

Plan Review Summary

Memorandum



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Date: November 2, 2010
Subject: Salem Downtown Zones – Code Review
Project No.: 15791

Introduction

Otak and Leland Consulting Group are working with the City of Salem on a Downtown Action Plan to identify and recommend a program of projects, improvements, and actions that will help energize and leverage future public and private investment in Downtown, particularly within the downtown Urban Renewal Area. Through the Salem Downtown Action Plan effort, the project area has been organized into “investment areas,” districts with a distinct identity or character, for the purpose of providing an identity and focusing ideas. The purpose of this memorandum is to review the City’s zones and code requirements applicable to the Downtown with regard to the following:

- What the various base zones and overlay zones are intended to achieve;
- Inconsistencies that may exist between the base and overlay zones;
- Potential challenges that requirements within these zones may pose to development;
- A determination of whether the current regulations enable or inhibit the realization of future development and redevelopment in the identified investment areas within the Downtown; and
- Suggestions for potential improvements to the zoning code for resolving inconsistencies and conflicts, and for helping to enable the realization of envisioned development and redevelopment.

Summary of Vision for Investment Areas

Through the Salem Downtown Action Plan effort, the project area has been organized into “investment areas,” districts with a distinct identity or character, for the purpose of providing an identity and focusing ideas. The following five investment areas have been identified:

- **Historic Core:** This is a mostly built-out area characterized by a collection of historic structures with limited infill and some redevelopment opportunity. The overall vision for this area is to

maintain its historic character while stimulating second-story uses, and improving access to and through the area.

- **North Downtown:** Currently comprised of larger parcels with auto-related uses, this area provides an opportunity for land assembly and redevelopment into a close-in urban residential neighborhood, using Mill Creek as a valuable amenity.
- **Downtown Retail Core (Mid Town):** This area is the downtown's main commercial core, characterized by the Salem Center mall and large retail anchors. Maintaining and bolstering the vitality of the area's retail uses is the focus of future investments.
- **Central Riverfront:** This area is comprised of Salem's Riverfront Park, one of the community's most valuable assets.
- **North Riverfront:** Currently the location of a number of industrial uses, North Riverfront presents both short and long-term opportunities for mixed use development. Given that the highest and best use for this area may not be realized until the market rebounds, investments in this area may be focused upon transitional uses or unique opportunities that may arise.

Purpose and Intent of Base Zones and Overlay Zones

The Downtown Urban Renewal Area is covered by the following base zoning districts:

- Single-Family Residential
- Multiple Family Residential
- High Rise Multiple Family Residential
- Retail Commercial
- General Commercial
- Central Business (with the following subdistricts)
 - Front Street sub-district
 - Historic Core District
 - General Retail/Office Core District
- Industrial Commercial
- Public Service
 - Public Amusement and Recreation
- South Waterfront Mixed-Use

With the exception of the South Waterfront Mixed Use zone, none of the base zones include a purpose statement; however, their purposes are fairly intuitive given the types of allowed uses that are listed in each zone. For example, the Single-Family Residential base zone allows single-family

homes, duplexes, and other uses that are supportive of single-family neighborhoods. The multi-family zones primarily allow for higher density housing with allowances for community facilities, and limited retail uses that could be expected to serve the needs of large multi-family developments in the relative vicinity. The commercial districts allow a wider mix of uses that could be expected in any downtown setting. The Industrial Commercial zone allows for a mix of industrial uses such as manufacturing, large retail, and similar type uses that would be supportive of an industrial zone. The Public Amusement and Recreation zone allows for entertainment-oriented uses such as amusement parks and golf courses that are intended to become destinations in the downtown setting.

With regard to the South Waterfront Mixed Use (SWMU) zone, the code indicates that the “intent and purpose of the SWMU zone is to further economic development and support the creation of a vibrant downtown within the City of Salem. Development within the SWMU zone should contribute to a visually stimulating public realm and an active and lively pedestrian environment by locating uses which attract pedestrians and by creating visual interest along key streets and intersections. The SWMU zone is intended to strike an appropriate balance between certainty and flexibility, and to promote a mix of land uses to link with and support existing downtown and waterfront uses.”

The Urban Renewal District area is also covered by the following overlay zones:

- Riverfront Overlay Zone
- Broadway High Street Overlay Zone Area
- General Retail/Office District
- Front Street District
- Commercial/High Density Residential
- Downtown Historic District
- Willamette River Greenway Overlay
- Floodplain/Floodway Overlay
- Floodway Fringe Overlay

The overlay zones were created as a result of a more specific goal or objective that the City wanted to achieve. Each of the overlay zones includes a clear purpose statement. The purpose statement for each overlay zone is provided below.

Riverfront Overlay Zone

“The Riverfront Overlay Zone sets forth development standards for development, redevelopment, and changes in land use to establish a mixed-use residential and commercial district with emphasis on pedestrian access to and along the riverfront. High Density residential development is the focus west of Front Street with office and commercial uses east of Front Street...”

In addition to some of the underlying zone uses, the Riverfront Overlay Zone allows for a variety of mixed uses subject to meeting some limited design guidelines.

Broadway High Street Overlay Zone

“The Broadway/High Street Overlay Zone sets forth development standards to guide development, redevelopment, and changes in land use to establish a pedestrian oriented mixed-use residential and commercial district and provide a transition from lower density development to the east and higher density development to the west.”

The uses allowed in the Broadway/High Street Overlay Zone are the uses allowed in the underlying base zones, with some additions such as multi-family housing, parking structures, and a variety of typically small-scale retail and service uses in certain sub-areas. The allowed retail, office, and service uses are limited in size and are limited to the first floor of buildings. Drive-through uses are specifically prohibited throughout the overlay district.

Commercial/High Density Residential

“The purpose of the Commercial/High Density Residential zone is to implement the Broadway District high density residential land use concept contained in the North Downtown Plan. The intent of this chapter is to accommodate commercial, office, and small warehouse uses while promoting high density residential development...”

The Commercial/High Density Residential Overlay district includes development standards to minimize conflicts between commercial, wholesaling, and residential activities.

Downtown Historic District

A specific purpose statement for this zone is not provided within the Code. Based on discussions with City staff, the provisions governing development within this District are found in the *Salem Development Design Handbook*. A portion of the URA is designated as the Downtown Historic Overlay District. In addition, several other individual properties in other portions of the URA are designated as individual historic resources. The Historic preservation section of the Salem Revised Code requires that historic resources or contributing properties within a historic district require special public review prior to issuance of a demolition permit. In addition, development proposals for individual historic resources and all properties within a historic district are required to undergo Historic Design Review utilizing standards and guidelines within the *Development Design Handbook* as well as the Secretary of Interior’s *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, published by the U.S. Department of the Interior, National Park Service. There are no specific provisions in either of those documents or within the Historic preservation chapter of the

Salem Revised Code which specifically modify the uses permitted or prohibited by the underlying zoning districts or which specifically modify the development standards of those zones.

Willamette River Greenway

“The intent and purpose of the provisions of this chapter are:

- (a) To protect and enhance the natural, scenic, recreational, historical, and economic resources of the Willamette River corridor;
- (b) To implement the goals and policies of the comprehensive plan, the Greenway Plan, and Goal 15 of the Land Conservation and Development Commission Statewide Planning Goals;
- (c) To establish standards and requirements for the use of lands within the Willamette River Greenway of Salem;
- (d) To provide for the review of any intensification of use, change of use, or development of properties located within the Willamette River Greenway of Salem;
- (e) To allow for use and development consistent with the underlying land use designation while preserving, protecting, and enhancing the scenic qualities of the river and the riparian area;
- (f) To allow and encourage a variety of water-dependent, water-related and river-oriented uses, recreational developments and public access to and along the river while preserving, protecting, and enhancing the scenic qualities of the river and the riparian area;
- (g) To insure that land use and activities which make use of the riparian area are limited to moderate impact on that environment, and do not endanger it;
- (h) To insure that the intensification, development, or change of use on a site is in keeping with the function of the Greenway Plan, and preserves and enhances the scenic qualities or economic function of the river, the site, and adjacent riparian lands;
- (i) To insure that the proposed development is in harmony with existing and proposed adjoining land uses;
- (j) To protect and improve water quality in the Willamette River in order to support designated beneficial water uses, and to protect the functional value of the riparian area and provide a riparian buffer to separate the Willamette River from development.”

The primary purpose of the Willamette Greenway overlay is to protect and enhance the natural, scenic, recreational, historical, and economic resources of the Willamette River corridor. The Willamette Greenway overlay zone sets forth development standards for uses and development in areas adjacent to the Willamette River. The uses allowed in the Willamette Greenway overlay zone are generally those same uses allowed in the underlying base zones. Applications for development approval must receive Willamette Greenway Permit approval which ensures that the proposed development is sensitive to achieving the objectives of the zone. Developments within the overlay must satisfy development standards that regulate landscaping, native vegetation removal, grading activities, and activities which may affect water quality.

Aside from the regulations intended to protect the greenway, the code includes provisions that require, “all buildings and structures, including supporting members, and all exterior mechanical equipment shall be screened, colored, or surfaced so as to blend with the riparian area. Colors shall be natural earth or leaf tones. Surfaces shall be nonreflective. Screening shall be sight-obscuring.”

Floodplain/Floodway and Floodway Fringe Overlay Zones

The Floodplain Overlay Zone does not list a specific purpose. Most people understand that the purpose of floodplain, floodway, and floodway fringe regulations is to minimize the loss of human life or damage to physical property by imposing restrictions on development within those areas subject to annual or regular flooding. The Floodplain Zones set forth development standards for development in different areas of the Willamette River floodplain depending upon the area’s propensity to flood. Basically, no development is allowed within the Floodway overlay due to hazards related to the likelihood that these areas are frequently inundated with floodwaters and high velocity flows. Surface parking lots, landscaping, some utilities, parks, agriculture, resource uses, and water-related structures such as docks and bridges are allowed in floodways. Other uses in the underlying zone are not permitted. The Floodway Fringe Overlay areas allow most uses allowed within underlying zoning districts with the addition of a requirement that the lowest habitable floor be at least one foot above the base flood elevation.

Inconsistencies between Base and Overlay Zones

For the most part, the provisions of the overlay zones defer to either the base zone or the *Salem Development Design Handbook* where a specific regulation is not addressed within the overlay (i.e., uses, height, etc.). A review of the zones and base zones did not reveal any apparent inconsistencies between the zones.

Development Challenges

One of the purposes of this memo is to help identify challenges to development in downtown Salem that might be overcome through changes to the Code. In reviewing the Code, we looked for inconsistencies, processes that may inhibit development downtown, and provisions that may be cumbersome or difficult for the developer to satisfy.

There are two clear opportunities to make changes in the Development Code to improve the City’s chances of achieving the visions put forward within the Salem Downtown Action Plan. First, the Salem Comprehensive Plan and the Salem Downtown Action Plan both envision higher densities of housing a more mixed use development strategy within the North Riverfront investment area, but

the development code is slanted towards the continuation of industrial uses. The Code does allow other uses that are not industrial, but only as conditional or limited uses. Given that both plans call for a mixed use strategy for the area, the City should reevaluate what uses would be permitted under the new vision, and consider rezoning the area. The new zone should be a zone that achieves the objectives of encouraging high density housing and mixed use developments. Preferred uses such as housing should be permitted outright as opposed to conditionally, and the list of land uses permitted within the district should be expanded to include those uses that are conducive to the adaptive reuse of some of the existing developments within the area. Some ideas could include artist studios, incubator businesses, service oriented uses, and a broad range of retail uses.

The second obstacle is neither with the process or the provisions in the code, but with the overall structure of the code, and the presentation of the information in the development code, and online. Many of the provisions related to buildings, site improvements, and parking are not much different than what is expected in other communities in Oregon. Basically, the development community is interested in regulatory certainty, meaning that they can easily access the information in a user friendly format, and expect consistent answers from staff when they are seeking interpretations of the specific language.

On the surface, the development code and process does not inhibit the realization of the vision for future development and redevelopment in the identified investment areas within the Downtown area. The zoning and design standards are similar, and in some cases, more liberal than standards in other cities.

Suggested Improvements

The Salem Code may be clear and objective, but it is not user friendly. This is compounded by the fact that a developer must refer to a separate document for the design guidelines. In the case of the High Rise Multiple Family Residential (RH) zone, there is not a maximum building height listed nor does the code refer to the Development Design Handbook. Does this mean that a maximum height is determined only by other dimensional requirements (i.e., FAR, setbacks, lot coverage, parking)? If it is not intuitive to a professional planner, then imagine what a layperson with no or little development experience must feel like when they try to navigate the Code. With these thoughts in mind, it should be noted, that the City of Salem is currently undertaking a process to create a unified development code, which should assist in helping to mitigate some of the issues that are related to the current structure of the Code. It is recommended that the following improvements to the Code be made, or incorporated into the unified development code project to help spur private investment and development within the study area:

1. Centralize the definitions;
2. Provide a purpose statement within each zone to provide some initial guidance as to what is expected within the zone;
3. Reduce the number of Base Districts, sub districts, and overlay zones where possible;
4. Codify the *Salem Development Design Handbook*;
5. Establish a consistent framework for each zone, so that the public as well as the development community can navigate the document;
6. Review of the internal permit process and service standards; and
7. Centralize the code, application forms, brochures, fee schedule, and maps on the website.