, the separation between camp shelter units, and the setbacks of all camp shelter units and structures to perimeter property lines;

(C) The location of the following as applicable:

(i) Space for on-site manager;

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- (ii) On property abutting a school;
 - (iv) Within a mapped flood plain or floodway, or an area with moderate or high landslide hazard risk pursuant to SRC chapter 810;
 - (v) Within a wetland or riparian corridor; or
 - (vi) On property with a known archaeological resource, except as otherwise approved under SRC chapter 230.
 - (3) Maximum number and types of camp shelter units allowed.
 - (A) The maximum total number of camp shelter units within a managed temporary camping area shall not exceed 30.
 - (B) Any of the following, either individually or in combination, are allowed as camp shelter units within a managed temporary camping area provided the maximum number of allowed camp shelter units is not exceeded:
 - (i) Pre-fabricated, non-permanent, portable micro structures such as tiny homes, yurts, Conestoga huts, and similar structures;
 - (ii) Tents and similar non-permanent portable structures designed specifically for camping; and
 - (iii) Vehicles such as cars, trucks, vans, motorized or towable recreational vehicles, and similar conveyances.
 - (C) Improvised camps are not allowed.
 - (4) Maximum number of residents per camp shelter unit. Except for vehicles, not more than two adults, eighteen years of age or older, shall be allowed per camp shelter unit. Within a vehicle, either a family consisting of an individual or two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship or not more than two unrelated adults, eighteen years of age or older, shall be allowed per vehicle.
 - (5) Operational standards.
 - (A) Operation and management. A managed temporary camping area must be operated and managed by:
 - (i) A local government, as defined in ORS 174.116;
 - (ii) An organization with a minimum of two years' experience operating an emergency shelter or providing shelter and support services to the homeless that is:
 - (aa) A local housing authority, as defined in ORS 456.375;
 - (bb) A religious corporation, as defined in ORS 65.001; or
 - (cc) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or
 - (iii) A non-profit corporation partnering with any other entity described in this subsection.
 - (B) Staffing. An on-site manager shall be present at all times when the shelter is in operation.
 - (C) Required support services and facilities. A managed temporary camping area shall include the following on-site support services and facilities for the health, safety, and support of residents:

(i) Support services and facilities required for all managed temporary camping areas. All managed temporary camping area shall provide at a minimum the following support services and facilities:

(aa) A minimum of two restrooms;

(bb) Handwashing facilities;

(cc) A secure covered storage area for resident's personal belongings; and

(dd) A solid waste collection and servicing area, meeting the vehicle operation area requirements of SRC 800.055(f), that includes at least one solid waste receptacle of a size that's equivalent to one 32 cubic-foot solid waste receptacle for each camp shelter unit.

(ii) Additional support services and facilities required for managed temporary camping areas with more than ten camp shelter units. Managed temporary camping areas with more than ten camp shelter units shall provide the following additional support services and facilities:

(aa) A minimum of two showers;

(bb) A designated covered food preparation/kitchen area;

(cc) A designated covered dining area;

(dd) A laundry facility or, if laundry service will not be provided on-site, an explanation of how access to off-site laundry service will be provided;

(ee) A designated common area for gathering;

(ff) A designated area where residents can meet with social workers and health care professionals to receive case management, counseling, and support services, as well as needed medical treatment or examinations; and

(gg) A secure covered storage area for supplies needed to operate the shelter.

(D) Fees for accommodations and services. The operator of a managed temporary camping area may not charge residents a fee for any of the accommodations or services required under this section.

(E) Operation and management plan. A managed temporary camping area shall include an operation and management plan that shall at a minimum identify:

(i) Rules for shelter use and a code of conduct for governing resident behavior.

(ii) Provisions for supervision, safety, and security.

(iii) The proposed operational period for the shelter.

(iv) The hours that people may stay at the site.

(v) The number of continuous days an individual may reside at the shelter.

(vi) Provisions for shelter operation and maintenance including:

(aa) Garbage pickup and disposal;

(bb) Sewage and grey water pickup and disposal;

(cc) Pest control services; and

(dd) How the site will be kept free of trash and debris.

(vii) The support services and facilities that will be provided to shelter residents.

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- (6) Development standards. A managed temporary camping area shall conform to the following development standards:
- (A) Perimeter setback. A minimum 20-foot perimeter setback shall be required from all property lines. No camp shelter units, off-street parking and vehicle use areas, storage areas, sanitary facilities, or any other structures or shelter use areas shall be located within the required perimeter setback area.
- (B) Height. No structure within a managed temporary camping area shall exceed a maximum height of 15 feet. Maximum structure height does not apply to vehicles.
- (C) Permitted structure type. All structures within a managed temporary camping area shall be portable non-permanent structures.
- (D) Camp shelter unit standards.
- (i) Camp shelter units shall not exceed a maximum 120 square feet in size. Maximum camp shelter unit size shall not apply to vehicles.
 - (ii) A minimum 10-foot clear open area/separation shall be maintained around each camp shelter unit to promote privacy and allow for unobstructed pedestrian access throughout the shelter and to individual camp shelter units.
 - (iii) Except for vehicles, camp shelter units may be located on either a paved or unpaved surface. Vehicles shall be located on a paved surface.
 - (iv) Camp shelter units shall only be located on areas of a site that are flat and well drained.
 - (v) Camp shelter units shall be raised off the ground.
 - (vi) When camp shelter units are provided in tents or similar non-permanent portable structures designed specifically for camping, they shall be located under a separate canopy or similar structure in order to provide weather protection from the sun and rain.
 - (vii) When camp shelter units are provided in vehicles, the vehicles must be operable and any vehicles possessing a septic system must be emptied and free of leaks prior to admittance to the site.
- (E) Off-street parking.
- (i) Managed temporary camping areas with ten or fewer camp shelter units shall provide a minimum of one off-street parking space per on-site manager.
 - (ii) Managed temporary camping areas with more than ten camp shelter units shall provide a minimum of one off-street parking space per on-site manager; plus one additional space for an on-site service provider.
- (F) Bicycle parking. A minimum of one bicycle parking space shall be provided per camp shelter unit. Bicycle parking is exempt from the bicycle parking development standards included under SRC 806.060.
- (G) Off-street loading. A minimum of one off-street loading space shall be provided for managed temporary camping areas with more than ten camp shelter units. The loading space shall be a minimum of 12 feet in width and 30 feet in length, and have a minimum vertical clearance of 14 feet.
- (H) Vehicle use area surfacing. All areas of the site used for vehicle access and maneuvering shall be paved with a hard surface material meeting the Public Works Design Standards.

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- (I) Perimeter fencing/screening. A minimum 6-foot-tall sight-obscuring fence with gate shall be provided around the perimeter of the managed temporary camping area.
 - (J) Managed temporary camping areas shall not be located in a manner which obstructs required pedestrian connections, fire lanes or emergency access areas, or required vision clearance areas; or in a manner that reduces the off-street parking for any other use on the property below the minimum required number of spaces.
 - (J) Alterations to existing property.
 - (i) Existing trees and existing landscaping within required setbacks shall not be removed in order to accommodate a proposed managed temporary camping area.
 - (ii) If an existing off-street parking or vehicle use area is proposed to be expanded to accommodate a proposed managed temporary camping area, the expanded off-street parking or vehicle use area shall comply with the applicable standards of SRC Chapter 806.
 - (7) Additional applicable codes and standards. In addition to all other applicable laws and regulations, a managed temporary camping area shall be developed, maintained, and operated in compliance with the applicable provisions of the following:
 - (A) SRC chapter 50 (Property Maintenance);
 - (B) SRC chapter 56 (Building Code);
 - (C) SRC chapter 58 (Fire Prevention Code);
 - (D) SRC chapter 93 (Noise);
 - (E) SRC chapter 97 (Human Rights)
 - (d) Criteria. A Class 1 or Class 2 temporary use permit for a managed temporary camping area shall be granted if all of the applicable standards set forth in this section are met.

Sec. 701.050. Warming shelter.

Warming shelters shall comply with the following:

- (a) Temporary use permit required. Warming shelters shall require a Class 1 temporary use permit.
- (b) Submittal requirements. In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a Class 1 temporary use permit for a warming shelter shall include the following:
 - (1) A floor plan(s), drawn to scale, of the building, or space(s) within the building, proposed to be used for the warming shelter identifying the floor area, the area(s) of the building that will be utilized for warming shelter space, the location of proposed restrooms, and required exiting to meet fire and life safety requirements;
 - (2) Identification of the types of seating and sleeping accommodations that will be provided such as benches, folding chairs, cots, bunk beds, etc.; and
 - (3) The number of individuals proposed to be served.
- (c) Standards. Warming shelters shall comply with the standards set forth in this subsection.
 - (1) Period of use.

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- (A) A warming shelter may operate at the location approved under a temporary use permit from October to April of each year during those times when adverse seasonal weather conditions, including cold temperatures or a combination of inclement weather, become a threat to human health and safety.
- (B) The temporary use permit may be renewed annually, provided the applicant demonstrates that the facts upon which the temporary use permit was originally granted have not materially changed.
- (2) Location.
- (A) A warming shelter shall only be located:
- (i) In a zone where the use is allowed;
 - (ii) On property owned by a public, non-profit, religious, or commercial entity; and
 - (iii) Within an existing building, or space within an existing building, that has an approved building code occupancy that allows the use.
- (B) Notwithstanding subsection (c)(2)(A) of this section, a warming shelter shall not be located on property abutting a residential zone, except when the warming shelter is on the property of a religious assembly use.
- (3) Maximum occupancy. The maximum number of individuals a warming shelter may accommodate shall be the maximum number of people the building, or space within the building, is allowed to accommodate based on its approved building code occupancy.
- (4) Operational standards.
- (A) Operation and management. A warming shelter must be operated by:
- (i) A local government, as defined in ORS 174.116;
 - (ii) An organization with a minimum of two years' experience operating an emergency shelter or providing shelter and support services to the homeless that is:
 - (aa) A local housing authority, as defined in ORS 456.375;
 - (bb) A religious corporation, as defined in ORS 65.001; or
 - (cc) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals and that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code on or before January 1, 2017; or
 - (iii) A non-profit corporation partnering with any other entity described in this subsection.
- (B) Staffing. An on-site manager shall be present at all times when the shelter is in operation.
- (C) Required support services and facilities. A warming shelter shall include a minimum of two restrooms.
- (D) Fees for accommodations and services. The operator of a warming shelter may not charge a fee for any of the accommodations or services provided.
- (d) Criteria. A Class 1 temporary use permit for a warming shelter shall be granted if the applicable standards set forth in this section are met.

CHAPTER 800. GENERAL DEVELOPMENT STANDARDS

(Note: The following amendments are excerpts from SRC Chapter 800. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH800GEDEST

Sec. 800.031. Maintenance easements for dwelling units.

No building permit shall be issued for a townhouse, zero side yard dwelling, or any other dwelling unit which is constructed contiguous to a property line unless the applicant provides a copy of a recorded easement from the owner of the property that abuts the dwelling unit providing for reasonable ingress, egress, and use of such abutting property for the purpose of maintaining, repairing, and replacing the premises. The easement shall be in a form approved by the City Attorney.

Sec. 800.050. Fences, walls, hedges, gates, and retaining walls.

Unless otherwise provided under the UDC, the standards set forth in this section shall apply to fences, walls, hedges, gates, and retaining walls in all zones. Where screening is required under the UDC in the form of a fence, wall, or hedge, it shall meet the standards set forth in SRC chapter 807, in addition to the standards set forth in this section. For purposes of this section, the term "front yard" means that portion of a lot located between the front property line and a line parallel to the front property line extended from the wall of the main building facing, and lying at the greatest distance from, the front property line.

- (a) *Location, height, and density.* Fences, walls, hedges, gates, and retaining walls shall comply with the location, height, and density standards set forth in this subsection.
 - (1) *Fences and walls.*
 - (A) Residential zones and property used for uses falling under household living in other zones. Fences and walls within residential zones, or on property used for uses falling under household living in other zones, shall not exceed a maximum height of eight feet; provided, however:
 - (i) *Front yard abutting street.* Fences and walls within a front yard abutting a street shall not exceed a maximum height of four feet when located within 20 feet of the property line abutting the street; provided, however, within ten feet of the property line abutting the street any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.
 - (ii) *Side and rear yards abutting street.* Fences and walls within a side or rear yard abutting a street shall not exceed a maximum height of six feet when located within ten feet of a property line abutting a street.
 - (B) Nonresidential zones. Except for fences and walls on property used for uses falling under household living, fences and walls within nonresidential zones shall not exceed a maximum height of 12 feet; provided, however:
 - (i) Front, side, and rear yards abutting street. Fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of eight feet when located within ten feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less

than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

- (2) *Hedges.* There is no maximum height limitation for hedges; provided, however, where a hedge is located within ten feet of a property line abutting a street, any portion of the hedge more than 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the hedge.
 - (3) *Gates.* Where a gate is part of a fence, wall, or hedge it shall conform to the height limitations applicable to fences and walls set forth under SRC 800.050(a)(1). Gates shall not swing open onto a public right-of-way or vehicle or pedestrian easement.
 - (4) *Retaining walls.* Retaining walls shall not exceed a maximum height of four feet when located at the property line abutting a street. Retaining walls not located at the property line abutting a street may exceed four feet in height.
- (b) *Vision clearance.* Notwithstanding any other provision of this section, fence, walls, hedges, gates, and retaining walls shall conform to the vision clearance requirements of SRC chapter 805.
- (c) *Material.*
- (1) *Fences.* Fences shall be constructed of materials specifically designed and manufactured for fencing purposes, including, but not limited to, wooden pickets, vinyl, wrought iron, and chainlink fencing, with or without plastic or wood slats. Materials not specifically designed as fencing material, including, but not limited to, corrugated cardboard, corrugated metal, plywood, wooden pallets, garage doors, concrete rubble, and other junked material, are prohibited. Chicken wire may be used within the Residential Agriculture (RA) Zone if used to raise livestock. Fencing for raising livestock in other zones may be replaced if the use was an allowed use on the property prior to December 31, 2002. Fencing used for the establishment and protection of vegetation is permitted for a period not to exceed six months.
 - (2) *Walls.* Walls shall be constructed of materials specifically designed and manufactured for use as walls, including, but not limited to, masonry, rock, concrete, concrete block, or other similar material.
- (d) *Hazardous materials.* Fences and walls shall not be constructed of or contain any material which will do bodily harm, such as electric or barbed wire, upturned barbed selvage, broken glass, spikes, or any other hazardous or dangerous material, except as follows:
- (1) *Concertina wire.* Concertina wire is permitted around state and county correctional facilities and secure mental health facilities.
 - (2) *Barbed wire and upturned barbed selvage.*
 - (A) *Location.* Barbed wire and upturned barbed selvage is permitted within the following locations:
 - (i) Any zone where the fence will be used to enclose livestock; and
 - (ii) The Retail Commercial (CR) and General Commercial (CG) Zones, ~~and~~ any industrial or public zone, and any zone where the fence will be used to enclose an electrical substation.
 - (B) *Standards.* Where allowed as set forth this subsection, barbed wire or upturned barbed selvage shall comply with the following additional standards:
 - (i) *Enclosure of livestock.* Fences with barbed wire or upturned barbed selvage enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

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- (ii) *CR and CG zones; industrial and public zones; enclosure of electrical substations.* Fences with barbed wire or upturned barbed selvage located within a Retail Commercial (CR) or General Commercial (CG) Zone, ~~or~~ within an industrial or public zone, or enclosing an electrical substation shall comply with the following:
 - (aa) The barbed wire or upturned barbed selvage shall be located more than six feet above grade;
 - (bb) The barbed wire or upturned barbed selvage shall be setback a minimum of one foot from the public right-of-way, when designed to slant towards the public right-of-way;
 - (cc) The barbed wire or upturned barbed selvage shall not extend over a street or alley; and
 - (dd) The fence shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.

(3) *Electric fencing.*

(A) *Location.* Electric fencing is permitted within the following locations:

- (i) Any zone where the fence will be used to enclose livestock; and
- (ii) Around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone.

(B) *Standards.* Where allowed as set forth in this subsection, electric fencing shall comply with the following additional standards:

- (i) *Enclosure of livestock.* Electric fencing enclosing livestock shall be clearly posted with warning signs notifying persons of a dangerous fence. The signs shall be posted at an interval of not less than 15 feet.
- (ii) *Outdoor storage areas for nonresidential uses within the CG Zone and industrial zones.* Electric fencing around outdoor storage areas, including vehicle storage areas, for any nonresidential use within the General Commercial (CG) zone or any industrial zone shall comply with the following:
 - (aa) The fence shall not exceed ten feet in height and shall be completely surrounded by a non-electric fence or wall a minimum of six feet in height.
 - (bb) A minimum one-foot separation shall be maintained between the electric fence and the surrounding non-electric fence or wall.
 - (cc) An electrical permit and inspection shall be obtained prior to installation.
 - (dd) The electric fence shall be listed by a testing laboratory approved by the State, and shall be installed and used in accordance with the testing laboratory listing.
 - (ee) The fence shall be clearly posted with warning signs in English and Spanish notifying persons of a dangerous fence. The signs shall include the statement, "DANGER - ELECTRIC FENCE," or an equivalent, together with a pictorial warning. The signs shall be posted at an interval of not more than 60 feet.

(ff) Emergency access. Fire department access shall be provided in accordance with the Salem Fire Prevention Code. An approved method to manually disconnect electrical power to all portions of the fence and gates shall be provided at an exterior location. The method and location of the electrical disconnect shall be approved by the Salem Fire Code Official.

(e) *Maintenance.* Fences and walls shall be structurally maintained in safe condition. Wooden materials shall be protected from rot, decay, and insect infestation, and replaced as necessary. Failure to maintain an electric fence in conformance with the standards set forth in this section shall result in the fence being declared a public nuisance subject to abatement under SRC chapter 50.

(Prior Code, § 800.050; Ord. No. 31-13; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

CHAPTER 803. STREETS AND RIGHT-OF-WAY IMPROVEMENTS

(Note: The following amendments are excerpts from SRC Chapter 803. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH803STRI-WIM

Sec. 803.035. Street standards.

All public and private streets shall be improved as follows:

- (a) *Connectivity.* Local streets shall be oriented or connected to existing or planned streets, existing or planned schools, parks, shopping areas, transit stops, and employment centers located within one-half-mile of the development. Local streets shall be extended to adjoining undeveloped properties for eventual connection with the existing street system. Connections to existing or planned streets and adjoining undeveloped properties for eventual connection with the existing street system shall be provided at no greater than 600-foot intervals unless one or more of the following conditions exist:
 - (1) Physical conditions or the topography, including, but not limited to, freeways, railroads, steep slopes, wetlands, or other bodies of water, make a street or public accessway connection impracticable.
 - (2) Existing development on adjacent property precludes a current or future connection, considering the potential and likelihood for redevelopment of the adjacent property; or
 - (3) The streets or public accessways would violate provisions of leases, easements, covenants, restrictions or other agreements existing as of May 1, 1995, that by their terms would preclude a current or future connection.
- (b) *Improvements.* All street improvements, including sub-base, base, pavement, curbs, sidewalks, and surface drainage shall conform to all provisions of the Salem Revised Code and the Public Works Design Standards.
- (c) *Alignment and grade.* All streets shall be designed with a vertical alignment that conforms to the Public Works Design Standards. No grade of parkway, major arterial, or minor arterial shall exceed six percent. No grade of a collector street shall exceed eight percent. No grade of a local street shall exceed 12 percent.
- (d) *Dead-end streets.* When it appears necessary to provide connectivity into or through an abutting undeveloped area, a dead-end street shall be provided to the boundary of the undeveloped area. The street may be constructed and right-of-way may be dedicated without a turnaround unless the Planning Administrator finds that a turnaround is necessary.
- (e) *Reserve blocks.* Reserve blocks controlling access to a street or alley may be required to be dedicated to address one or more of the following:
 - (1) To prevent access to abutting land at the end of a street in order to assure the proper extension of the street pattern and the orderly development of land lying beyond the street.
 - (2) To prevent access to the side of a street on the side where additional width is required to meet the right-of-way standards provided in SRC 803.025.
 - (3) To prevent access to land abutting a street of the development, but not within the development itself.

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- (4) To prevent access to land unsuitable for development.
 - (5) To prevent access prior to payment of street improvement assessments or connection charges.
 - (6) To prevent access to an arterial or collector street.
- (f) *Cul-de-sacs.*
- (1) Cul-de-sacs shall not exceed 800 feet in length.
 - (2) No portion of a cul-de-sac shall be more than 400 feet from an intersecting street or cul-de-sac unless physical constraints make it impractical.
 - (3) Cul-de-sacs shall have a turnaround with a property line radius of not less than that specified in SRC 803.025(a) from the center of the turnaround to the property lines.
- (g) *Intersections; property line radius.*
- (1) Intersections shall conform to the Public Works Design Standards; provided, however, additional right-of-way and roadway improvements at or adjacent to the intersections of parkways, major arterials, minor arterials, and collector streets may be required for intersections and access points for high traffic generators, including, but not limited to, shopping centers, schools, major recreational sites, and office complexes.
 - (2) The property line radius at intersections shall be not less than the curblin radius as set forth in the Public Works Standards.
- (h) *Cut and fill slopes.* Fill slopes shall begin no closer than two feet from the rear edge of the sidewalk, or if there is no sidewalk, from to the rear edge of the curb. Cut and fill slopes shall not exceed two horizontal to one vertical, provided that slopes not exceeding one to one may be approved upon certification by a qualified engineer or geologist that the slope will remain stable under foreseeable conditions.
- (i) *Slope easements.* Slope easements shall be provided on both sides of the right-of-way where required by Public Works Design Standards.
- (j) *Street alignment.* Consistent with good engineering practice, street alignment shall, so far as possible, avoid natural and constructed obstacles, including, but not limited to, mature trees.
- (k) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.
- (l) *Sidewalks.*
- (1) *Sidewalk construction required.* Sidewalks conforming to this chapter, the Public Works Design Standards, the Americans with Disabilities Act, the Salem Transportation System Plan, and SRC chapter 78 shall be constructed as a part of street improvement projects.
 - (2) *Sidewalk location; width.*
 - (A) Sidewalks shall be located parallel to and one foot from the adjacent right-of-way; provided, however, on streets having a right-of-way of 50 feet or less, sidewalks shall be located parallel to and abutting the curb.
 - (B) If topography or other conditions make the construction of a sidewalk impossible or undesirable in a location required by this subsection, a different location may be allowed.
 - (C) Except as otherwise provided in this subsection, all sidewalks shall be a minimum of five feet in width.

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- (D) Sidewalks connecting with the direct access to the primary entrance of a school shall be a minimum of eight feet in width along the right-of-way for a distance of 600 feet from the point of connection.
 - (E) Sidewalks shall have an unobstructed four-foot wide clearance around street lights, signs, mailboxes, and other streetscape facilities.
 - (m) *Bicycle facility standards.* Streets identified in the Salem Transportation System Plan Bicycle System Map as requiring a bicycle facility must conform to the designation of the Salem Transportation System Plan and the Public Works Design Standards.
 - (n) *Utility easements.* Public utility easements may be required for all streets. Unless otherwise specified by the Director, public utility easements shall be a minimum of ten feet in width on each side of the right-of-way.
 - (o) *Street lights.* All subdivisions and partitions, and all development on units of land for which site plan review is required, shall include underground electric service, light standards, wiring, and lamps for street lights that conform to the Public Works Design Standards. The developer shall install such facilities. Upon the City's acceptance of improvements, the street lighting system shall become the property of the City.
 - (p) *Landscape strips.* Landscape strips for signs, street lights, and shade trees shall be provided that conform to the Public Works Design Standards.
 - (q) *Landscaping.* Property owners shall cover at least 75 percent of the unimproved surface area within the right-of-way abutting the property with perennial living plant material which conforms to all other requirements of the UDC, and which is kept free of noxious vegetation.
 - (r) *Transit facilities.* Transit stops conforming to the applicable standards of the Salem Area Mass Transit District shall be constructed and right-of-way dedication, when necessary to accommodate the transit stop, shall be provided when a transit stop is identified as being needed by the Transit District in connection with a proposed development. Where a transit stop is required, on-street parking shall be restricted in the area of the stop as defined by the Transit District in order to ensure unobstructed access by transit.
 - (s)(+) *Urban growth area street improvements.* Where a subdivision or partition is located in the Urban Growth Area or the Urban Service Area, and the construction of street improvements by the City has not yet occurred, the street improvements and dedications shall meet the requirements of SRC chapter 200.

(Prior Code, § 803.035; Ord. No. 31-13)

Sec. 803.040. Boundary streets.

- (a) *General.* Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following:
 - (1) Subdivisions;
 - (2) Partitions;
 - (3) Planned unit developments;
 - (4) Manufactured dwelling parks; and
 - (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.

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- (b) *Three-quarter street improvement.* If construction of a half-street improvement is insufficient to provide for a minimum of one 12-foot-wide travel lane in each direction or proper street grade, dedication of right-of-way for, and construction or improvement of, a three-quarter street improvement may be required.
- (c) *Additional right-of-way and improvements.* Dedication and improvement of streets to greater widths than those provided in SRC 803.025 may be required when:
- (1) An area within a subdivision is set aside for commercial or industrial uses, or where probable future conditions warrant.
 - (2) Topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way width or slope easements may be required to allow for all cut and fill slopes.
 - (3) Additional area is required for stormwater facilities located within the right-of-way.
- (d) *Exceptions.* Notwithstanding subsections (a) and (b) of this section, the dedication of right-of-way for, and construction or improvement of, boundary streets is not required in the following circumstances:
- (1) Improvement of the boundary street abutting the property is a funded project in the Five Year Capital Improvement Program;
 - (2) The ~~erection or~~ construction of a new building or structure in a complex, if the new building or structure is less than 2,000 square feet. This exception shall be based on the extent of development existing on December 31, 1995;
 - (3) The enlargement of any building or structure, if the enlargement results in less than a 50 percent increase in gross building area. This exception shall be based on the extent of development existing on December 31, 1995;
 - (4) The ~~erection, construction, or~~ enlargement of any building or structure to be used entirely for agriculture, the keeping of livestock and other animals, or animal services, as defined in SRC chapter 400, and which involve no retail sales; ~~or~~
 - (5) The conversion of, or addition to, an existing single-family detached dwelling to create a duplex, triplex, or quadplex; or
 - (6)(5) The erection, construction, or enlargement of any building or structure that will generate less than 20 new vehicle trips per day according to the Institute of Transportation Engineers' Trip Generation Manual.
- (e) *Improvement.*
- (1) All boundary street improvements shall conform to this chapter and the Public Works Design Standards.
 - (2) The maximum amount of street widening shall not exceed 17 feet on the development side, plus curb, gutters, sidewalks, bike lanes, stormwater facilities, street lights, and signing where appropriate. The minimum requirement for the opposite side of the centerline is a 12-foot-wide paved travel lane. The boundary street improvement shall be provided along the full length of the boundary.
 - (3) If development is proposed for only a portion of a development site or complex, the boundary street improvement shall be provided as follows:
 - (A) Where the area of development exceeds 25 percent of the total development site or complex area, the street improvements shall be the greater of either the actual street frontage of the phase being developed, or the percentage of street frontage equal to the percentage of area being developed.
 - (B) Where the area of development is equal to or less than 25 percent of the total development site or complex area, the street improvement shall be provided in accordance with the following formula:

-
- (i) Frontage of Required Street Improvement = Proposed Area of Development ÷ Area of Undeveloped Site x Total Street Frontage of Entire Development Site or Complex.
- (C) As used in this subsection, the term "area of development" means that area required for structures, setbacks, off-street parking, landscaping, and any special setbacks.

(Prior Code, § 803.040; Ord. No. 31-13)

CHAPTER 806. OFF-STREET PARKING, LOADING AND DRIVEWAYS

(Note: The following amendments are excerpts from SRC Chapter 806. The complete chapter can be found via the below link)

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Sec. 806.010. Proximity of off-street parking to use or activity served.

Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

- (a) *Residential zones.* Within residential zones, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.
- (b) *Nonresidential zones.* Within commercial, mixed-use, public, and industrial and employment zones, other than the CB, WSCB, and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.
- (c) *Central business district zone.* Within the Central Business (CB) Zone:
 - (1) Off-street parking for customers may be located within 800 feet of the development site containing the use or activity it serves; and
 - (2) Off-street parking for employees or residents may be located within 2,000 feet of the development site containing the use or activity it serves.
- (d) *South waterfront mixed-use zone.* Within the South Waterfront Mixed Use (SWMU) Zone, required off-street parking may be located anywhere within the South Waterfront Mixed Use (SWMU) Zone. Required off-street parking shall not be located in a different zone.
- (e) *Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Overlay Zone.* Within the Broadway/High Street Retail Overlay Zone, Broadway/High Street Housing Overlay Zone and Broadway/High Street Transition Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (f) *West Salem Central Business District Zone.* Within the West Salem Central Business (WSCB) Zone, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (g) *Mixed Use-I (MU-I) and Mixed Use-II (MU-II).* Within the Mixed Use-I (MU-I) and Mixed Use-II (MU-II) zones, required off-street parking may be located within 800 feet of the development site containing the use or activity it serves.
- (h) *Exception.* Notwithstanding subsections (a) through (g) of this section, where required off-street parking for non-residential uses is to be located off-site from the use or activity it serves, it shall only be located within a non-residential zone or in a zone where the use or activity it serves is allowed, ~~or where commercial parking is allowed.~~ Parking located off-site from the use or activity it serves cannot be used to exceed maximum parking requirements set forth under SRC 806.015(d).

(Prior Code, § 806.010; Ord. No. 31-13; Ord. No. 3-18 , § 14, 5-14-2018, eff. 6-13-2018; Eng. Ord. No. 4-18 , § 8, 8-13-2018, eff. 9-12-2018)

Sec. 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

Use	Minimum Number of Spaces Required ⁽¹⁾	Limitations & Qualifications
Lodging		
Short-term commercial lodging	1 per guest room or suite	
Long-term commercial lodging		
Nonprofit shelters	<u>None</u>	<u>Applicable to non-profit shelters located within the CSDP area or one quarter-mile of the Core Network.</u> ⁽³⁾
	1 per guest room or suite	Applicable to nonprofit <u>shelters serving for</u> victims of domestic violence <u>serving 10 or fewer persons.</u>
	1 per 350 sq. ft. <u>10 persons served</u>	Applicable to all other nonprofit shelters

Sec. 806.025. Off-street parking and vehicle storage area development standards for single family, two family, three family, and four family uses or activities.

Unless otherwise provided under the UDC, off-street parking and vehicle storage areas for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.

(a) *Location within yards.*

(1) *Front yard abutting street.* Within a front yard abutting a street, off-street parking and vehicle storage shall be allowed only:

- (A) Within a garage or carport; or
- (B) On a driveway leading to:
 - (i) A garage or carport;
 - (ii) A garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) A screened vehicle storage area.

(2) *Side and rear yards abutting street.* Within side and rear yards abutting a street, 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 garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) 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 garage that has been legally converted to another use subsequent to its construction as a garage;
 - (iii) A screened off-street parking area; or
 - (iv) 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		
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~~Off-street parking areas and vehicle storage areas 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) Off-street parking areas located within a garage or carport or on a driveway are not required to be screened. All other off-street parking areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.
 - (2) Vehicle storage areas within an enclosed structure or on a driveway are not required to be screened. All other vehicle storage areas shall be screened from all public areas, public streets, and abutting residential uses by a minimum six-foot-tall sight-obscuring fence, wall, or hedge.

(Prior Code, § 806.025; Ord. No. 31-13; Ord. No. 10-17, § 29, 7-10-2017; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

Editor's note(s)—Ord. No. 1-20 Editor's note(s)—, § 2Editor's note(s)—(Exh. B), adopted Feb. 24, 2020, changed the title of § 8.06.025 from "Off-street parking and vehicle storage area development standards for single family and two family uses or activities" to read as herein set out.

Sec. 806.030. Driveway development standards for single family, two family, three family, and four family uses or activities.

Unless otherwise provided under the UDC, driveways for single family, two family, three family, and four family uses or activities shall be developed and maintained as provided in this section.

- (a) *Location.* Driveways crossing from the lot line to a permitted off-street parking area by the shortest direct route shall be permitted within yards abutting streets.
- (b) *Dimensions.* Driveways shall conform to the minimum dimensions set forth in Table 806-4. The minimum width of a driveway serving more than one parking space must meet the standard set forth in Table 806-4 for only the first 20 feet of depth behind the parking spaces served; beyond 20 feet, the minimum width may be reduced to ten feet.

TABLE 806-4. MINIMUM DRIVEWAY DIMENSIONS		
Number of Parking Spaces Served	Width	Depth ⁽¹⁾
1 space	10 ft.	20 ft.
2 spaces	16 ft.	20 ft.
3 or more spaces	22 ft.	20 ft.
Limitations and Qualifications		
(1) <u>Minimum driveway depth does not apply to parking spaces located within a screened off-street parking area.</u>		

- (c) *Surfacing.*
 - (1) All driveways, except those serving developments on parcels within approved partitions located more than 300 feet from an available sewer, shall be paved with a hard surface material meeting the Public Works Design Standards. Driveways serving developments on parcels within approved partitions located more than 300 feet from an available sewer are not required to be paved.
 - (2) Access to vehicle storage areas shall be paved with a hard surface material meeting the Public Works Design Standards ~~when such access is being utilized for parking.~~

(Prior Code, § 806.030; Ord. No. 31-13; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

Editor's note(s)—Ord. No. 1-20 Editor's note(s)—, § 2Editor's note(s)—(Exh. B), adopted Feb. 24, 2020, changed the title of § 8.06.030 from "Driveway development standards for single family and two family uses or activities" to read as herein set out.

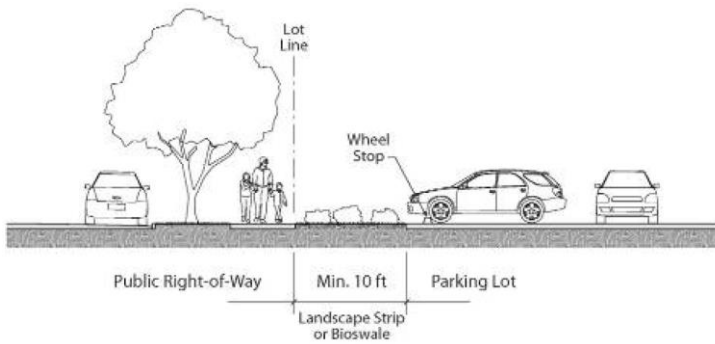
Sec. 806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:
 - (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;

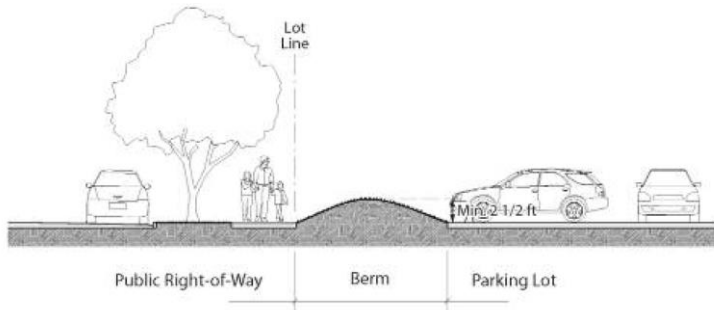
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- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.
- (b) *Location.*
- (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.
 - (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.
 - (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.
- (c) *Perimeter setbacks and landscaping.*
- (1) *Perimeter setbacks and landscaping, generally.*
 - (A) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
 - (i) Off-street parking and vehicle use areas abutting an alley.
 - (ii) Vehicle storage areas within the IG zone.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.
 - (B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.
 - (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
 - (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-1. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD A



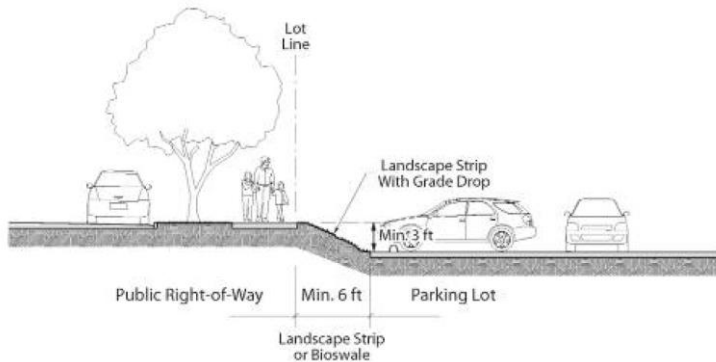
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 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.

FIGURE 806-2. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS- METHOD B



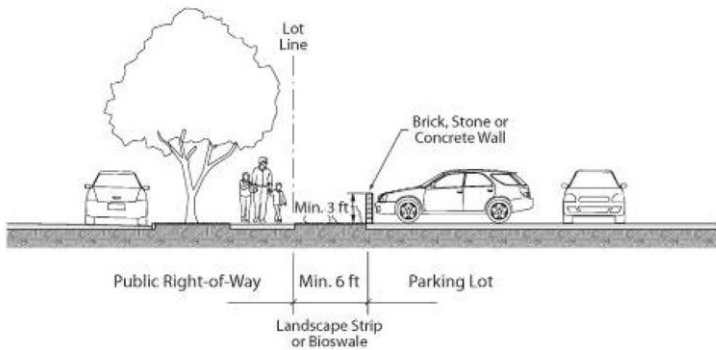
- (C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall 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



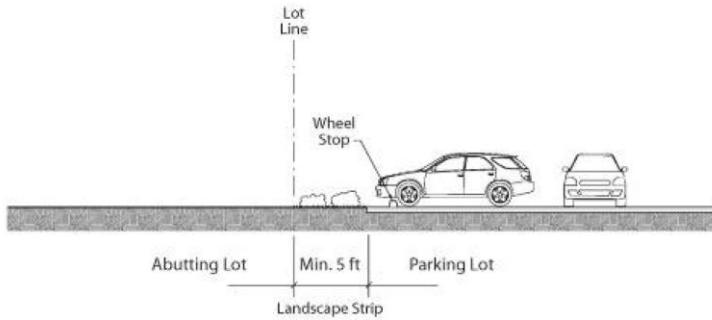
- (D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall 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.

FIGURE 806-4. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD D



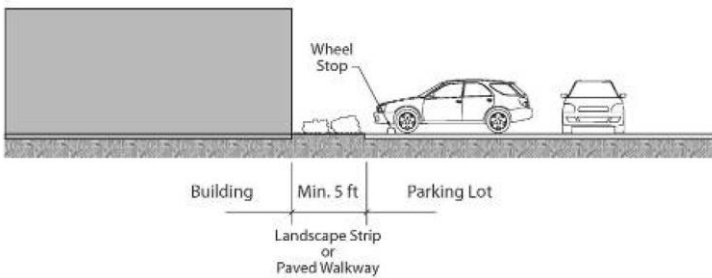
- (E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.
- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

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 five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-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



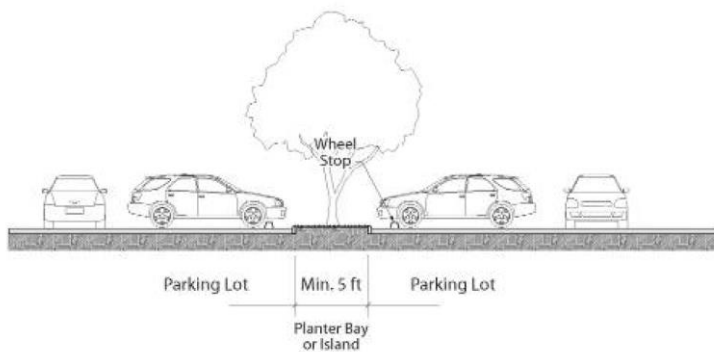
- (5) *Perimeter setbacks and landscaping for parking garages.* Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
- (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.
- (d) *Interior landscaping.*
- (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
- (A) Vehicle storage areas.

- (B) Vehicle display areas.
 - (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (D) Gravel off-street parking areas, approved through a conditional use permit.
 - (E) Underground parking.
 - (F) Parking garages.
- (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

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%

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.
- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. 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.

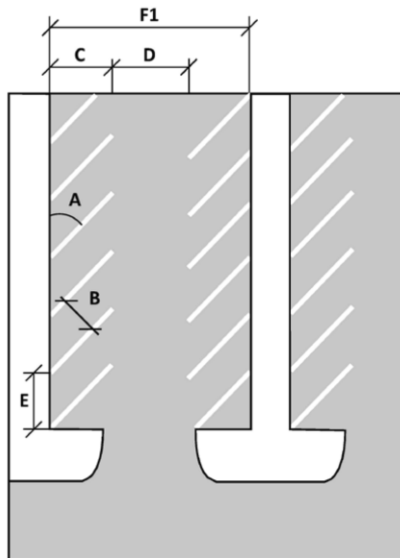
TABLE 806-6. MINIMUM OFF-STREET PARKING AREA DIMENSIONS							
Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ^{(1),(2)} D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾
0° (Parallel)	Compact	8'0"	8.0	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
		10'0"	15.9	11.0	19.2	42.8	33.4
30°	Compact	8'0"	14.4	11.0	16.0	39.8	32.9
	Standard	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
		9'6"	17.8	11.0	19.0	46.6	38.4
		10'0"	18.2	11.0	20.0	47.4	38.7
40°	Compact	8'0"	15.8	12.0	12.4	43.6	37.5
	Standard	8'6" (4)	18.7	12.0	13.2	49.4	42.9
		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
45°	Compact	8'0"	16.3	13.5	11.3	46.1	40.5
	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
50°	Compact	8'0"	16.6	15.5	10.4	48.7	43.6
	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
60°	Compact	8'0"	17.0	18.5	9.2	52.5	48.5
	Standard	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
		10'0"	21.5	18.0	11.5	61.0	56.0
70°	Compact	8'0"	16.8	19.5	8.5	53.1	50.4
	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
		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



(f) Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street;
- (2) Except for tandem parking, be designed so that vehicles may enter, exit, or maneuver on site without another vehicle needing to be moved; and
- (3) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-X. The turnaround shall conform to the minimum dimensions set forth in Table 806-X.

FIGURE 806-X. OFF-STREET PARKING AREA TURNAROUND

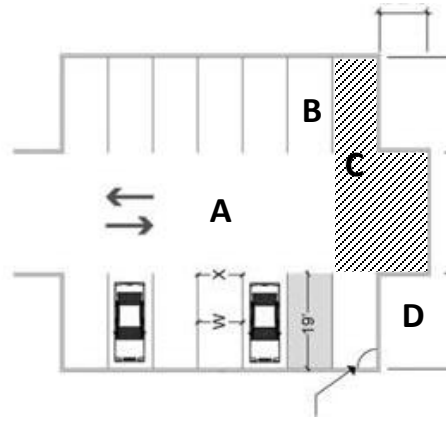


TABLE 806-X. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS

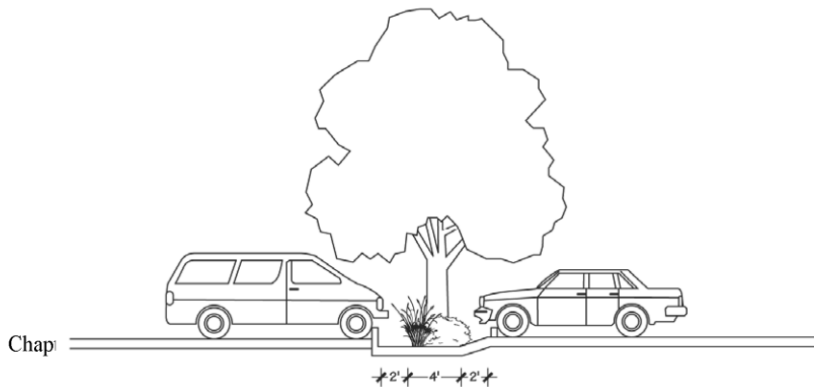
<u>Aisle Width</u> A	<u>Turnaround Dimensions</u>		
	B	C	D
<u>24 ft. or less</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>6 ft.</u>
<u>25 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>5 ft.</u>
<u>26 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>4 ft.</u>
<u>27 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>3 ft.</u>
<u>28 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>2 ft.</u>
<u>29 ft.</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>1 ft.</u>
<u>30 ft. or more</u>	<u>15 ft.</u>	<u>9 ft.</u>	<u>0 ft.</u>

(g)(f) Grade. Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.

(h)(e) 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 two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-9). Such two-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.

FIGURE 806-9. LANDSCAPED FRONT PORTION OF PARKING STALL



- (i)(+) *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 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 accessways, 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.
- (k)(+) *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.
 - (4) Gravel off-street parking areas, approved through a conditional use permit.
- (l)(+) *Marking and signage.*
 - (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.
 - (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
 - (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.
- (m)(+) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

~~(n)(m)~~ *Off-street parking area screening.* Off-street parking areas with more than six spaces shall be screened from abutting residentially zoned property, or property used for uses or activities falling under household living, by a minimum six-foot-tall sight-obscuring fence, wall, or hedge; provided, however, screening is not required for vehicle storage areas within the IG zone.

(Prior Code, § 806.035; Ord. No. 31-13; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

Editor's note(s)—Ord. No. 1-20 Editor's note(s)—, § 2Editor's note(s)—(Exh. B), adopted Feb. 24, 2020, changed the title of § 8.06.035 from "Off-street parking and vehicle use area development standards for uses or activities other than single family and two family" to read as herein set out.

Sec. 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.

(Prior Code, § 806.045; Ord. No. 31-13)

Sec. 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.

(Prior Code, § 806.050; Ord. No. 31-13)

Sec. 806.055. Amount of bicycle parking.

(a) Minimum required 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			
Use	Minimum Number of Spaces Required ^{(1),(2)}	Maximum Percentage of Long-Term Spaces Allowed ⁽³⁾	Limitations & Qualifications
Household Living			
Single family	None	N/A	
Two family			
Three family			
Four family			
Multiple family	None	N/A	Applicable to cottage clusters.

	<u>1 space per dwelling unit</u>	<u>100%</u>	<u>Applicable to multiple family located within the CSDP area or one quarter-mile of the Core Network ⁽⁴⁾</u>
	The greater of 4 spaces or 0.1 spaces per dwelling unit.	<u>100%</u>	<u>Applicable to all other multiple family.</u>
Group Living			
Room and board facilities	The greater of 4 spaces or 1 space per 50 rooms.	<u>100%</u>	
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.	<u>100%</u>	
Nursing care	1 per 30 beds	<u>75%</u>	
Lodging			
Short-term commercial lodging	The greater of 4 spaces or 1 space per 50 rooms.	<u>75%</u>	
Long-term commercial lodging			
Nonprofit 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.	<u>75%</u>	
Retail Sales and Service			
Eating and drinking establishments	The greater of 4 spaces or 1 space per 1,000 sq. ft.	<u>25%</u>	
Retail sales	The greater of the following: 4 spaces; or	<u>25%</u>	

	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.	<u>25%</u>	Applicable to laundry, dry cleaning, and garment services.
	The greater of 4 spaces or 1 space per 3,500 sq. ft.	<u>25%</u>	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.	<u>25%</u>	
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.	<u>25%</u>	
Business and Professional Services			
Office	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.	<u>25%</u>	
Laboratory research and testing			
Office complex			
Audio/visual media production	The greater of the following: 4 spaces; or 1 per 10,000 sq. ft. for	<u>25%</u>	Applicable to broadcasting studios.

	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.		
	The greater of 4 spaces or 1 per 3,500 sq. ft.	<u>25%</u>	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.	<u>0%</u>	
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	1 per 30 vehicle parking spaces	<u>75%</u>	
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	<u>25%</u>	Applicable to theaters.
	The greater of 4 spaces or 1 space per court.	<u>25%</u>	Applicable to tennis, racquetball, and handball courts.
	The greater of 4 spaces or 1 space per 500 sq. ft.	<u>25%</u>	Applicable to all other commercial entertainment—indoor.
Commercial entertainment— outdoor	The greater of 4 spaces or 1 space per court	<u>25%</u>	Applicable to tennis, racquetball, and handball courts.
	4	<u>25%</u>	Applicable to golf courses.
	None	<u>N/A</u>	Applicable to drive-in movie theaters.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces	<u>25%</u>	Applicable to all other commercial entertainment—outdoor.
Major event entertainment	The greater of 4 spaces or 1 space per 50 seats	<u>25%</u>	

	or 100 ft. of bench length		
Recreational and cultural community services	4	<u>25%</u>	Applicable to golf courses.
	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.	<u>25%</u>	Applicable to all other indoor recreational and cultural community services.
	The greater of 4 spaces or 1 space per 30 vehicle parking spaces.	<u>25%</u>	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.	<u>0%</u>	
Nonprofit membership assembly	1 per 30 vehicle parking spaces.	<u>0%</u>	
Religious assembly			
Health Services			
Medical centers/hospitals	The greater of 4 spaces or 1 per 30 beds	<u>75%</u>	
Outpatient medical services and laboratories	The greater of 4 spaces or 1 per 3,500 sq. ft.	<u>75%</u>	
Education Services			
Day care	4	<u>100%</u>	
Basic education	2 per classroom	<u>25%</u>	
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.	<u>25%</u>	Applicable to vocational and trade schools.

	The greater of 4 spaces or 1 per 10,000 sq. ft.	<u>25%</u>	Applicable to all other post-secondary and adult education.
Civic Services			
Governmental services	1 per 5,000 sq. ft.	<u>25%</u>	
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.	<u>25%</u>	
Governmental maintenance services and construction	4	<u>100%</u>	
Public Safety			
Emergency services	None	<u>N/A</u>	Applicable to ambulance stations.
	1 per 5,000 sq. ft.	<u>25%</u>	Applicable to all other emergency services.
Detention facilities	1 per 50 beds	<u>75%</u>	
Military installations	1 per 5,000 sq. ft.	<u>100%</u>	
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.	<u>0%</u>	
Funeral and cremation services	1 per 50 seats or 100 feet of bench length in the chapel	<u>75%</u>	
Construction Contracting, Repair, Maintenance, and Industrial Services			
Building and grounds services and	4	<u>100%</u>	

construction contracting			
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.	<u>50%</u>	
Cleaning plants	1 per 10,000 sq. ft.	<u>100%</u>	
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.	<u>100%</u>	
Wholesale Sales, Storage, and Distribution			
General wholesaling	1 per 15,000 sq. ft.	<u>100%</u>	
Heavy wholesaling			
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.	<u>100%</u>	
Self-service storage	None	<u>N/A</u>	
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.	<u>75%</u>	
Heavy manufacturing			
Printing			
Transportation Facilities			
Aviation facilities	<u>None</u>		
Passenger ground transportation 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.	<u>75%</u>	
	2	<u>0%</u>	Applicable to marinas.
Marine 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.	<u>75%</u>	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.;	<u>100%</u>	
Drinking water treatment facilities			
Power generation facilities			

Data center facilities	plus 1 per 20,000 sq. ft. for 50,000 to 100,000 sq. ft.;		
Waste related facilities			
Fuel dealers	plus 1 per 30,000 sq. ft. for remaining square footage over 100,000 sq. ft.		
Wireless communication facilities	None	<u>N/A</u>	
Mining and Natural Resource Extraction			
Petroleum and natural gas production	4	<u>100%</u>	
Surface mining			
Farming, Forestry, and Animal Services			
Agriculture	2	<u>50%</u>	Applicable when retail sales are involved.
Forestry			
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.	<u>100%</u>	
Keeping of livestock and other animals	2	<u>50%</u>	Applicable when retail sales are involved.
Animal services			
Other Uses			
Accessory short-term rentals	None	<u>N/A</u>	
Temporary uses	None <u>Per SRC chapter 701</u>	<u>Per SRC chapter 701</u>	
Home occupations	None	<u>N/A</u>	
Accessory dwelling unit	None	<u>N/A</u>	
(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.			
(2) <u>The minimum bicycle parking spaces required in this table shall be developed as short-term spaces except when the applicant chooses to designate an allowed percentage of those spaces as long-term bicycle parking spaces.</u>			

(3) The maximum percentage of long-term bicycle parking spaces is based only on the minimum required number of bicycle parking spaces, not the actual number of bicycle parking spaces provided.

(4) The distance shall be measured along a route utilizing public or private streets that are existing or will be constructed with the development.

(b) Long-term bicycle parking. Long-term bicycle parking may be provided to satisfy a percentage of the minimum bicycle parking spaces required under this chapter. Such long-term bicycle parking shall not exceed the amounts set forth in Table 806-8. The maximum percentage of long-term bicycle parking allowed is based solely on the minimum number of bicycle parking spaces required. This standard shall not be construed to prohibit the provision of additional long-term bicycle parking spaces provided the minimum number of required spaces is met. (Example: A restaurant requiring a minimum of four bicycle parking spaces may, but is not required to, designate one of the required spaces as a long-term space. Additional short-term and long-term spaces may be provided as long as the minimum required three short-term spaces are maintained).

(Prior Code, § 806.055; Ord. No. 31-13; Ord. No. 5-17, § 38(806.055), 6-12-2017; Ord. No. 10-17, § 30, 7-10-2017; Ord. No. 6-19, § 1(Exh. A), 6-24-2019, eff. 7-24-2019; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

Sec. 806.060. Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking shall be developed and maintained as set forth in this section~~provided in racks or lockers developed and maintained as set forth in this section~~. The standards set forth in this section shall not apply to City approved bike share stations which utilize bike docking stations.

(a) *Location.*

(1) Short-term bicycle parking. Except as otherwise provided in this section, Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

~~(1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.~~

~~(2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.~~

(2) Long-term bicycle parking.

(A) Generally. Long-term bicycle parking may be located:

(i) Within a building, on the ground floor or on upper floors when the bicycle parking areas are easily accessible by an elevator; or

(ii) On-site, outside of a building, in a well-lighted secure location that is sheltered from precipitation and within a convenient distance of the primary entrance.

(B) Long-term bicycle parking for residential uses. Long-term bicycle parking spaces for residential uses shall be located within:

(i) A residential dwelling unit;

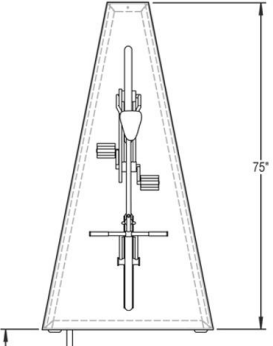
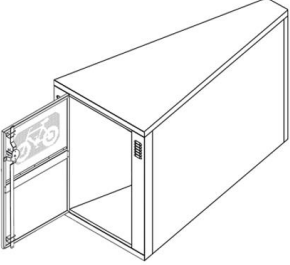
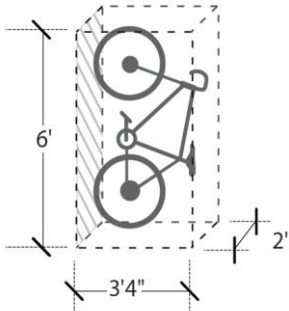
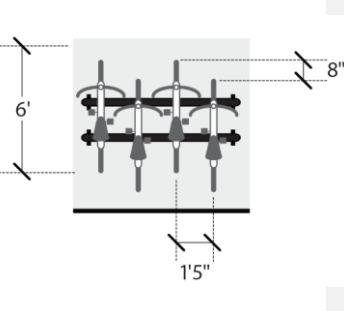
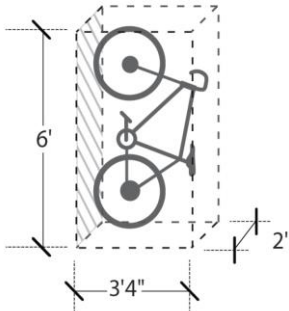
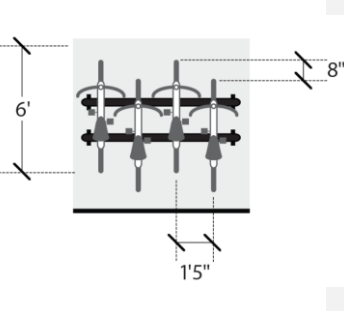
(ii) A lockable garage;

- (iii) A restricted access lockable room serving an individual dwelling unit or multiple dwelling units;
 - (iv) A lockable bicycle enclosure; or
 - (v) A bicycle locker.
- (C) Long-term bicycle parking for non-residential uses. Long-term bicycle parking spaces for non-residential uses shall be located within:
- (i) A restricted access lockable room;
 - (ii) A lockable bicycle enclosure; or
 - (iii) A bicycle locker.
- (b) Access. All bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.
- (c) Dimensions. ~~Except as provided in subsection (f) of this section, bicycle~~ All bicycle parking areas shall meet the following dimension requirements:
- (1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-9. ~~be a minimum of six feet in length and two feet in width with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side.~~
 - (2) Access aisles. Bicycle parking spaces shall be served by a minimum four foot wide access aisles conforming to the minimum widths set forth in Table 806-9. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

TABLE 806-9. MINIMUM BICYCLE PARKING SPACE & ACCESS DIMENSIONS					
Space Type	Space Width	Space Length	Space Height	Access Aisle Width	Clearance Between Rack & Wall
<u>Horizontal Spaces</u> ⁽¹⁾					
Standard	2 ft.	6 ft.	4 ft.	4 ft.	2 ft.
Side-by-side	1 ft. 6 in.	6 ft	4 ft	4 ft.	2 ft.

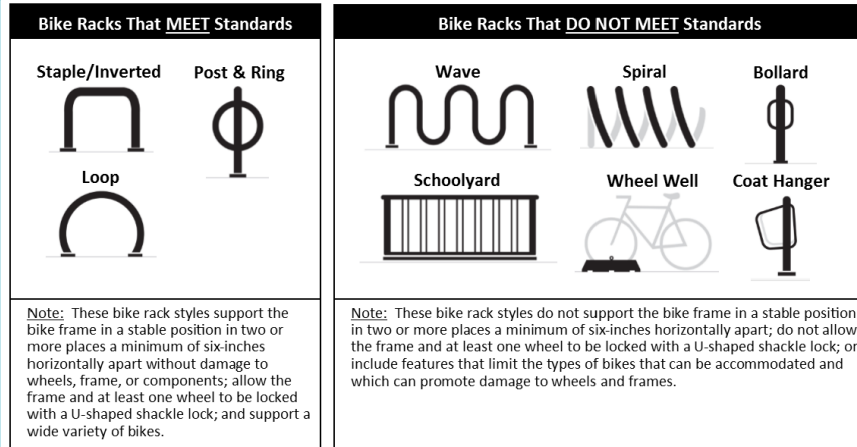
Commented [BB1]: Note: Graphics in table are placeholder graphics only that will be replaced with final graphics included in ordinance. Dimensions shown in graphics do not reflect required dimensions in table.

	<u>2 ft.</u> <u>6 ft.</u> <u>4 ft.</u>	<u>4 ft.</u> <u>1 ft.</u>
<u>Wall mounted</u>		
	<u>2 ft.</u> <u>6 ft.</u> <u>4 ft.</u>	<u>4 ft.</u> <u>N/A</u>
<u>Bicycle locker (standard)</u>		
<u>Bicycle locker (pie shaped)</u>	<u>30 in.</u> <u>(at widest end)</u> <u>6 ft.</u> <u>4 ft.</u>	<u>4 ft.</u> <u>N/A</u>

					
Vertical Spaces					
<u>Standard</u>	<u>2 ft.</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>5 ft.</u>	<u>N/A</u>
					
<u>Side-by-side</u>	<u>1 ft. 6 in.⁽²⁾</u>	<u>6 ft.</u>	<u>4 ft.</u>	<u>5 ft.</u>	<u>N/A</u>
					
<u>Limitations and Qualifications</u>					
<u>(1) For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.</u>					
<u>(2) The alternative 1 ft. 6 in. space width allowed for vertical side-by-side bicycle parking spaces requires a minimum vertical stagger of 8 inches between each space.</u>					

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- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle racks.* Where bicycle parking is provided in racks, the racks may be horizontal or vertical racks mounted to the ground, floor, or wall, or ceiling racks. Bicycle racks shall meet the following standards:
- (1) Racks must support the bicycle ~~frame~~ in a stable position, ~~in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.~~
 - (A) For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
 - (B) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.
- (f) *Bicycle lockers.* Where bicycle parking is provided in lockers, the lockers shall meet the following standards:
- (1) Lockers, ~~except for pie shaped lockers, shall be a minimum of six feet in length, two feet in width, and four feet in height shall conform to the minimum dimensions set forth in Table 806-9.~~
 - ~~(2) Pie shaped lockers shall be a minimum of six feet in length, 30 inches in width at the widest end, and four feet in height;~~
 - ~~(2)(3)~~ Lockers shall be served by an minimum four foot wide access aisle conforming to the minimum width set forth in Table 806-9 in front of each locker opening. ~~Access aisles may be located within the public right-of-way; and~~
 - ~~(3)(4)~~ Lockers shall be securely anchored.

FIGURE 806-10. EXAMPLES OF BIKE RACKS THAT DO AND DO NOT MEET STANDARDS



Commented [BB2]: Note: Graphic to be updated to provide example of vertical wall mounted rack and horizontal two-tier/stacked rack.

(Prior Code, § 806.060; Ord. No. 31-13; Ord. No. 6-19 , § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

Sec. 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.* Perimeter setbacks and landscaping, as set forth in this subsection, shall be required for off-street loading areas abutting streets and abutting interior front, side, and rear property lines. Perimeter setbacks and landscaping are not required for off-street loading areas abutting an alley.
 - (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).
 - (2) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street loading areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A landscaping standard of SRC chapter 807.
- (c) *Dimensions.* Loading areas shall conform to the minimum dimensions set forth in Table 806-9.
- (d) *Maneuvering.* Off-street loading areas shall be of sufficient size, and all curves and corners of sufficient radius, to accommodate the safe operation of a delivery vehicle.
- (e) *Surfacing.* All loading areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, paving is not required for:
 - (1) Temporary and seasonal gravel loading areas, approved pursuant to SRC chapter 701.
 - (2) Gravel loading areas, approved through a conditional use permit.

(f) *Drainage.* Loading areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.

(g) *Lighting.* Lighting for off-street loading areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.

(Prior Code, § 806.080; Ord. No. 31-13)

CHAPTER 807. LANDSCAPING AND SCREENING

(Note: The following amendments are excerpts from SRC Chapter 807. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH807LASC

Sec. 807.015. Landscaping and screening.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

- (a) *Landscaping types.* Required landscaping shall be provided according to one of 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		
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 five years.

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	1.5 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 1.5 in. caliper
1 large deciduous or evergreen shrub (at maturity: over 4 ft. wide; 4 ft. high)	2 PU	Min. 3 gallon or balled and burlapped
1 small to medium shrub (at maturity: maximum 4 ft. wide; 4 ft. high)	1 PU	Min. 1 gallon
Lawn or other ground cover	1 PU per 50 sq. ft.	

- (c) *Preservation of existing trees and vegetation.* The preservation of existing trees and vegetation is encouraged. If preserved, existing trees as defined under SRC chapter 808, existing trees less than ten

inches dbh, and existing vegetation may be utilized to satisfy required landscaping if they conform to the minimum plant unit requirements specified in this chapter.

- (d) *Tree replanting requirements.* In addition to the landscaping required under this chapter, when existing trees, as defined under SRC chapter 808, are proposed for removal from within required setbacks or from a development site, replanting shall be required as provided in this subsection. The provisions of this subsection do not apply to lots used for single family uses, two family uses, three family uses, four family uses, or cottage clusters.
- (1) *Removal of trees within required setbacks.* When an existing tree or trees, as defined under SRC chapter 808, within a required setback are proposed for removal, two new trees shall be planted for each tree removed. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper.
- (2) *Removal of trees from development site.* When more than 75 percent of the existing trees, as defined under SRC chapter 808, on a development site are proposed for removal, two new trees shall be planted for each tree removed in excess of 75 percent. Replanted trees shall be of either a shade or evergreen variety with a minimum 1.5 inch caliper. For purposes of this section, existing trees within vision clearance areas, or within areas to be cleared for required roads, utilities, sidewalks, trails, or stormwater facilities, shall not be counted in the total percentage of trees removed from the development site.
- (e) *Screening standards.* Unless otherwise provided under the UDC, where screening is required in the form of a fence, wall, or landscaping, it shall conform to the following standards:
- (1) *Height.* Fences and walls shall be a minimum of six feet in height. Landscaping shall be of a species that will attain a height of at least six feet within three years after planting.
- (2) *Opacity.* Screening shall be sight-obscuring. Fences, walls, and landscaping shall be at least 75 percent opaque when viewed from any angle at a point 25 feet away from the fence, wall, or landscaping. Landscaping shall be of an evergreen species that will attain required opacity within three years after planting.
- (3) *Maintenance.* Fences and walls shall be maintained in safe condition, and shall be maintained as opaque. Landscaping shall be replaced within six months after dying or becoming diseased to the point that required opacity can no longer be maintained.
- (f) *Berm.* Unless otherwise provided under the UDC, where screening is required in the form a berm, the berm shall be an earthen mound no less than three feet in height above the existing grade, and shall be constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties.
- (g) *Street trees.* Development adjacent to public streets shall provide street trees that meet the standards and specifications set forth in SRC chapter 86.

(Prior Code, § 807.015; Ord. No. 31-13)

Sec. 807.020. Landscaping plan and landscaping permit.

- (a) Landscaping plan. A landscaping plan is required for ~~All~~ all building permit applications for development subject to the landscaping requirements of this chapter and all landscaping permit applications required under subsection (b) of this section shall include a landscaping plan.
- ~~(b)~~ Landscaping plans shall be of a size and form established by the Planning Administrator, and shall include the following:
- (1) Scale and north arrow.

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- (2) Lot dimensions and footprint of structure(s).
 - (3) A legend indicating the linear footage of perimeter setbacks abutting a street or right-of-way; the linear footage of perimeter setbacks not abutting a street or right-of-way; total building square footage; total square footage of the interior area of the off-street parking area, calculated per SRC 806.035(d)(2); and total number of parking spaces.
 - (4) The location and size of plant materials, identified by common and botanical names, and their expected coverage within five years.
 - (5) The type and location of landscaping features other than plant materials, including, but not limited to, wetlands, creeks, ponds, sculpture, and benches.
 - (6) Fence or wall materials, when screening is required under the UDC.
 - (7) Abutting land uses.
 - (8) The type, size, and location of:
 - (A) Existing trees, as defined under SRC chapter 808, existing trees less than ten inches dbh, and vegetation that will be retained to satisfy landscaping requirements of this chapter.
 - (B) Existing trees, as defined under SRC chapter 808, proposed for removal.
 - (9) Notwithstanding subsection (b)(8) of this section, where the development site is heavily wooded, only those trees that will be affected by the proposed development need to be sited accurately. The remaining trees may be shown on the plan in the general area of their distribution.
 - (10) An irrigation plan identifying the materials, size, and location of all components of the irrigation system.
 - (11) A two-year plant establishment schedule for:
 - (A) Landscaped areas where a permanent underground or drip irrigation system is not required because of the use of drought resistant vegetation; or
 - (B) New vegetation located within stormwater facilities.

(b) Landscaping permit.

- (1) Applicability. When development subject to the landscaping requirements is this chapter requires site plan review but a building permit application is not otherwise required, a landscaping permit as provided in this subsection shall be required.
- (2) Procedure type. A landscaping permit is processed as a Type I procedure under SRC chapter 300.
- (3) Submittal requirements. In lieu of submittal requirements for a Type I application under SRC chapter 300, an application for a landscaping permit shall include the following:
 - (A) A completed application form containing the following information:
 - (i) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (ii) The address or location of the subject property and its assessor's map and tax lot number;
 - (iii) The size of the subject property;
 - (iv) The comprehensive plan designation and zoning of the subject property;
 - (v) The type of application;
 - (vi) A brief description of the proposal; and

(vii) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application; and

(B) A landscaping plan in conformance with subsection (a) of this section.

(4) *Criteria.* A landscaping permit shall be approved if the application meets all the applicable landscaping and irrigation standards set forth in this chapter.

(Prior Code, § 807.020; Ord. No. 31-13)

CHAPTER 400. USE CLASSIFICATIONS

(Note: The following amendments are excerpts from SRC Chapter 400. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH400USCL

Sec. 400.055. Motor vehicle, trailer, and manufactured dwelling sales and services.

Motor vehicle, trailer, and manufactured dwelling sales and services consists of the sale, rental, and leasing of motor vehicles, trailers, and manufactured dwellings; the servicing and non-accessory [parking and storage](#) of motor vehicles; and vehicles for hire with drivers. Motor vehicles include automobiles, trucks, motorcycles, boats, recreational vehicles, other personal transportation vehicles, buses, motorized non-road vehicles, and heavy vehicles.

- (a) *Motor vehicle and manufactured dwelling and trailer sales.*
 - (1) *Characteristics.* Motor vehicle and manufactured dwelling and trailer sales is characterized by the sales, leasing, and rental of new and used motor vehicles, other than heavy vehicles and heavy equipment, and the sales, leasing, and rental of manufactured dwellings and trailers. Motor vehicle and manufactured dwelling and trailer sales typically requires extensive indoor and/or outdoor display or storage areas. Customers typically come to the site to view, select, purchase, and/or pick up the vehicles, manufactured dwellings, or trailers.
 - (2) *Examples.* Sales, leasing, and rental of new and used motor vehicles including automobiles, trucks, motorcycles, motorized boats, recreational vehicles, and other personal transportation vehicles; car rental agencies; manufactured dwelling and pre-fabricated structure sales and display sites; sales, leasing, or rental of trailers.
 - (3) *Exceptions.*
 - (A) Heavy vehicle and heavy equipment sales, leasing, and rental are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer sales.
 - (B) Auto supply stores are included in retail sales and services: retail sales.
 - (C) Sales of used motor vehicle parts is included in wholesale sales, storage, and distribution: heavy wholesaling.
 - (D) Wholesale sales of motor vehicles, manufactured dwellings, and trailers is included in wholesale sales, storage, and distribution: heavy wholesaling or general wholesaling, dependent upon whether the activity occurs entirely within an enclosed building.
 - (E) Temporary motor vehicle and recreational vehicle sales are included in temporary uses.
- (b) *Motor vehicle services.*
 - (1) *Characteristics.* Motor vehicle services are characterized by establishments providing repair, service, testing, maintenance, cleaning, and other services for motor vehicles, other than heavy vehicles and heavy equipment. Vehicles may be brought to the site by customers or by a towing service. If motor vehicle parts are sold, they are typically installed on-site.

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- (2) *Examples.* Auto body shops; auto glass repair; automotive paint shops; automotive repair shops; car washes; gasoline stations and unattended card-key stations; motorcycle repair shops; quick lubrication services; testing of cars and trucks, including pollution and safety testing; tire sales and installation shops; towing services; vehicle engine, transmission and muffler repair shops; vehicle upholstery and detailing shops.
- (3) *Exceptions.*
- (A) Truck stops are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer service and storage.
- (B) Heavy vehicle and heavy equipment repair and service are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer service, and storage.
- (C) Vehicle salvage and wrecking is included in wholesale sales, storage, and distribution: heavy wholesaling.
- (c) *Commercial parking.*
- (1) *Characteristics.* Commercial parking is characterized by parking facilities contained within structures or on surface lots, where such parking is available to the public and not reserved for a specific use or development~~not exclusively accessory to a specific use, or uses, on the same lot.~~ A fee may or may not be charged.
- (2) *Examples.* Commercial shuttle parking; parking structures/garages; public garages; short and long term fee parking garages and surface parking lots;~~facilities that provide parking accessory to a specific use, or uses, on another lot.~~
- (3) *Exceptions.*
- (A) Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby are not considered commercial parking facilities.
- (B) Park-and-ride facilities are included in motor vehicle, trailer, and manufactured dwelling sales and services: park-and-ride facilities.
- ~~(C) Joint use of parking areas, allowed under SRC chapter 806, serving two or more uses are considered accessory to those uses.~~
- (d) *Park-and-ride facilities.*
- (1) *Characteristics.* Park-and-ride facilities are characterized by parking spaces owned or leased by a public agency for use by transit riders or ride-share participants. park-and-ride facilities may be located on their own lot or may consist of shared parking spaces associated with another use.
- (2) *Examples.* Parking spaces leased to or shared with a public agency for the exclusive or shared use by transit patrons or ride-share participants; parking lots for the exclusive use of transit riders or ride-share participants.
- (e) *Taxicabs and car services.*
- (1) *Characteristics.* Taxicabs and car services are characterized by establishments providing light and medium duty vehicles for hire with drivers. On-site activities are generally limited to storage and maintenance of fleet vehicles, dispatch, and administration. Customers rarely, if ever, come to the site, but typically are picked up from and driven to locations off-site. Services may or may not be scheduled. Services may be provided to the general public or to employees, customers, or clients of one or more businesses or institutions.
- (2) *Examples.* Airport shuttle services; armored car services; companies operating small shuttle busses; dispatch facilities for dial-a-ride and other demand-responsive shuttle services operated

by public agencies using light and medium duty vehicles; storage and dispatch facilities for shuttle services serving one or more businesses or institutions where such storage and dispatch takes place on a separate site from the use(s) served; taxicab operators; town car, chauffer, and limousine services.

(3) *Exceptions.*

- (A) Facilities for the maintenance, storage, and/or dispatch of vehicles requiring a commercial driver license, including school buses, are included in motor vehicle, trailer, and manufactured dwelling sales and services: heavy vehicle and trailer service and storage.
- (B) Shuttle bus, taxicab, or town car services that serve a particular use, and are located on the same site as the use, are considered accessory to that use.
- (C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

(f) *Heavy vehicle and trailer sales.*

- (1) *Characteristics.* Heavy vehicle and trailer sales is characterized by establishments providing for the sales, rental, or leasing of heavy vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, come to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.
- (2) *Examples.* Heavy truck rental and leasing; moving truck rental, with or without drivers; sales, rental, and leasing of heavy trucks and heavy equipment, tractors, vehicles requiring a commercial driver license, and heavy-duty trailers
- (3) *Exceptions.*
 - (A) Sales of industrial and farm equipment is included in wholesale sales, storage, and distribution: heavy wholesaling.

(g) *Heavy vehicle and trailer service and storage.*

- (1) *Characteristics.* Heavy vehicle and trailer service and storage is characterized by establishments providing repair, service, testing, maintenance, cleaning, storage, and other services for heavy vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.
- (2) *Examples.* Storage and maintenance facilities for buses, including those owned and operated by public transit agencies and school transportation service providers; storage and maintenance facilities for establishments that collect solid waste; repair and maintenance of tractors; repair and maintenance services for heavy vehicles and heavy equipment; truck driving and heavy equipment operation training schools; truck stops.
- (3) *Exceptions.*
 - (A) Repair and maintenance of industrial and farm equipment is included in construction contracting, repair, maintenance, and industrial services: industrial services.

(Prior Code, § 400.055; Ord. No. 31-13)

CHAPTER 700. SPECIAL USE PROVISIONS

(Note: The following amendments are excerpts from SRC Chapter 700. The complete chapter can be found via the below link)

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH700SPUSPR

Sec. 700.050. Commercial parking.

~~Where designated as a special use, commercial parking shall comply with the additional standards set forth in this section.~~

- ~~(a) *Location.* The parking area shall be located on a lot whose side abuts property, other than a street, alley, or creek, within a commercial or industrial zone, and the lot is located entirely within 165 feet of the abutting commercial or industrial zone.~~
- ~~(b) *Size.* The parking area shall not exceed a maximum of 10,000 square feet or 24 parking spaces, whichever is smaller.~~
- ~~(c) *Setbacks.* The parking area shall be setback a minimum of ten feet from abutting residentially zoned property or property used for a residential use. The setback shall be landscaped according to the Type C standard set forth in SRC chapter 807.~~
- ~~(d) *Access.* Access to the parking area shall be limited to the street that provides access to the abutting commercial or industrial zoned property.~~

(Prior Code, § 700.045; Ord. No. 31-13; Ord. No. 22-15, § 28, 11-23-2015)

Sec. 700.071. Self-service storage within an existing building.

Where designated as a special use, self-storage within an existing building shall comply with the additional standards set forth in this section. Where the standards in this section conflict with other standards in the UDC, the standards in this section shall be the applicable standard.

- (a) *Location.* Self-service storage shall only be located within a building existing on *[Insert Effective Date of Ordinance]*.
- (b) *Ground floor active uses required.* In order to ensure that when an existing building is used for self-surface storage that it will continue to contribute to a vibrant and active pedestrian environment along the street and avoid situations where low activity levels detract from the vitality and desired interaction among the uses in the area, any existing building used for self-service storage shall include ground floor active uses other than storage. Ground floor active uses:
 - (1) Shall occupy the entire ground floor of the building, except for those portions of the ground floor where loading docks and service elevators are allowed pursuant to subsection (c)(2)(B) of this section; and
 - (2) Shall include one or more uses, other than storage, that are allowed within the zone except for any use within the following use categories which shall not be allowed:
 - (A) Motor vehicle, trailer, and manufactured dwelling sales and service.

(B) Construction contracting, repair, maintenance, and industrial services.

(C) Wholesale sales, storage, and distribution.

(D) Manufacturing.

(E) Utilities.

(c) Maximum floor area and location of storage within building.

(1) Not more than 50 percent of the total floor area of the existing building shall be occupied by self-service storage; provided, however:

(A) If the building is expanded to add additional floors, storage may be located within the new additional floors but only when the storage space within the new floors is surrounded by perimeter uses facing the street other than storage.

(B) Non-storage perimeter uses are not required for those portions of new floors facing an interior side property line, an interior rear property line, or an alley.

(2) Storage shall not be located on the ground floor of the building; provided, however:

(A) A leasing office and other non-storage customer service areas associated with the use may be located on the ground floor; and

(B) Loading docks and service elevators associated with the use may be located on the ground floor provided they are located at the rear of the building and do not occupy any portion of the ground floor space within the building abutting a street.

(3) Access to individual storage spaces shall be provided from within the building.

(d) Building appearance and design.

(1) No alteration, regardless of whether a building permit is required, shall be made to the existing building that would result in the building either being made nonconforming or having its degree of nonconformance increased with respect to the following design standards of the Central Business District (CB) zone included under SRC 524.010(f):

(A) Ground floor building height;

(B) Building façade articulation;

(C) Building entrances;

(D) Ground floor and upper floor windows;

(E) Weather protection; and

(F) Balconies.

(e) Outdoor storage not allowed. Outdoor storage of any type, including, but not limited to, commercial vehicles, recreational vehicles, boats, and moving vans is prohibited.

(f) Loading and service area location.

(1) Any loading and service area associated with the self-service storage use must be located behind the building and accessed either from an alley at the rear of the lot or a side street.

(2) Any loading and service area associated with the self-service storage use must be completely screened from view from the street and abutting properties. Screening may be satisfied by either a minimum eight-foot-tall decorative masonry wall architecturally finished to match the building or by locating the loading and service area within the building.