

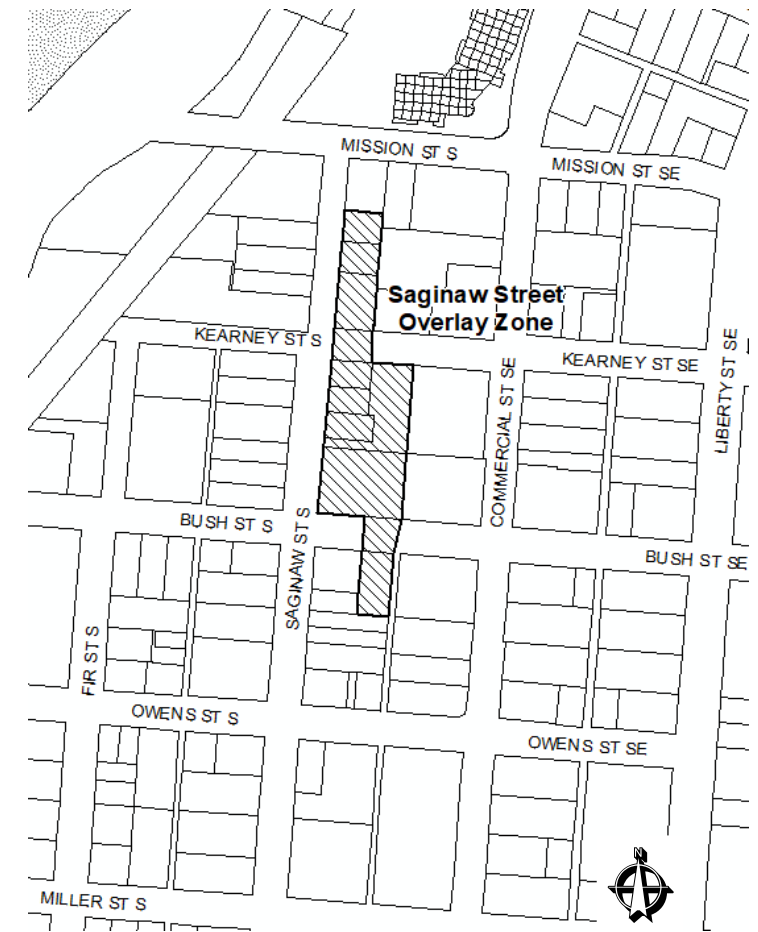
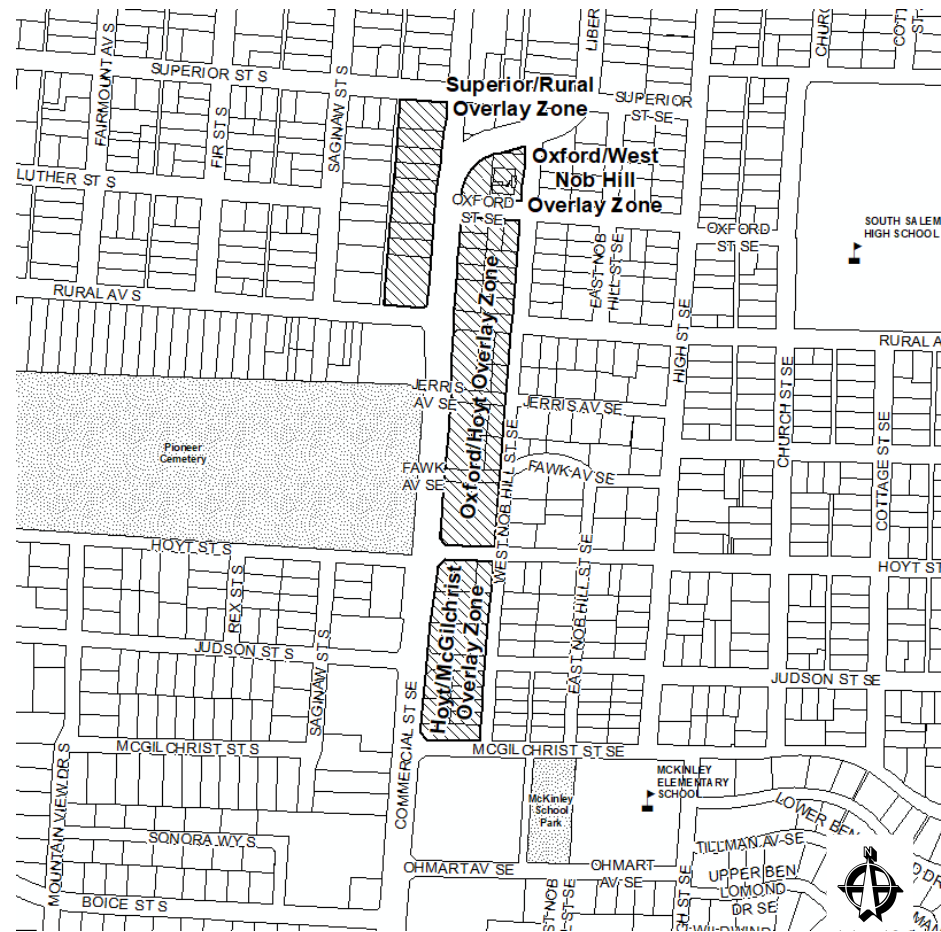
Analysis of Overlays in SCAN

Based on direction from City Council, the City is proposing to remove five overlay zones located in the SCAN neighborhood to encourage mixed-use redevelopment that supports walkable neighborhoods, public transit use, and reductions in greenhouse gas emissions. The following analysis provides information about the overlay zones and gives examples of the potential effects of removing them.

The overlay zones proposed to be eliminated are listed below in Table 1 and shown in the maps below.

Table 1

Overlays Proposed to be Eliminated
Superior-Rural Overlay Zone
Oxford-West Nob Hill Overlay Zone
Oxford-Hoyt Overlay Zone
Hoyt-McGilchrist Overlay Zone
Saginaw Street Overlay Zone



Purpose of the overlay zones: The purpose of the overlay zones is to establish development standards that minimize the impacts of nonresidential development on existing residential uses.

History of the overlay zones:

These overlay zones were implemented in the 1980s as part of a planning effort to prepare for the widening of Commercial Street SE. At the time, some portions of the land abutting Commercial Street SE were zoned for residential development, but as the street was widened, the City recognized the importance of allocating this land for commercial uses. These overlays were established to mitigate any new adverse effects on residential land near this corridor that might result as land converted from residential to commercial uses abutting Commercial St. SE.

The context of this neighborhood has changed over the ensuing three and a half decades, as have the community's priorities. During the recent update to the Salem Area Comprehensive Plan – the Our Salem project – the community and City Council prioritized creating walkable, mixed-use areas to support livability, increase residential density near services and amenities, and reduce dependence on automobiles. To accomplish this goal, many of Salem's commercial corridors with frequent transit service, including Commercial Street SE, were rezoned to mixed-use zones that allow residential and commercial uses.

Many of these recently-rezoned mixed-use corridors are adjacent to residential areas. Recognizing this, the mixed-use zones – including the new Mixed Use-III zone – incorporate additional buffers between new development or redevelopment and the existing residential areas. The existing overlays in the SCAN neighborhood, however, are unique in that they go further to limit development potential along Commercial Street SE through additional development standards. Similar overlays do not exist elsewhere in Salem along mixed-use corridors that also abut residential areas. City Council directed staff to initiate a code amendment to remove these overlay zones to encourage mixed-use infill and redevelopment as well as to promote equitable outcomes in our community.

Key Points Associated with Removal of Overlay Zones

Superior/Rural Overlay Zone

Underlying zone is MU-II

- **Maximum Height**
 - With Overlay: 35 ft
 - Without: 55 ft
- **Building setback adjacent to residential zones (across the alley):**
 - With Overlay: All buildings (except single- to four-family uses) set back at least 38 ft from the alley
 - Without: All buildings set back at least 10 ft, with taller buildings having a larger setback
(e.g., buildings more than 3 stories would be set back more than 38 ft from the alley. Buildings fewer than 3 stories could be closer than 38 ft from the alley)
- **Primary access**
 - With Overlay: Access from the alley is allowed only for single- to four-family uses. No new permanent driveway approaches are allowed because all the allocations in the overlay zone have been used. All access for uses other than single- to four-family must be shared from another existing driveway approach.
 - Without: Access for single- to four-family uses would be required to take access from the alley. New multifamily and commercial developments would need to take access from a local or collector street, when possible, rather than from Commercial St. SE. When access to a local or collector street is not available, access to an arterial street, like Commercial St. SE, may be granted for new multifamily or commercial development.
- **Landscaping and Screening**
 - With Overlay: Perimeter landscaping and screening required, including abutting the alley
 - Without: Perimeter landscaping and screening would still be required adjacent to residential zoning (this applies across the alley).

Oxford-West Nob Hill Overlay Zone

Underlying zone is MU-II

- **Maximum Height**
 - With Overlay: 35 ft
 - Without: 55 ft
- **Building setback abutting West Nob Hill Street SE:**
 - With Overlay: All buildings (except single- to four-family uses) set back at least 20 ft from West Nob Hill Street SE
 - Without: A setback of 0 ft up to 10 ft if pedestrian amenities are provided is permitted abutting West Nob Hill St. SE.
- **Landscaping and screening abutting West Nob Hill Street SE:**
 - With Overlay: 12-ft perimeter landscaping and screening (4 ft fence or wall) required adjacent to West Nob Hill St. SE
 - Without: No landscaping and screening would be required for a building adjacent to West Nob Hill St. SE, but landscaping (min. 6 - 10 ft) would be required for parking adjacent to the street.

Oxford-Hoyt Overlay Zone

Underlying zone is MU-II

- **Maximum Height**
 - With Overlay: 35 ft
 - Without: 55 ft
- **Building setback abutting West Nob Hill Street SE:**
 - With Overlay: Buildings (except single- to four-family development) set back at least 20 ft from West Nob Hill Street SE
 - Without: 0-10 ft abutting a street. In the case of a double-frontage lot between Commercial St and West Nob Hill St, no minimum or maximum setback would be required abutting West Nob Hill St (building would be located closest to Commercial St).

- **Building setback adjacent to residential zoning**
 - With or Without Overlay: Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet
- **Orientation**
 - With Overlay: All activities shall be oriented away from West Nob Hill Street
 - Without: New buildings would be oriented toward Commercial Street SE (10 ft maximum street abutting setback applies to street with higher classification)
- **Landscaping and screening abutting residential zoning**
 - With or Without Overlay: Perimeter landscaping and screening required

Hoyt-McGilchrist Overlay Zone

Underlying zones are MU-II and MU-III

- **Maximum Height**
 - With Overlay: 35 ft
 - Without: MU-II – 55 ft
MU-III – 70 ft
- **Building setback abutting West Nob Hill Street SE:**
 - With Overlay: All buildings (except single- to four-family uses) set back at least 20 ft from West Nob Hill Street SE
 - Without: MU-II – 0-10 ft abutting a street
MU-III – A 5 ft minimum and 30 ft maximum setback would be required abutting a street, except a minimum 20 ft setback would be required for standalone multifamily development.
- **Landscaping and screening abutting West Nob Hill Street SE:**
 - With Overlay: Perimeter landscaping and screening required, including adjacent to West Nob Hill St. SE

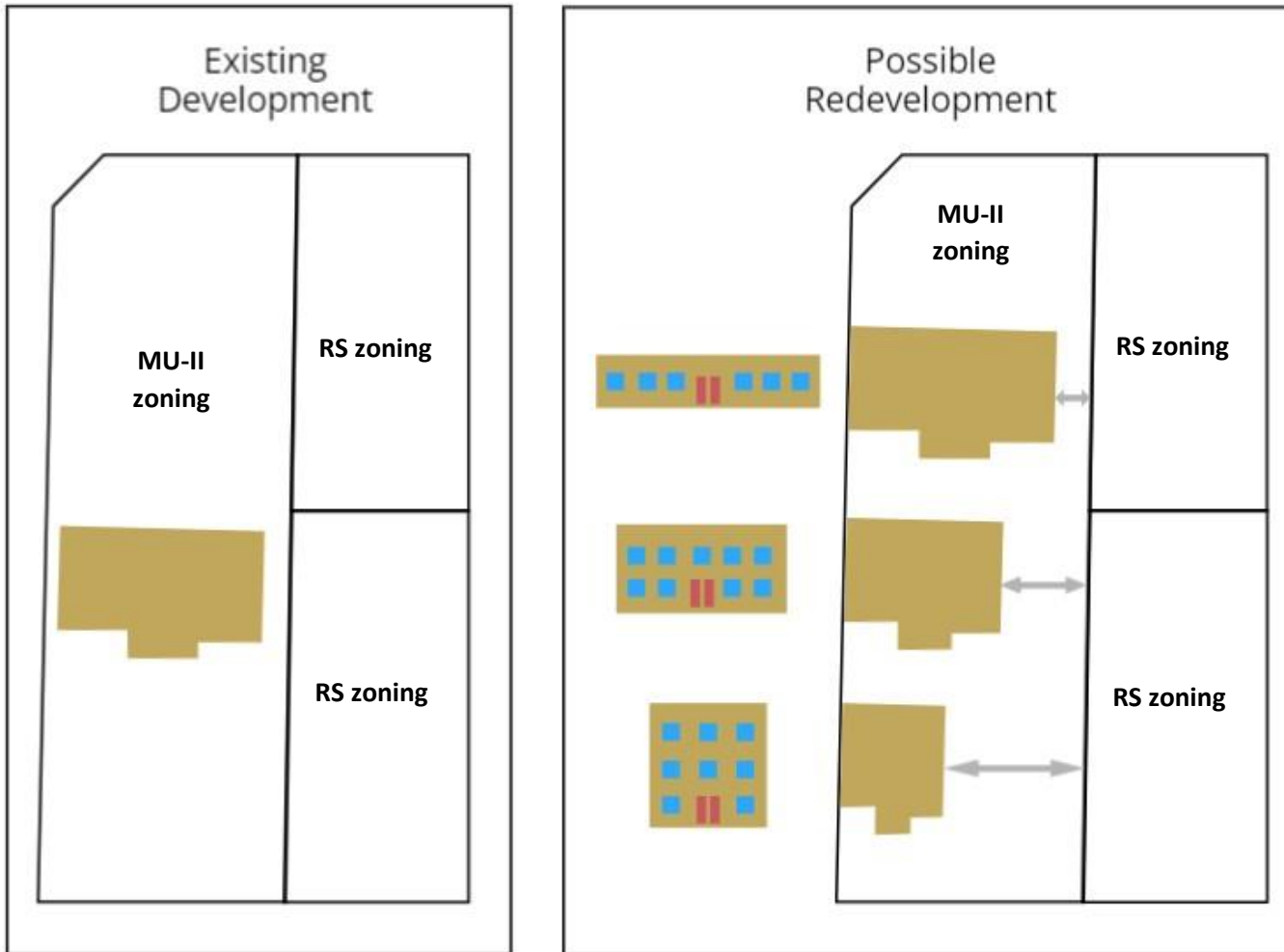
- Without: MU-II – No landscaping and screening would be required for a building adjacent to West Nob Hill St. SE, but landscaping (min. 6 - 10 ft) would be required for parking adjacent to the street.
MU-III – Perimeter setbacks must be landscaped, except the first 10 ft abutting a street may be used for pedestrian amenities.

Saginaw Street Overlay Zone

Underlying zone is MU-I

- **Maximum Height**
 - With Overlay: 35 ft
 - Without: 65 ft
- **Building setback abutting streets:**
 - With Overlay: All buildings set back at least 30 ft
 - Without: 0 ft minimum and up to 10 ft maximum
- **Screening from Saginaw Street and residentially zoned property**
 - With Overlay: Non-residential uses shall be screened from Saginaw Street and from residentially zoned lots by a minimum six-foot-high sight-obscuring hedge.
 - Without: Screening via a six-foot-high wall or fence would be required adjacent to residential zoning. No screening would be required for a building adjacent to Saginaw Street, but landscaping (min. 6-10 ft) would be required for parking adjacent to the street.
- **Primary Access**
 - With Overlay: No new driveway access onto Saginaw Street is allowed if it serves a non-residential use.
 - Without Overlay: Driveway access onto Saginaw Street would be allowed.

Examples



Example 1 – Oxford/Hoyt Overlay Zone

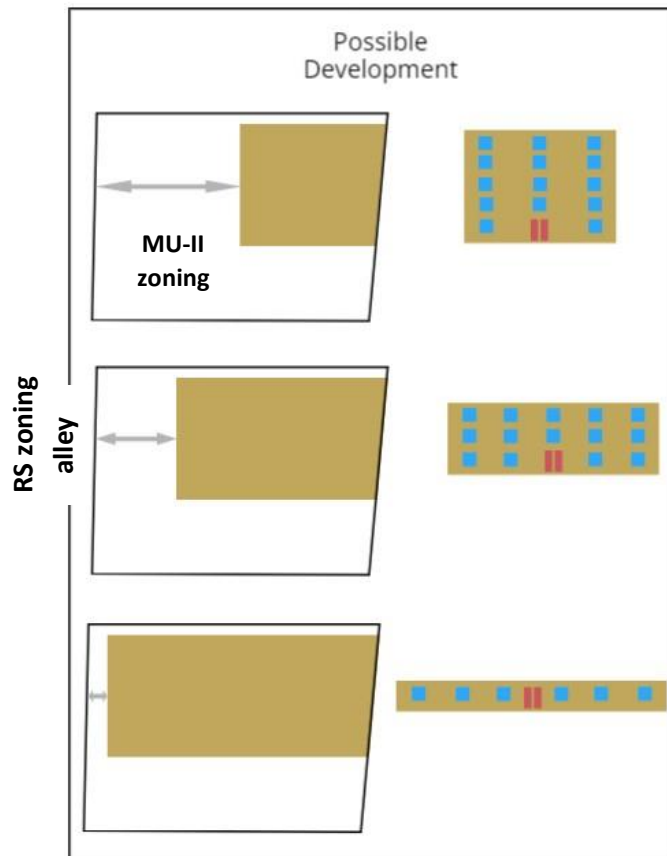
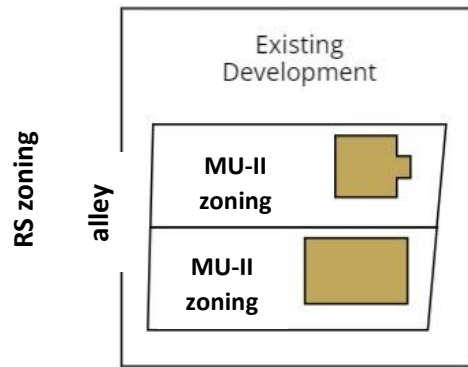
This property is zoned MU-II. It is 73 ft. deep and abuts Single Family Residential (RS) zoning to the east. The key difference between keeping or removing the Oxford-Hoyt Overlay Zone is building height; a building can be a maximum of 35 feet tall if the overlay remains. It can be up to 55 feet tall if the overlay is removed; however, the taller the building is, the further away it has to be from an adjacent residential zone. This restricts the buildable width of the lots, so it is unlikely that a 45- or 55-foot-tall building would be developed on this lot. See tables below.

With Overlay

Proposed building height	# of stories	Required min. setback from east property line	Buildable lot depth	Feasible?
35 ft. (max.)	3	40 ft.	33 ft.	Yes
25 ft.	2	25 ft.	48 ft.	Yes
15 ft.	1	10 ft.	63 ft.	Yes

Without Overlay

Proposed building height	# of stories	Required min. setback from east property line	Buildable lot depth	Feasible?
55 ft. (max.)	5	70 ft.	3 ft.	No
45 ft.	4	55 ft.	18 ft.	No
35 ft.	3	40 ft.	33 ft.	Yes
25 ft.	2	25 ft.	48 ft.	Yes
15 ft.	1	10 ft.	63 ft.	Yes



Example 2 – Superior/Rural Overlay Zone

These properties are zoned MU-II. They are 144 ft. deep and abut RS zoning across the alley to the west. The key difference between keeping or removing the Superior-Rural Overlay Zone is building height and setbacks abutting the alley. With the overlay, a building could be a maximum of 35 feet tall; without the overlay, it could be 70 feet tall. The taller the building, however, the further away it would have to be from the residential-zoned property to the west.

Without the overlay, shorter buildings – one or two-story buildings – could be closer to the residential-zoned properties (and alley) than is allowed today under the overlay. See tables below. In addition, the overlay requires screening abutting the alley.

In this hypothetical redevelopment example, two properties are shown redeveloping together, though it is possible that a single lot could be redeveloped as well.

With Overlay

Proposed building height	# of stories	Required min. setback from west property line	Buildable lot depth	Feasible?
35 ft. (max.)	3	40 ft.	104	Yes
25 ft.	2	38 ft.	106	Yes
15 ft.	1	38 ft.	106	Yes

Without Overlay

Proposed building height	# of stories	Required min. setback from west property line	Buildable lot depth	Feasible?
55 ft. (max.)	5	70 ft.	74	Yes
45 ft.	4	55 ft.	89	Yes
35 ft.	3	40 ft.	104	Yes
25 ft.	2	25 ft.	119	Yes
15 ft.	1	10 ft.	134	Yes