

1 BILL NO.

174

A BILL  
FOR

ORDINANCE NO.

182 82

*as amended*

2  
3 AN ORDINANCE adopting a revised Salem Zoning Code and official zoning  
4 maps; providing standards for the subdivision of certain industrial land;  
5 conforming various sections of the Salem Revised Code to the revised  
6 Salem Zoning Code adopted herein; repealing SRC chapters 110, 111, 112,  
7 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126,  
8 127, 130, 131, 132, 133, 134, 135, 140, 141, 142, 143, 144, 145, 146,  
9 147, 148, 150, and 151 in their entirety; amending SRC 2.1282, 31.089,  
10 58.190, 62.300, 62.310, 62.360, 62.460, 62.600, 63.030, 63.048, 63.051,  
11 63.145, 63.205, 63.305, 63.325, 65.020, 66.020, 66.030, 66.070, and  
12 79.020; amending SRC chapter 63 by adding a new section; amending Title X  
13 of the Salem Revised Code by adding new chapters, with an explanation of  
14 the reuse of chapter and section numbers repealed by this and prior  
15 ordinances; and prescribing an effective date.

16 BE IT ORDAINED BY THE COMMON COUNCIL

17 OF THE CITY OF SALEM, OREGON:

18 Section 1. That the following chapters of the Salem Revised Code,  
19 together with all sections, tables, appendices, and other provisions  
20 contained or incorporated by reference therein, as the same are  
21 constituted as of the day preceding the effective date of this Ordinance,  
22 are hereby repealed as of the effective date of this Ordinance: Chapters  
23 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123,  
24 124, 125, 126, 127, 130, 131, 132, 133, 134, 135, 140, 141, 142, 143,  
25 144, 145, 146, 147, 148, 150, and 151.

26 Section 2. That section 2.1282 of the Salem Revised Code is hereby  
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1 amended to read as follows:

2 2.1282. DIVISION OF PLANNING. There is hereby created a division of  
3 planning within the department of community developent. The division of  
4 planning shall be headed by a [chief planner] planning administrator, who  
5 shall be appointed by, responsible to, and removable by the city  
6 administrator. The [chief planner] planning administrator shall serve as  
7 secretary of the Salem Planning Commission, unless designated otherwise.  
8 As such he shall keep an accurate record of all proceedings of the  
9 commission and shall perform such duties pursuant thereto as ordered by  
10 the commission, or as are imposed by him by law, by this ordinance, by  
11 any other ordinance of the City of Salem, or by the administrator.

12 Section 3. That section 31.089 of the Salem Revised Code is hereby  
13 amended to read as follows:

14 31.089. LICENSE OF AUTOMOBILE RACETRACKS IN RESIDENTIAL DISTRICTS  
15 PROHIBITED. The finance director shall issue no license to operate an  
16 automobile racetrack in any residentially zoned district within the city,  
17 notwithstanding the fact such use may constitute a nonconforming use  
18 pursuant to [chapter 114 of this Code] SRC chapter 112.

19 Section 4. That section 58.190 of the Salem Revised Code is hereby  
20 amended to read as follows:

21 58.190. LIMITS FOR ABOVEGROUND TANK AND BULK PLANTS FOR FLAMMABLE  
22 LIQUIDS. (a) The limits referred to in UFC 79.201 and 79.601 in which  
23 storage of flammable or combustibile liquids in outside aboveground tanks  
24 and in which new bulk plants for flammable or combustibile liquids [as]  
25 are prohibited, are hereby established as every part of the city, except  
26 those areas zoned IG and II [(IH Heavy Industrial) which are] outside that

1 part of the city bounded on the north by Market Street, on the east by  
2 the right-of-way of the main line of the Southern Pacific Railway  
3 Company, on the south by Mission Street and on the west by the Willamette  
4 River.

5 (b) The restrictions as to location set forth in this section and in  
6 UFC 79.201(a) shall not apply to tanks continuously in existence and  
7 regular use since January 9, 1956, provided that they meet all other  
8 requirements of this Code.

9 Section 5. That section 62.300 of the Salem Revised Code is hereby  
10 amended to read as follows:

11 62.300. SIGNS IN SPECIAL SETBACK AREAS. Where the supporting member  
12 of any sign or floodlight standard is to be erected within a special  
13 setback area established pursuant to [chapter 112 of the Salem Zoning  
14 Ordinance] SRC 130.180, no permit shall be issued for such sign or light  
15 standard until the person who will own the sign and the owner of the  
16 premises upon which the sign will be erected, enter into a written  
17 agreement with the City of Salem, Oregon, providing for removal of such  
18 supporting member or standard when necessary. The agreement shall provide  
19 that the sign owner and the owner of the premises, their administrators,  
20 executors, heirs, successors, and assigns shall be jointly and severably  
21 liable for removal of the sign after 60 days written notice from the  
22 building official. Such notice shall be given only when a public agency  
23 is to widen the street into the setback area. The agreement shall further  
24 provide that if the persons responsible for removal of the supporting  
25 member or standard do not remove it, the City of Salem may do so at  
26 expense of such person and that the cost of expense may be a lien against

1 such land or premise and may be collected or foreclosed in the same  
2 manner as liens entered in the docket of the city. The agreement shall  
3 also provide that the owner of the affected premises and the owner of the  
4 sign shall not be entitled to any damages or compensation on account of  
5 moving or removing of the supporting member or standard or portions  
6 thereof. This provision shall not be construed as denying the owner of  
7 such property of the right to compensation for any land taken for the  
8 widening of any street. The agreement shall be acknowledged before an  
9 officer authorized to take acknowledgments to deeds and who is to  
10 authorize the same to be of record. The city recorder shall cause such  
11 agreement to be recorded at the office of the county officer having  
12 custody of the deed records for the county in which the affected premises  
13 are located.

14 Section 6. That section 62.310 of the Salem Revised Code is hereby  
15 amended to read as follows:

16 62.310. GENERALLY. (a) No temporary sign shall be internally  
17 illuminated or be illuminated by external light source primarily intended  
18 for the illumination of the temporary sign.

19 (b) No temporary sign shall project over public property or extend  
20 into any landscaped area or into any vision clearance area required by  
21 any provision of this Code.

22 (c) No temporary sign shall be erected or maintained which, by  
23 reason of its size or location, constitutes a hazard to motorists or  
24 pedestrians.

25 (d) Except for temporary sign displays, no temporary sign shall be  
26 located in any vision clearance area prescribed by [section 110.770 of



1 this] the Salem Zoning Code; provided, however, the clearance required  
2 shall be ten feet instead of [seven feet] any lesser requirement  
3 specified in the Salem Zoning Code. In addition to said vision clearance  
4 requirements, no temporary sign exceeding four square feet in area  
5 resting upon or supported by the ground shall be located within an area  
6 bounded by a street front property line and a line drawn parallel thereto  
7 ten feet inside the property line if there is an entrance or exit from  
8 the street crossing such property line.

9 Section 7. That section 62.360 of the Salem Revised Code is hereby  
10 amended to read as follows:

11 62.360. SIGNS PERMITTED IN RESIDENTIAL DISTRICTS. Except as provided  
12 in [section] SRC 62.060, no sign shall be erected or maintained in  
13 residentially zoned districts except as set forth in this section:

14 (a) Illumination. No sign shall be illuminated internally or  
15 externally by a source connected to the sign, except that wall signs may  
16 be internally illuminated. No flashing signs shall be permitted. Sign  
17 illumination shall be directed away from and not be reflected upon  
18 adjacent premises. No sign shall be illuminated after 12:00 p.m. or  
19 before 7:00 a.m.

20 (b) Animation. No sign shall be mechanically or electrically  
21 animated or wind activated.

22 (c) Multiple frontages. Where a building fronts on two or more  
23 streets and is permitted only one permanent sign, such sign shall be  
24 located on or in front of the principal side of the building.

25 (d) Setbacks. No freestanding sign shall be erected or maintained  
26 within five feet of a street front lot line or the setback area

1 established by the Salem Zoning [Ordinance] Code, whichever is greater.  
2 Temporary signs shall be set back at least two feet from a street front  
3 line.

4 (e) Buildings other than dwellings. A building housing a main use  
5 other than dwellings shall be permitted one permanent sign, which sign  
6 may be either an attached wall sign not exceeding 32 square feet in sign  
7 area or a freestanding sign not exceeding five feet in height, and 24  
8 square feet in total sign area.

9 (f) [RL,] RM [,] and RH districts. In [RL,] RM [,] or RH zoned  
10 districts, apartment houses and retirement homes may have one permanent  
11 sign in addition to the sign permitted by subsection (c) or (e) above,  
12 which sign shall be subject to the same size limitations. In an RH  
13 district where the additional sign is an attached wall sign, the size  
14 limitation shall be the greater of 32 square feet or two percent of the  
15 gross face area of the building face to which it is attached.

16 (g) Nonconforming business. A nonconforming business shall be  
17 permitted one permanent attached wall sign not exceeding 24 square feet  
18 in sign area. No other signs shall be permitted.

19 (h) Subdivision. For each subdivision or planned development one  
20 permanent sign shall be permitted not exceeding twelve square feet in  
21 area denoting only the name of the subdivision or planned development and  
22 located at the principal entrance to the premises.

23 (i) Vehicle directional signs. One permanent sign identifying motor  
24 vehicle entrances onto or exits from the premises shall be permitted,  
25 which sign shall be limited to four square feet in area and 30 inches in  
26 height.

1 (j) Temporary sign as provided in [section] SRC 62.311.

2 Section 8. That section 62.460 of the Salem Revised Code is hereby  
3 amended to read as follows:

4 62.460. DESIGNATED ARTERIALS FOR PURPOSE OF SIGN REGULATION. In  
5 addition to streets designated as arterial or collector streets [in  
6 chapter 112, the Salem Zoning Ordinance, for the purpose of sign  
7 regulation only] for purposes of the Salem Zoning Code, the following  
8 streets shall be considered as designated arterials for the purpose of  
9 this chapter only:

10 (a) Those streets included in the area bounded by 13th Street,  
11 Mission Street, the Willamette River, and "D" Street.

12 (b) Broadway Street.

13 (c) Fairgrounds Road.

14 (d) Front Street from "D" Street north to Pine Street.

15 (e) Hood Street between Fairgrounds Road and Broadway Street.

16 Section 9. That section 62.600 of the Salem Revised Code is hereby  
17 amended to read as follows:

18 62.600. RIGHT OF APPEAL AND HEARING. (a) Where provided in this  
19 section any person who has been ordered by the building official to incur  
20 any expense for the alteration or removal of a sign, whose application  
21 for a permit or license pursuant to this chapter has been refused, or  
22 whose permit has been revoked, may appeal to the hearings officer. The  
23 hearings officer shall conduct the proceedings in the manner provided for  
24 [variances] appeals from adjustments under SRC chapter [111] 114. His  
25 decision may be appealed to the common council as provided in [SRC  
26 111.092] that chapter.

1 (b) No stay of action of the building official shall be provided for  
2 a sign determined to be an "unsafe sign" pursuant to SRC 62.550.

3 (c) On appeal, the hearings officer may:

4 (1) Determine the suitability of alternate materials or methods of  
5 construction.

6 (2) Decide questions arising over the interpretation and enforcement  
7 of this ordinance.

8 (3) Permit a different location or height of a sign to permit  
9 visibility by overcoming inherent difficulties of terrain.

10 (4) Vary the strict application of the chapter to a particular sign  
11 or sign location to remove practical difficulties or unnecessary  
12 hardships where the hearings officer finds that no other type, size,  
13 location, method of sign construction or other alternate is available  
14 that would remove the practical difficulties or unnecessary hardships  
15 without a variance.

16 (d) In determining an appeal, the hearings officer shall:

17 (1) Allow only the minimum appeal necessary to meet the hardship or  
18 practical difficulties.

19 (2) Find that the granting of the appeal will not be materially  
20 detrimental to the purposes of this chapter, be injurious to the  
21 characteristics of the zone or property in the vicinity of the premises  
22 on which the signs are located or be otherwise detrimental to the  
23 objectives of city development plans or policies.

24 (3) Attach such conditions to granting all or a portion of any  
25 appeal as necessary to achieve the purposes of this ordinance.

26 (4) Give due consideration to whether or not granting all or a

1 portion of the appeal would materially improve the safety, appearance of  
2 the sign, sign location on the building, structure, or premises on which  
3 the sign is located.

4 Section 10. That section 63.030 of the Salem Revised Code is hereby  
5 amended to read as follows:

6 63.030. DEFINITIONS. As used in this chapter, except where the  
7 context otherwise clearly requires:

8 (a) Words and phrases defined in SRC chapter [110] 111 shall have  
9 the meanings set forth therein unless another definition is set forth in  
10 this section.

11 (b) "Alley" means a public space or thoroughfare not more than 20  
12 feet and not less than 10 feet in width, which has been dedicated or  
13 deeded to the public and accepted by the city for public use providing a  
14 secondary means of access to abutting property.

15 (c) "Arterial street" - See "Street."

16 (d) "Block" means the properties abutting one side of a street:

17 (1) Between two cross streets;

18 (2) Between the city limits and the nearest cross street;

19 (3) When there is only one cross street:

20 (A) Between a cross street and the dead end of a street;

21 (B) Between a cross street and a line projected from the centerline  
22 of an intersecting street, such as a "T" intersection;

23 (4) When there are no cross streets, then the block shall be between  
24 the points 600 feet from the mid-point of the front property line for the  
25 property under consideration and along the street.

26 (e) "Building" means a structure built for the support, shelter, or

1 enclosure of persons, animals, or property of any kind.

2 (f) "Building setback line" means an imaginary line established by  
3 subdivision regulation or the Salem [Zone] Zoning Code requiring all  
4 buildings to be set back to or beyond that line which is a certain  
5 distance from lot lines or a point within street right-of-way.

6 (g) "Collector street" - See "Street."

7 (h) "Commission" means the Planning Commission of the City of Salem.

8 (i) "Cul-de-sac" - See "Street."

9 (j) "Curb line" means the line indicating the edge of the vehicular  
10 roadway within the overall right-of-way.

11 (k) "Current developed area" means that area of the Salem urban area  
12 designated pursuant to SRC 66.030.

13 (l) "Division of land" means the creation of lots.

14 (m) "Final plat" - See "Plat."

15 (n) "Interested person" means any person owning land within 250 feet  
16 of the borders of a subdivision or partitioning as shown on the records  
17 of the county assessor.

18 (o) "Limited collector" - See "Street."

19 (p) "Local street" - See "Street."

20 (q) "Lot" means a unit of land that is created by a subdivision or  
21 partitioning of land.

22 (l) "Corner lot" means a lot having two or more adjacent front lot  
23 lines in which the interior angle formed by the extensions of the front  
24 lot lines in the direction which they take at their intersections with  
25 the side lot lines forms an angle of 135 degrees or less. In the event a  
26 street front lot line is a curve at its point of intersection with a side

1 lot line, the tangent to the curve at that point shall be considered the  
2 direction of the front lot line.

3 (2) "Flag lot" means a lot, the major portion of which has access to  
4 a street by means of a comparatively narrow strip of land.

5 (r) "Lot area" means the [measurement of the surface of a lot as  
6 measured on] area in square feet or acres (43,560 square feet equals one  
7 acre) of a horizontal plane [within the lines of a] bounded by the  
8 vertical extension of the lot lines.

9 (s) "Lot depth" means the horizontal distance between the front lot  
10 line and the rear lot line measured at a point half-way between the side  
11 lot lines.

12 (t) "Lot width" means the horizontal distance between the side lot  
13 lines, measured at right angles to the lot depth at a point mid-way  
14 between the front and rear lot lines.

15 (u) "Major partition" - See "Partition."

16 (v) "Map" means a final diagram or drawing of a partition.

17 (w) "Minor partition" - See "Partition."

18 (x) "Neighborhood organization" means a neighborhood organization  
19 officially recognized as provided in SRC 64.250 to 64.350.

20 (y) "Official zoning map" means the official zoning map as adopted,  
21 amended, and replaced pursuant to SRC 113.020 to 113.070.

22 [(y)] (z) "Owner" means the owner of record of real property as shown  
23 on the latest tax rolls or deed records of the county, and includes a  
24 person who furnishes evidence that he is purchasing a parcel of property  
25 under a written recorded or unrecorded land sale contract.

26 [(z)] (aa) "Partition" means an act of partitioning land or an

1 area or tract of land so partitioned.

2 (1) "Major partition" means a partition which includes the creation  
3 of a road or street.

4 (2) "Minor partition" means a partition which does not include the  
5 creation of a road or street.

6 [(aa)] (bb) "Partition land" means to divide an area or tract of  
7 land into two or three parcels within a calendar year when such area or  
8 tract of land exists as a unit or contiguous units of land under single  
9 ownership at the beginning of such year. "Partition land" does not  
10 include:

11 (1) Divisions of land resulting from lien foreclosures;

12 (2) Divisions of land resulting from foreclosures of recorded  
13 contracts for the sale of real property;

14 (3) Division of land resulting from the creation of cemetery lots; or

15 (4) Adjustment of a lot line by the relocation of a common boundary  
16 where an additional lot is not created and where the existing parcel or  
17 lot reduced in size by the lot line adjustment is not in conflict with  
18 any applicable law or ordinance, including but not limited to provisions  
19 pertaining to minimum area, frontage, average width, and required  
20 setbacks.

21 [(bb)] (cc) "Planning administrator" means the planning  
22 administrator, department of community development, City of Salem, or his  
23 designated representative.

24 [(cc)] (dd) "Plat" means a final map, diagram, drawing, replat, or  
25 other writing containing all the descriptions, locations, specifications,  
26 dedications, restrictions, provisions, and other information concerning a



1 subdivision.

2 [(dd)] (ee) "Reserve block" means a strip of land, usually one  
3 foot in width, deeded to the city, reserved across the end of a street or  
4 alley and terminating at the boundary of a subdivision or partition; or a  
5 strip of land deeded to the city between a dedicated street and adjacent  
6 property; in either case reserved or held by the city for future street  
7 extension or widening, or to prohibit access from property adjacent to a  
8 street.

9 [(ee)] (ff) "Street" means a public or private way that is created  
10 to provide ingress or egress to one or more lots, parcels, areas, or  
11 tracts of land, excluding a private way that is created to provide  
12 ingress or egress to such land in conjunction with the use of the land  
13 for forestry, mining, or agricultural purposes. The term "street" shall  
14 include such designations as "highway," "thoroughfare," "parkway,"  
15 "throughway," "road," "avenue," "boulevard," "lane," "court," "place,"  
16 "loop," "drive," "circle," and other such terms. A public right-of-way or  
17 access easement 20 feet or less in width shall not constitute a street,  
18 nor shall a private way of travel 25 feet or less in width providing  
19 access to no more than four lots or parcels.

20 (1) "Arterial street" means a major facility for moving large  
21 volumes of intra-area traffic and for moving traffic to and from the  
22 freeway/expressway system. It interconnects the major traffic generators  
23 within the city and links with important rural routes. It forms an  
24 integrated system within the Urban Growth Boundary and performs a  
25 secondary land service function where access to abutting property is  
26 allowed. It is usually a multi-lane facility, but in certain instances

1 may provide only two lanes of traffic.

2 (2) "Collector street" means a facility that allows traffic within  
3 an area or neighborhood to connect to the arterial system. It is given  
4 priority over local streets in any traffic control installations.  
5 Elementary schools and neighborhood park access is prohibited. Single  
6 family and duplex access is limited according to standards on file with  
7 the director of public works.

8 (3) "Limited collector street" means a facility which serves much  
9 the same purpose as a collector, but which serves an area limited to 90  
10 acres (plus or minus 20 percent) in size, which area cannot later be  
11 enlarged, and where there is no external traffic feeding through the area  
12 onto the limited collector. Single family and duplex access is allowed.

13 (4) "Local or residential street" means a facility not designated on  
14 one of the higher systems. It serves primarily to provide direct access  
15 to abutting land and offers the lowest level of traffic mobility. Through  
16 traffic movement is deliberately discouraged.

17 (5) "Cul-de-sac" means a dead-end street having a turnaround area at  
18 the dead end. Cul-de-sac length shall be measured from the nearest  
19 right-of-way line of the nearest intersecting street to the throat or  
20 point of beginning of the turnaround area.

21 (6) "Dead-end street" means a street which terminates without a  
22 turnaround area and is intended to continue through at some future time.

23 (7) "Half-street" means a 50 percent portion of the ultimate width  
24 of a street, usually along the edge of a subdivision, where the remaining  
25 portion of the street shall be provided when adjacent property is  
26 subdivided or partitioned.

1       [(ff)] (gg)     "Subdivide land" means to divide an area or tract of  
2 land into four or more lots within a calendar year when such area or  
3 tract of land existed as a unit or contiguous units of land under a  
4 single ownership at the beginning of such year.

5       [(gg)] (hh)     "Subdivision" means an act of subdividing land or an  
6 area or tract of land subdivided as defined in this section.

7       [(hh)] (ii)     "Tentative plan" means a preliminary diagram or  
8 drawing concerning a partition or subdivision.

9       [(ii)] (jj)     "Utilities" means water, gas, sewer, electrical,  
10 telephone, and wire communication service, cable television, and all  
11 persons and companies supplying the same.

12       [(jj)] (kk)     "Variance" means an exception to the requirements of  
13 this chapter for the subdivision or partitioning of land.

14       [(kk)] (ll)     "Walkway" means a right-of-way deeded, dedicated, and  
15 designated for the use of nonmotorized vehicles and pedestrians.

16       Section 11.     That section 63.048 of the Salem Revised Code is  
17 hereby amended to read as follows:

18       63.048.   HEARING BY PLANNING COMMISSION. (a) Whenever any tentative  
19 plan is referred by the planning administrator to the commission, the  
20 administrator shall schedule the matter for public hearing before the  
21 commission. Whenever a majority of the commission acts within 30 days of  
22 the filing of a tentative plan to call the matter before the commission,  
23 the planning administrator shall likewise schedule the matter for public  
24 hearing before the commission. The planning administrator shall give  
25 mailed notice thereof to the applicant, the owners of the subject  
26 property, all interested persons, and the neighborhood organization in

1 which the proposed subdivision or partition is located.

2 (b) The commission, after hearing, may approve, deny, or approve  
3 with conditions any tentative plan, and may approve variances when it  
4 finds the conditions specified in SRC 63.332 to 63.334 exist. In imposing  
5 conditions the commission shall be guided by the same standards as the  
6 planning administrator as set forth in SRC 63.046(c).

7 (c) A copy of the commission's decision shall be served by regular  
8 mail on all persons entitled to notice of the hearing pursuant to  
9 subsection (a) of this section.

10 (d) If there is not a quorum at the last planning commission meeting  
11 at which the commission can call up a tentative plan as provided in  
12 subsection (a) of this section, the affirmative vote of a majority of the  
13 commissioners then present shall be sufficient to bring the matter before  
14 the commission.

15 (e) Notwithstanding the provisions of SRC 63.042(c) and 63.046,  
16 subdivisions designated for increased residential density as provided in  
17 SRC 127.100 shall be reviewed only by the planning commission as  
18 provided in this section. The commission shall either approve, fail to  
19 approve, or approve the conditions any such subdivision tentative plan  
20 within 45 days of its filing; provided that if it deems that further  
21 information is necessary the commission may postpone action for a period  
22 of not more than 30 days. Failure of the commission to act within the  
23 time provided in this subsection shall be deemed a denial, and may be  
24 appealed as provided in SRC 63.335.

25 (f) Notwithstanding the provisions of SRC 63.042(c) and 63.046, all

1 subdivision and partition applications for land zoned IPC shall be  
2 reviewed only by the planning commission as provided in this section.

3 Section 12. That section 63.051 of the Salem Revised Code is  
4 hereby amended to read as follows:

5 63.051. PURPOSES OF TENTATIVE PLAN REVIEW; REQUIREMENTS AND  
6 CONDITIONS. (a) The purpose of tentative plan review of a subdivision or  
7 partition is to insure that:

8 (1) The proposal conforms to the requirements of this chapter;  
9 including the purposes set forth in SRC 63.020.

10 (2) The proposal conforms to the Salem Area Comprehensive Plan.

11 (3) The proposed street system in a subdivision or major partition  
12 conforms to the official map, and is laid out in such a manner as to  
13 provide for the safe, orderly, and efficient circulation of traffic into,  
14 through, and out of the subdivision or major partition.

15 (4) That the proposed subdivision or partition will be adequately  
16 served with city water and sewer, and will be served by other utilities  
17 appropriate to the nature of the subdivision or partition.

18 (5) That the layout of lots, and their size and dimensions take into  
19 account topography and vegetation of the site so as not to require  
20 variances from the Salem [Zone] Zoning Code in order that buildings may  
21 be reasonably sited thereon, and that the least disruption of the site,  
22 topography, and vegetation will result from the reasonable development of  
23 the lots.

24 (6) The proposal conforms to the Salem [Zone] Zoning Code (SRC Title  
25 X) and the excavation and fill provisions of SRC chapter 65.

26 (7) If the tentative plan is for a subdivision subject to SRC

1 66.050(a), that a UGA Development Permit has been issued and will be  
2 complied with.

3 (8) Adequate measures have been planned to alleviate identified  
4 hazards and limitations to development, including design of streets and  
5 lot layout to assure street and building sites on geologically stable  
6 soil considering the stress and loads to which the soil may be subjected.

7 (b) Lack of compliance with the standards set forth in subsection  
8 (a) of this section shall be grounds for denial of tentative plan  
9 approval, or for the issuance of certain conditions necessary to more  
10 fully satisfy such considerations.

11 Section 13. That section 63.145 of the Salem Revised Code is hereby  
12 amended to read as follows:

13 63.145. LOT STANDARDS. (a) Width. Each lot shall have an average  
14 width between the side lines of not less than 60 feet or as otherwise  
15 allowed or required in the zoning district where it is located.

16 (b) Depth. Each lot shall have an average depth between the front  
17 and rear lot lines of not less than 80 feet and not more than 250 percent  
18 of the average width between the side lot lines. Each double frontage lot  
19 shall have an average depth between the front and rear lot lines of not  
20 less than 120 feet unless a lesser depth is approved by the planning  
21 administrator where necessitated by unusual topographical or other  
22 physical conditions.

23 (c) Area. Each lot shall comprise a minimum of 6,000 square feet or  
24 as otherwise stipulated in the zoning district where it is located. If  
25 topography, drainage, vegetation, or other conditions justify, the  
26 planning administrator may require a greater or smaller area in any lot

1 within a tentative plan.

2 (d) Frontage. Unless otherwise stipulated in the zoning district  
3 where it is located, each lot shall have a minimum front lot line width  
4 of at least 60 feet, except along cul-de-sac turnarounds and on the  
5 outside of curves having a radius of 200 feet or less and a direction  
6 change of 60 degrees or more. In the latter cases the minimum lot line  
7 fronting the curve shall be 40 feet provided that in no case shall the  
8 lot width be less than 60 feet at the front building setback line.

9 (e) Designated frontage. For corner lots the front lot line shall be  
10 that with the narrowest street frontage. For double frontage lots the  
11 front lot line shall be that having frontage on a street designated by  
12 the applicant, approved by the planning administrator and clearly noted  
13 on the final plat. For flag lots the line separating the building site of  
14 the lot from the lot between it and the street from which access is  
15 provided to the flag lot shall be deemed the front lot line for building  
16 setback purposes unless the planning administrator otherwise directs, in  
17 which case the building setback line so designated shall be clearly noted  
18 on the final plat.

19 (f) Side lot lines. As far as is practicable, side lot lines shall  
20 run at right angles to the street upon which the lot faces, except that  
21 on curved streets they shall be radial to the curve.

22 (g) Rear lot line. In the case of a triangular shaped lot, diamond  
23 shaped lot, or a trapezoidal lot which is narrowest at the rear and has  
24 a distance between the side lot lines at the rear of less than ten feet,  
25 the rear line for building setback purposes shall be assumed to be a line  
26 ten feet in length within the lot, parallel to and at the maximum

1 distance from the front lot line. In the case of lots to which this  
2 provision applies, or others where the rear of the lot is narrower than  
3 ten feet, the planning administrator shall require that the rear building  
4 setback line be clearly noted on the final plat.

5 (h) Curved front lines. When front lines are on a curve or arc, the  
6 front line distance shall be indicated on the final plat or map by  
7 bearing and chord distance.

8 (i) Suitability for intended use. All lots shall be suitable for the  
9 general purpose for which they are intended to be used. No lot shall be  
10 of such size or design as to be detrimental to the health, safety, or  
11 sanitary needs of the residents of the subdivision or partition or of  
12 such lot.

13 (j) Future subdivision or partition of lots. Where the subdivision  
14 or partition will result in a lot one-half acre or larger in size and  
15 which in the judgment of the planning administrator is likely to be  
16 further divided in the future, he may require that the location of lot  
17 lines and other details of layout be such that future division may  
18 readily be made without violating the requirements of this chapter and  
19 without interfering with orderly extension and connection of adjacent  
20 streets. It is intended that the lot lines and other details of future  
21 subdivision or partition of a tract be advisory only, and shall not be  
22 final or binding on the applicant or the planning administrator unless  
23 the applicant makes further application therefor; however, any  
24 restriction of buildings within future street locations may be imposed by  
25 the planning administrator and he may require such restrictions to be set  
26 forth on the final plat or map.



1 (k) Building setback lines. Where topography, vegetation, or lot  
2 configuration dictate a different building envelope than that set by the  
3 Salem Zoning [Ordinance] Code in order to properly develop the lot and  
4 site a building thereon, the planning administrator may require building  
5 setback lines to be shown on the plat or map without regard to the  
6 minimum setbacks specified in the Salem Zoning [Ordinance] Code, and such  
7 setback lines shall be observed to the same extent as if required in the  
8 Salem Zoning [Ordinance] Code.

9 (1) The provisions of subsections (a) through (g) and of subsection  
10 (k) of this section do not apply to subdivisions designated for increased  
11 residential density pursuant to SRC chapter [127] 122.

12 Section 14. That section 63.205 of the Salem Revised Code is hereby  
13 amended to read as follows:

14 63.205. CREEK STANDARDS. Any channel, creek, stream, or watercourse  
15 which traverses or abuts the subdivision or partition shall be improved  
16 in accordance with the [provisions of SRC chapter 124 and the]  
17 specifications and standards on file in the office of the director of  
18 public works. Easements shall be dedicated as provided in SRC 63.165.

19 Section 15. That section 63.305 of the Salem Revised Code is hereby  
20 amended to read as follows:

21 63.305. HILLSIDE AREAS ESTABLISHED. (a) Except as provided in  
22 subsection (c) of this section, those areas of the City of Salem  
23 designated "hillside areas" on the official zoning map [referred to in  
24 SRC 110.620] are hereby designated as "hillside areas" for purposes of  
25 SRC 63.305 to 63.325.

26 (b) An area 100 feet from and outside the boundaries of all hillside

1 areas is hereby included within the "hillside area" for the purpose of  
2 providing a transition between hillside and standard streets.

3 (c) If the land or any part thereof is outside the hillside area  
4 boundary shown on the zoning map, and the developer wishes the standards  
5 set forth in SRC 63.315 to be applied to any area of his subdivision or  
6 major partition, then before submitting a tentative plan the developer  
7 shall obtain a survey of the property showing the boundary of the area  
8 having 15 percent or more average cross slope. Such area shall be deemed  
9 the "hillside area" notwithstanding the boundaries shown on the map. As  
10 used in this section, "average cross slope" has the meaning given in SRC  
11 [110.067] 111.020.

12 Section 16. That section 63.325 of the Salem Revised Code is hereby  
13 amended to read as follows:

14 63.325. HILLSIDE PRIVATE STREETS. (a) Vehicular access to serve up to  
15 four lots in a hillside area may be provided by a private street not more  
16 than 125 feet in length, having a 20-foot-wide paved improvement on a  
17 25-foot easement, and having a turnaround meeting the specifications of  
18 the director of public works.

19 (b) [Notwithstanding the provisions of SRC 110.800, u] Up to eight  
20 lots in a hillside area may be served by a private street meeting the  
21 requirements of SRC 63.315, except that in lieu of a 40-foot  
22 right-of-way, the street shall be located on a 30-foot-wide easement.

23 Section 17. That section 65.020 of the Salem Revised Code is hereby  
24 amended to read as follows:

25 65.020. DEFINITIONS. As used in this chapter, except where the  
26 context otherwise requires:

1 (a) "Approved" means having the approval of the building official.

2 (b) "Approved discharge point" means a gutter, ditch, or receptacle  
3 approved by the director of public works for the removal of storm water.

4 (c) "Bench" means a relatively level spot excavated into earth  
5 material on which fill is to be placed.

6 (d) "Backfill" means the replacement of removed earth to its  
7 original grade.

8 (e) "Building official" means the building official of the City of  
9 Salem, Oregon.

10 (f) "Drainage course" means any land surface, ditch, or other land  
11 feature which serves as a course for the transmission of surface and  
12 storm water.

13 (g) "Excavation" means the mechanical removal of earth material.

14 (h) "Fill" means the deposit of earth placed by artificial means.

15 (i) "Floodplain" has the meaning given in SRC [124.020] 140.020.

16 (j) "Qualified engineer" means a licensed engineer who, in the  
17 judgment of the building official, possesses the knowledge, experience,  
18 and ability to successfully design and oversee a project involving  
19 excavations or fills regulated by this chapter.

20 (k) "Waterway" means any perennial river, stream, or creek within  
21 the City of Salem designated by the director of public works.

22 Section 18. That section 66.020 of the Salem Revised Code is hereby  
23 amended to read as follows:

24 66.020. DEFINITIONS. As used in this chapter, except where the  
25 context otherwise clearly requires:

26 (a) "Arterial street" means a major street which moves large volumes

1 of intraarea traffic to and from major traffic generators within the city  
2 and link with freeway systems, important rural roads, etc. Arterial  
3 streets shall be designated as such on the UGA Major Street Plan and  
4 sector plans.

5 (b) "Collector street" means a street whose primary function is to  
6 gather traffic from residential streets and funnel it into arterials. The  
7 term includes "limited collector streets" so designated on the UGA Major  
8 Street Plan and sector plans. Collector streets shall be designated as  
9 either collectors or limited collectors on such plans.

10 (c) "Current developed area" means that area of the Salem urban area  
11 so designated pursuant to SRC 66.030.

12 (d) "Developer" means one who undertakes development. Such term  
13 includes owners and lessees of property to the extent that they are  
14 directly responsible for the development of that property.

15 (e) "Development" means [any subdivision of any land except  
16 subdivision for exclusively industrial purposes, or the construction of  
17 any building or structure for uses allowed under SRC 133.010(b), 133.020,  
18 133.030, 134.010(b) and (c), 134.010, 134.030, 140.010(b) through (k),  
19 140.010, 140.030, 141.010(b) through (i), 141.020, 142.010(b) through  
20 (h), 142.010, and 142.030, except public buildings and structures owned  
21 by the federal government or the city of Salem. "Development" also  
22 includes expansion of an existing use specified in this subsection onto  
23 property which it did not occupy on July 23, 1979.] :

24 (1) Any subdivision of land which is not zoned IP, IG, or IH;

25 (2) The establishment of any mobile home park;

26 (3) The construction or structural alteration of any building or

1 structure in connection with the establishment of any use not previously  
2 existing on the property, except for the following types of uses, without  
3 regard to the zoning classification of the property:

4 (A) Any dwelling, whether or not including a home occupation, as  
5 those terms are defined in SRC chapter 111;

6 (B) Any use listed in Divisions C (Construction) or D  
7 (Manufacturing) of the Standard Industrial Classification Manual (SIC)  
8 adopted in SRC 113.090(b);

9 (C) Any use listed in Division E (Transportation, electric, gas, and  
10 sanitary services) of the SIC, EXCEPT Major Group 48 (Communication),  
11 which latter uses are not excluded from the definition of "development;"

12 (D) Any surface mining operation;

13 (E) Any solid waste disposal site;

14 (F) Any use made of a historic or architecturally significant  
15 building under a conditional use permit issued pursuant to SRC chapter  
16 118, provided that is the only development of the property;

17 (G) Any use established and conducted by any agency of the federal  
18 government or the City of Salem.

19 (g) "Major facility" means a major street, a sewer or water line  
20 exceeding eight inches in diameter, a sewage lift station, a water  
21 pumping station or a water reservoir.

22 (h) "Major street" means an arterial or collector street.

23 (i) "Minor facility" means a public facility other than a major  
24 facility.

25 (j) "Pre-planned" means as shown on the appropriate sector plan, UGA  
26 Major Street Plan or Sewer or Water Master Plan.

1 (k) "Public facility" means a street, sewer line, water line, sewage  
2 lift station, water pumping station or water reservoir.

3 (l) "Residential street" means a street whose primary function is to  
4 provide direct access to abutting residential facilities and convey  
5 residential traffic to and from collectors. Residential streets are not  
6 designated on the UGA Major Street Plan or on sector plans.

7 (m) "Sector plan" means a plan for a limited area of the Urban  
8 Growth Area showing pre-planned locations, size and classification of  
9 major streets and other major facilities, adopted by the Common Council  
10 and described in SRC 66.130.

11 (n) "Sewer Master Plan" means a master plan for development,  
12 location, size and classification of sewer collection facilities within  
13 the Urban Growth Area adopted under SRC 64.230 as part of the Salem Area  
14 Comprehensive Plan. The sewage treatment studies referenced in SRC  
15 64.230(b) and (c) are not, singularly or collectively, a Sewer Master  
16 Plan.

17 (o) "Urban Growth Area" means that territory lying between the CDA  
18 and the Urban Growth Boundary.

19 (p) "Urban Growth Area Major Street Plan" means a master plan for  
20 development, location, size and classification of major streets within  
21 the Urban Growth Area adopted under SRC 64.230 as part of the Salem Area  
22 Comprehensive Plan. The transportation plans referenced in SRC 64.230(f)  
23 and (h) are not, singularly or collectively, a UGA Major Street Plan.

24 (q) "Urban Growth Boundary" means the Urban Growth Boundary as  
25 adopted as part of the Salem Area Comprehensive Plan and shown on the  
26 General Plan Map referred to in SRC 64.210.

1 (r) "Urban Growth Management Program" means the document so titled  
2 which is adopted under SRC 64.230 as part of the Salem Area Comprehensive  
3 Plan.

4 (s) "Water Master Plan" means a master plan for location, size, and  
5 classification of water distribution facilities within the Urban Growth  
6 Area adopted under SRC 64.230 as part of the Salem Area Comprehensive  
7 Plan. The water study referred to in SRC 64.230(e) is not a Water Master  
8 Plan.

9 Section 19. That section 66.030 of the Salem Revised Code is hereby  
10 amended to read as follows:

11 66.030. CURRENT DEVELOPED AREA BOUNDARY ESTABLISHED. There is hereby  
12 established a boundary, the Current Developed Area (CDA) as delineated on  
13 the official zoning map referred to in SRC [110.620] 113.020 to 113.070,  
14 and all references to the CDA in this chapter shall mean and refer to  
15 that boundary. The CDA boundary is intended to be fixed and definite, and  
16 shall not be amended except to correct an error in the original boundary  
17 as established herein. It is the intent of the CDA boundary to include  
18 within its confines all of that area, within and without the corporate  
19 limits of the City of Salem, in which contiguous urban development has  
20 expanded as of the date of its adoption. The CDA boundary includes  
21 subdivisions which have received tentative plan approval but have not, as  
22 yet, been otherwise developed. There are isolated pockets of undeveloped  
23 land within the CDA, and isolated islands of development beyond the  
24 boundary. Neither is inconsistent with the concept that the CDA should  
25 reflect that portion of the Salem urban area which comprises contiguous  
26 urban development. Also included within the CDA is land within the

1 corporate limits of Salem as of July 23, 1979, save and except a long and  
2 irregularly shaped parcel extending along South River Road toward Illahe,  
3 which parcel was annexed with the express understanding that urban  
4 services would be deferred; a large area of publicly owned and industrial  
5 land surrounding and to the south and east of McNary Field; and a strip  
6 of industrial land extending from the CDA northeast to and including  
7 Chemawa Indian School. Land in the latter three areas was not annexed  
8 with the understanding that it would be quickly available for urban  
9 development.

10 Section 20. That section 66.070 of the Salem Revised Code is hereby  
11 amended to read as follows:

12 66.070. UGA DEVELOPMENT PERMIT, PRELIMINARY DECLARATION. (a) Upon  
13 receipt of a completed UGA Development Permit Application, prior to  
14 adoption of a UGA Major Street Plan, and Sewer and Water Master Plans,  
15 the planning administrator shall determine if sector plans have been  
16 completed for the area of the proposed development. If all such plans  
17 have been completed, he shall accept filing of the application and  
18 forward it to the Development Review Committee. If one or more plans have  
19 not been completed, he shall so inform the applicant and the application  
20 shall be held pending for filing upon adoption of appropriate sector  
21 plans unless the applicant chooses to withdraw his application.

22 (b) The Development Review Committee shall review each application  
23 submitted to it and shall, within 45 days of filing of the application,  
24 schedule a public meeting to discuss the development requirements which  
25 will be imposed. Notice of such meeting shall be given to the applicant,  
26 the planning commission, each neighborhood organization having territory



1 within the sector plans which will control the development requirement,  
2 and all persons owning land within 250 feet of the property on which  
3 development is to occur.

4 (c) Within 15 days following the meeting the Development Review  
5 Committee shall issue a preliminary declaration stating the extent and  
6 location of all public facilities which the developer must provide as  
7 conditions of the permit. Any person who appeared at the meeting and  
8 indicated, in writing, his desire to receive a copy of the declaration  
9 shall be mailed a copy of the preliminary declaration any may appeal such  
10 declaration to the common council by filing written notice of appeal with  
11 the city recorder within ten days of mailing of the declaration.

12 (d) Upon receipt of notice of appeal the city recorder shall set the  
13 matter down for public hearing before the common council and cause notice  
14 to be given by mail to all persons entitled to notice under subsection  
15 (b) of this section, and by publication as provided in SRC [111.060]  
16 114.080. On appeal the common council may affirm or modify the  
17 preliminary declaration.

18 (e) In addition to identifying facilities which the developer must  
19 construct, the Development Review Committee shall set forth in the  
20 preliminary declaration the amount of development fees the developer must  
21 pay as determined by SRC 66.150 to 66.190. Such determination shall be  
22 based upon costs certified by the director of finance, and is a purely  
23 ministerial calculation from which there shall be no appeal. Payment of  
24 the fees so determined shall be made prior to issuance of the UGA  
25 Development Permit.

26 Section 21. That section 79.020 of the Salem Revised Code is hereby

1 amended to read as follows:

2 79.020. AUTHORITY OF PROPERTY OWNERS. Any person owning or  
3 controlling property abutting upon any improved street having a width of  
4 not less than 80 feet and situated in any [business,] commercial [,] or  
5 industrial [, or unrestricted] district, as such districts are defined in  
6 [the Salem Zoning Ordinance of the city] SRC 113.010, upon complying with  
7 the provisions of this chapter, may improve the parking area in front of  
8 his property by removing the existing curb and by paving such area with a  
9 hard-surfaced pavement.

10 Section 22. That chapter 63 of the Salem Revised Code is hereby  
11 amended by adding thereto the following new section:

12 63.146. LOT SIZE IN IP ZONE. No lot in an IPC district shall be  
13 created unless the commission or council in reviewing a subdivision or  
14 partitioning finds that:

15 (a) A need for the small size lot exists as part of an overall  
16 development plan for the campus industrial park;

17 (b) The configuration of the lot does not require the creation of  
18 other smaller lots as the only way to develop the remaining property  
19 within the industrial park;

20 (c) The small lot, given the need identified in subsection (a) of  
21 this section, is complementary and compatible to other uses within the  
22 industrial park; and

23 (d) The small lot does not preclude expansion of existing industries.

24 Section 23. That Title X of the Salem Revised Code is hereby amended  
25 by adding thereto the new chapters, sections, tables, and incorporated  
26 provisions which follow this paragraph. Chapter and section numbers

1 which are used in the following provisions of this Ordinance may, in many  
2 cases, be the same as chapter and section numbers which have been  
3 previously repealed by this or prior ordinances. Their reuse herein is  
4 not intended to in any manner relate back to or otherwise coincide with  
5 the provisions of any such repealed chapters and sections, and the city  
6 attorney is hereby directed to include a written explanation of that  
7 intent at an appropriate location in the Salem Revised Code. Such  
8 explanation shall not constitute a part of the Code. The following  
9 chapters, therefore, are hereby adopted as a part of Title X of the Salem  
10 Revised Code:

1 CHAPTER 110

2 GENERAL ZONING PROVISIONS

3 110.010. SHORT TITLE. Chapters 110 to 159 of this Code shall be known  
4 and may be cited as the "Salem Zoning Code;" and are referred to therein  
5 as such or as "this zoning code."

6 110.020. INTENT AND PURPOSE. It is the intent and purpose of the  
7 regulations, restrictions, and procedures contained in this zoning code:

8 (a) To codify the primary regulatory instrument with which to  
9 implement the comprehensive plan;

10 (b) To promote and to protect the public health, safety, and general  
11 welfare of the community;

12 (c) To classify by zone all property in such manner as to reflect  
13 its present suitability for particular uses, and to provide a process  
14 whereby property may be reclassified to reflect other suitable uses  
15 consistent with the comprehensive plan and changing conditions and  
16 community values;

17 (d) To provide sanctions for violation of the provisions of this  
18 zoning code.

19 110.030. APPLICATION AND CONSTRUCTION OF REGULATIONS. (a) The  
20 regulations set forth in this zoning code, are intended and shall be  
21 construed as minimum regulations, and shall apply uniformly to each class  
22 or kind of use, structure or land unless varied or otherwise conditioned  
23 as allowed in this zoning code.

24 (b) Where a compliance period or other time for performing an act is  
25 expressed as a certain number of days after a certain date or event, such  
26 reference shall mean consecutive calendar days beginning with the first  
27

1 day after the date or event from which the period begins, and ending at  
2 five o'clock p.m. on the last day of the number of days stated, unless  
3 the last day is not a city business day, in which case the last day of  
4 the period shall be the first city business day following the last of the  
5 consecutive calendar days. A period expressed in terms of "city business  
6 days" shall mean consecutive city business days calculated as above.

7 (c) Where a period of time is expressed as between particular hours,  
8 the period shall begin and end on the same day unless the first hour  
9 mentioned is after noon and the second hour is before noon, in which case  
10 the period shall end at the second hour stated on the day following the  
11 first hour stated.

12 110.040. EFFECT ON OTHER PUBLIC AND PRIVATE REGULATIONS AND  
13 RESTRICTIONS. It is not intended by this zoning code to in any way impair  
14 or interfere with any other provision of law or ordinance relating to the  
15 use of buildings or land, or relating to the construction or alteration  
16 of any buildings or improvements. It is not intended by this zoning code  
17 to in any manner interfere with any easement, deed restriction, covenant  
18 or other legally enforceable restriction imposed on the use or  
19 development of land more restrictive than the provisions of this zoning  
20 code.

21 110.050. FORMAL INTERPRETATIONS. (a) When, in the administration of  
22 this zoning code, the administrator deems it appropriate that a question  
23 as to its intent be formally rather than administratively resolved, the  
24 administrator may request an interpretation of the provision by the  
25 commission as provided in this section. Upon such request, or on its own  
26 motion, the commission may issue a formal interpretation if it has

1 determined that such interpretation is within its ability and is not a  
2 legislative act. The commission shall, in the event it does not render an  
3 interpretation, either refer the question to the council with any  
4 explanation it deems appropriate, or recommend to the council appropriate  
5 revisions to this zoning code to resolve the question, or to revise or  
6 supplement a policy issue.

7 (b) The purpose of a formal interpretation is to clarify the intent  
8 of this zoning code and its application in particular circumstances; and  
9 the commission shall not, by interpretation, vary or modify any clear and  
10 unambiguous provision thereof, nor supplement the provisions thereof by  
11 adding new restrictions, standards, or policies not apparent or  
12 necessarily implied within this zoning code itself.

13 (c) The commission may, in rendering an interpretation, solicit the  
14 advice of any person or organization, including city staff, whose advice  
15 it deems of benefit; and may cause to be researched any public records  
16 which may disclose the historical basis of the provision in question, and  
17 the legislative intent expressed therein.

18 (d) In rendering interpretations, the commission shall always  
19 consider the comprehensive plan where applicable, and shall render no  
20 interpretation inconsistent with either its provisions or its intent.

21 (e) Formal interpretations by the commission shall be in writing,  
22 and a copy shall be placed before the council for its information. The  
23 administrator shall keep a permanent file of all such interpretations.  
24 Further copies shall be distributed as directed by the commission, the  
25 administrator, or both.

26 (f) The council may, upon its own motion or in response to an  
27

1 interpretation made by the commission, render its own interpretation as  
2 to the meaning, intent or application of any provision of this zoning  
3 code.

4 (g) Formal interpretations made by the commission shall control  
5 future administrative interpretation and enforcement of this zoning code  
6 unless superseded by subsequent commission formal interpretations, or  
7 vacated or superseded by the council. The commission shall give great  
8 weight to prior formal interpretations when considering any subsequent  
9 issue for interpretation.

10 110.070. AMENDMENT OF ZONING CODE TEXT. (a) Any amendment of this  
11 zoning code which amends, supplements, or changes only the text hereof,  
12 shall be initiated by the council or by the commission by resolution.  
13 Whenever an amendment is initiated by the council, the resolution shall  
14 be referred to the commission for its recommendation.

15 (b) In every case of a proposed amendment the administrator shall  
16 fix a date for a public hearing before the commission and shall cause  
17 notice to be published as provided in SRC 114.080. After the public  
18 hearing the commission may refer its recommendations to the council;  
19 except that if the amendment was initiated by the council, the commission  
20 shall forward a recommendation or report of its deliberations.

21 110.200. APPLICATIONS, GENERALLY. Applications for all land use  
22 actions and permits under this zoning code shall be filed with the  
23 administrator and processed as provided in SRC 110.200 to 110.250.

24 110.210. APPLICATION FORMS. (a) The administrator shall prepare and  
25 provide application forms for land use actions requiring review and  
26 approval and all permits under this zoning code. Application forms shall

1 require at least the following information.

2 (1) The names and mailing addresses of the applicant and owners of  
3 the subject property;

4 (2) The address and legal description of the subject property;

5 (3) The nature and reasons for the request;

6 (4) The names and addresses of property owners in the notification  
7 area;

8 (5) A plot plan of the property showing such details as the  
9 administrator may require;

10 (6) Such other information as may be required for particular actions  
11 or permits elsewhere in this zoning code, and any other information which  
12 the administrator may require to review and analyze the proposed action  
13 as to its merits.

14 (b) All applications for land use actions shall be filed with the  
15 administrator on forms prescribed under this section, and shall be  
16 complete as to all factual information required to be stated on or  
17 furnished with the application.

18 (c) The administrator may reject any incomplete application, or any  
19 application which contains demonstrably inaccurate factual information.

20 (d) The commission may, at its pleasure, review the forms prepared  
21 and provided by the administrator, and may direct revisions as to any  
22 particular not required under paragraphs (1) to (4) of subsection (a) of  
23 this section, or as to plot plan details required by the administrator  
24 under paragraph (5) of subsection (a) of this section.

25 110.220. FEES. (a) The fees which may, from time to time, be  
26 prescribed by resolution of the council, shall be paid at the time and as



1 a condition of acceptance of the application. The fee schedule so adopted  
2 may include a requirement that persons, other than city administrative  
3 bodies, requesting transcripts of hearings for appeal to council pay a  
4 deposit as a condition of preparing the transcript. Any unused portion of  
5 the deposit shall be refunded once the exact cost is established; the  
6 remainder shall be credited against the transcript fee to be paid by the  
7 person requesting the transcript.

8 (b) When an application involves more than one type of action, such  
9 as a conditional use and variance, and when a combined hearing on more  
10 than one action is to be held before the same administrative body, the  
11 total filing fee shall be the larger of the individual fees plus \$10.

12 (c) In the case of a rejected application, all but \$10 of the fee  
13 for the complete application shall be returned. If the corrected  
14 application is refiled within 15 city business days from the date of  
15 rejection, the \$10 withheld from the filing fee of the first filing shall  
16 be applied to the fee for the refiled application.

17 110.230. APPLICATIONS; BY WHOM FILED. An application for a land use  
18 action or permit may be filed by one or more of the following persons:

19 (a) The owner of the subject property;

20 (b) A purchaser of the subject property under a duly executed  
21 written contract when the application is accompanied by proof of the  
22 purchaser's status as such, and the seller consents in writing to such  
23 application;

1 (c) A lessee in possession of the property, when the owner consents  
2 in writing to such application; or

3 (d) The agent for any of the foregoing when duly authorized in  
4 writing provided the application is accompanied by proof of the agent's  
5 authority.

6 110.240. PROCESSING OF APPLICATIONS. After an application has been  
7 filed, the administrator shall check the application within 15 city  
8 business days and determine if there is cause for rejection of the  
9 application. If the application is accepted, the administrator shall  
10 schedule the matter for hearing before the appropriate administrative  
11 body where required, or otherwise act upon the application as elsewhere  
12 provided in this zoning code. If the application is rejected, the  
13 administrator shall return the application to the applicant with an  
14 explanation of the cause for rejection and the refund provided in SRC  
15 110.220(c). Rejection of an application shall not bar or in any way  
16 prejudice the right of an applicant to refile a corrected application at  
17 any time.

18 110.250. RESUBMISSION OF APPLICATION. If any land use action applied  
19 for is denied on the merits, such denial shall be a bar to refiling the  
20 same or substantially similar application for a period of six months from  
21 the date of the final decision unless the administrative body which  
22 rendered the final action is satisfied, upon an ex parte showing of good  
23 cause, that the applicant's proposal has been so amended that the  
24 substantive basis for denial no longer exists, or has been so mitigated  
25 that a new application should be given consideration. The decision to  
26 grant leave to refile within the six-month bar is wholly within the  
27

1 discretion of the administrative body; is not a land use action; and is  
2 not subject to appeal or review.

3 110.300. TERMINATION AND EXPIRATION GENERALLY. Except for zone  
4 changes:

5 (a) All land use actions and permits granted under this zoning code  
6 shall expire by limitation and become null and void unless the applicant  
7 shall have commenced exercise of the rights therein granted within a  
8 period of one year from the final decision on the action or the issuance  
9 of the permit, unless a different period is specified in this zoning code  
10 or in the final decision, or unless the period for exercise of rights is  
11 extended as provided in SRC 110.310.

12 (b) Where the exercise of rights under a land use action or permit  
13 involves work for which a building permit is required under SRC Chapter  
14 56, no exercise of rights under the land use action or permit shall be  
15 deemed to have commenced until a building permit has been applied for.  
16 Expiration of plan approval after application for a building permit as  
17 provided in UBC Sec. 304(c), or expiration of the building permit once  
18 issued as provided in UBC Sec. 303(d) shall terminate the land use action  
19 or permit unless an extension has been granted as provided in SRC 110.310.

20 (c) Discontinuance of the exercise of the rights granted under a  
21 land use action or permit, including actions and permits granted prior to  
22 (effective date of ordinance), for a continuous period of six months  
23 shall terminate those rights whose exercise was thus discontinued.

24 (d) Any rights granted under a land use action or permit, the  
25 exercise of which is dependent upon a building or structure which is  
26 wholly destroyed, or which is substantially damaged or becomes  
27 deteriorated to the extent that it has been declared a "dangerous  
28

1 building" and ordered demolished pursuant to the Salem Dangerous Building  
2 Code (SRC 56.200 to 56.390), shall terminate upon such destruction or  
3 declaration and order.

4 (e) The provisions of this chapter do not apply to land use actions  
5 and permits granted prior to (effective date of code). All such prior  
6 grants shall be governed as to termination and expiration by the  
7 ordinances applicable at the time they were made.

8 110.310. EXTENSIONS. (a) Whenever any person entitled to rights under  
9 a land use action, other than an adjustment granted by the administrator,  
10 is required to exercise those rights or meet any conditions precedent to  
11 the full enjoyment of such rights within a particular period of time,  
12 such person may apply for an extension of such period by filing an  
13 application with the administrator prior to the expiration of such  
14 period. The administrator shall review the application and, if accepted,  
15 schedule the matter for public hearing before the administrative body  
16 which entered the final decision granting the action. The administrative  
17 body may, in its discretion if it deems good cause exists, grant no more  
18 than two extensions, neither being for a period longer than either the  
19 original compliance period or the specific maximum period which could  
20 have originally been granted, whichever is greater. The decision granting  
21 such extension is appealable and reviewable as provided in SRC 114.200  
22 and 114.210.

23 (b) Compliance periods under adjustments and permits granted by the  
24 administrator may be extended as provided in subsection (a) of this  
25 section, except that the administrator shall act on the application ex  
26 parte, and his decision shall not be appealable or reviewable.

1 (c) While an application for an extension is pending, no further  
2 action to develop the subject property or expand any use dependent upon  
3 the action shall be taken after the compliance period expires; but an  
4 existing established use may continue during the pendency of the  
5 application, and a final decision granting an extension shall revive all  
6 rights under the original action as they existed prior to the expiration  
7 of the original compliance period. Unless otherwise specified in the  
8 decision granting an extension, the new compliance period shall begin to  
9 run from the date of the final decision granting the extension.

10 110.320. REVOCATION OF ACTIONS AND PERMITS. (a) Any land use action  
11 or permit granted under this zoning code may be revoked by the  
12 administrative body which had original jurisdiction over the proceeding  
13 or issued the permit if it is at any time ascertained that the  
14 application contains any false, inaccurate, or incomplete statements as  
15 to material facts, or if development pursuant to such land use action or  
16 permit is contrary to the proposal embodied in the application, the  
17 provisions of this zoning code, or the conditions imposed in the final  
18 decision. In such case it shall be unlawful for any person to exercise or  
19 continue to exercise any right, privilege or permit granted by or  
20 dependent on the revoked action or permit.

21 (b) Notice of revocation shall be given, in writing, to the  
22 applicant or his successors in interest under the land use action; and  
23 shall state the grounds and factual basis for revocation, the date upon  
24 which the revocation becomes effective, and the right of appeal provided  
25 in subsection (d) of this section.

26 (c) No revocation shall be effective until ten days following the  
27

1 earlier of: the date on which written notice thereof was either  
2 personally delivered, or mailed by certified mail; or actually received  
3 by each person entitled to notice under subsection (b) of this section,  
4 whichever comes first.

5 (d) Any person entitled to notice under subsection (b) of this  
6 section may appeal such revocation to the council by filing written  
7 notice of appeal with the city recorder on any regular city business day  
8 prior to the effective date of the revocation. The scope of such appeal  
9 shall be limited to the accuracy of the factual basis for revocation as  
10 specified in the notice. The filing of an appeal shall stay the effective  
11 date of the revocation until final decision on the appeal.

12 (e) Revocation of an action or permit on the basis of false,  
13 inaccurate or incomplete facts in the application shall not bar, nor  
14 shall it in any way be held to prejudice the right of the applicant to  
15 file a new application stating the complete and correct facts. Revocation  
16 on any other grounds shall be treated as provided for denials of  
17 applications on their merits as provided in SRC 110.250.

18 110.900. COMPLIANCE REQUIRED; RESPONSIBILITY FOR VIOLATIONS. (a) No  
19 property shall be developed, redeveloped, or changed in use; no building  
20 structure or premises shall be used or occupied; and no building or  
21 structure or part thereof shall hereafter be erected, constructed, moved,  
22 structurally altered, or enlarged unless in conformity with all  
23 applicable regulations herein specified, and all conditions imposed in  
24 the granting of any applicable land use action, and then only after  
25 applying for and securing all permits and licenses required by all  
26 applicable laws and ordinances.

1 (b) It shall be unlawful for any person to violate, or to cause,  
2 suffer, or permit any violation of the provisions of subsection (a) of  
3 this section.

4 (c) Proof of the existence of a violation of subsection (a) of this  
5 section shall be deemed prima facie evidence that such violation is that  
6 of the occupant of the premises as well as that of the owner or with such  
7 owner's consent. Prosecution or lack thereof of either the owner or of  
8 the occupant shall not relieve the liability of the other for any  
9 violation of this zoning code.

10 110.990. VIOLATIONS. Violation of subsection (a) of SRC 110.320; SRC  
11 110.900; or subsection (b) of SRC 114.130 is an infraction..

1 CHAPTER 111

2 DEFINITIONS

3 111.010. DEFINITIONS, GENERALLY.

4 (a) The meanings given terms in this chapter may, in certain  
5 contexts in which they are used, be clearly inapplicable. In such cases  
6 the context in which a term is used will indicate its intended meaning,  
7 and that intent shall control.

8 (b) Where a term used in this zoning code is already defined in  
9 another part of the Salem Revised Code (e.g., the Subdivision Code, the  
10 Uniform Building Code, etc.) the term is not redefined herein unless it  
11 has a different meaning in this zoning code, or is so frequently used  
12 herein that the same definition is reproduced in this chapter for the  
13 reader's convenience. If a term elsewhere defined in the Salem Revised  
14 Code or in codes adopted by reference as part of the Salem Revised Code  
15 is not defined herein, it is intended that such terms have the same  
16 meaning as used in this zoning code as the definitions elsewhere adopted  
17 unless the context otherwise clearly requires.

18 (c) Terms not defined otherwise as provided in subsection (b) of  
19 this section, and not defined in this zoning code, shall have their  
20 ordinary accepted meanings within the context in which they are used.  
21 Webster's Third New International Dictionary of the English Language,  
22 Unabridged, copyright 1961, shall be considered a standard reference to  
23 ordinary accepted meanings.

24 111.020 "A" DEFINITIONS. (a) ABUT means to be contiguous with at some  
25 point.

26 (b) ACCESSORY BUILDING, STRUCTURE, OR USE means a building,



1 structure, or use which is incidental and subordinate to and dependent  
2 upon the main use on the same premises.

3 (c) ADJACENT means near or close, but not necessarily contiguous  
4 with.

5 (d) ADJOIN means to abut.

6 (e) ADMINISTRATIVE BODY means the council, commission, hearings  
7 officer, or administrator having the jurisdiction to hear and decide  
8 proceedings on land use actions.

9 (f) ADMINISTRATOR means the duly appointed and acting Administrator  
10 of the Planning Division, Department of Community Development of the City  
11 of Salem, Oregon, or the administrator's designee.

12 (g) ALLEY means a public easement or right of way not more than 20  
13 feet and not less than ten feet in width, which intersects with a public  
14 street.

15 (h) APARTMENT means a court apartment, or a dwelling unit in an  
16 apartment house.

17 (i) APARTMENT HOUSE means any building, or portion thereof, which is  
18 designed, built, rented, leased, let or hired out to be occupied, or  
19 which is occupied as the home or residence of three or more families  
20 living independently of each other and doing their own cooking in the  
21 said building; or a building in condominium ownership containing three or  
22 more dwelling units.

23 (j) APPROVED means approved by the administrator or other  
24 administrative body or official specifically given jurisdiction to grant  
25 such approval.

26 (k) AVERAGE CROSS SLOPE means the ratio of total change in elevation  
27

1 of a parcel of land to its total area, expressed as a percentage, and  
2 determined according to the following formula:

$$\text{Average Cross Slope} = \frac{IL}{A}$$

5 Where:

6 I = Contour line interval in feet;

7 L = Combined length of all contour lines measured on the parcel; and

8 A = Parcel area in square feet.

9 111.030. "B" DEFINITIONS. (a) BERM means a linear mound of soil.

10 (b) BOARDING HOUSE means a lodging house.

11 (c) BUILDING means any structure used or intended for supporting or  
12 sheltering any use or occupancy.

13 (d) BUILDING OFFICIAL means the duly appointed and acting  
14 Administrator of the Building and Safety Division of the Department of  
15 Community Development of the City of Salem, Oregon, or the building  
16 official's designee.

17 111.040. "C" DEFINITIONS. (a) CARPORT means a permanent structure  
18 which is not totally enclosed on two or more sides, and which is used or  
19 intended for the parking of motor vehicles.

20 (b) CITY or CITY OF SALEM means the City of Salem, an Oregon  
21 municipal corporation.

22 (c) CITY BUSINESS DAY means a day other than a Saturday, Sunday, or  
23 holiday, during which the City's administrative offices are open for the  
24 transaction of regular and routine business. A city business day begins  
25 at 8:00 a.m. and closes, unless otherwise directed by the council or city  
26 manager, at 5:00 p.m.

1 (d) CITY ENGINEER means the administrative head of the Engineering  
2 Division, Department of Public Works of the City of Salem.

3 (e) COMMISSION means the Salem Planning Commission, created by SRC  
4 Chapter 6.

5 (f) COMPLEX means a building or group of buildings, and their  
6 accessory buildings and structures, all under common ownership,  
7 condominium ownership, or common management, and housing an integrated  
8 development of industrial uses, commercial uses, public uses, residential  
9 uses, or combinations thereof.

10 (g) COMPLIANCE PERIOD means the period prescribed in this zoning  
11 code or by the decision on a land use action within which all conditions  
12 precedent must be met.

13 (h) COMPREHENSIVE PLAN means the officially adopted Salem Area  
14 Comprehensive Plan, including all components thereof adopted by reference  
15 or otherwise lawfully incorporated as parts thereof.

16 (i) CONDITIONAL USE means any use which is permitted in a particular  
17 zoning district only after review and approval as provided in SRC Chapter  
18 117 or 118, and includes where not excepted, "nonconforming" conditional  
19 uses and development requiring conditional use review pursuant to SRC  
20 Chapter 112. See SPECIFIC CONDITIONAL USE.

21 (j) CONDITIONAL ZONE CHANGE means a land use action under  
22 SRC 113.200 to 113.260.

23 (k) CONDITIONAL ZONE CHANGE DECLARATION means a decision imposing  
24 conditions precedent to the issuance of a conditional zone change order.  
25 See SRC 113.220.

26 (l) CONDITIONAL ZONE CHANGE ORDER means a decision entered upon  
27

1 satisfaction of all conditions precedent stated in a conditional zone  
2 change declaration, and finally accomplishing the zone change. See  
3 SRC 113.240.

4 (m) CONDITION PRECEDENT means any condition upon the use or  
5 development of property imposed by this zoning code or a decision on a  
6 land use action which must be met prior to an unqualified right vesting  
7 in the development, use, or continued use of a building, structure or  
8 premises. With respect to conditional zone changes it means any condition  
9 imposed in a conditional zone change declaration which must be met prior  
10 to issuance of a conditional zone change order.

11 (n) CORNER LOT means a lot having two or more adjacent front lot  
12 lines in which the interior angle formed by the extensions of the front  
13 lot lines in the direction whith they take at their intersections with  
14 the side lot lines forms an angle of 135 degrees or less. In the event a  
15 street front lot line is a curve at its point of intersection with a side  
16 lot line, the tangent to the curve at that point shall be considered the  
17 direction of the front lot line.

18 (o) COUNCIL means the Common Council of the City of Salem, Oregon.

19 (p) COURT APARTMENT is a dwelling unit which is one of three or more  
20 dwelling units contained in two or more buildings on the same lot, and  
21 which is designed, built, rented, leased, let, or hired out to be  
22 occupied, or which is occupied by a family which does not include an  
23 owner of the apartment; or which is a condominium unit in a complex  
24 containing three or more dwelling units in two or more buildings.

25 (q) CSDP (Central Salem Development Program) AREA means that area of  
26 the city within the following boundaries: Beginning at the SE corner of

1 12th Street SE and Mission Street SE in Section 27 Township 7 South  
2 Range 3 West in Marion County, Oregon; Thence Northerly along the East  
3 line of 12th Street SE to its intersection with the East Right-of-Way  
4 line of the Southern Pacific Railroad; Thence continuing Northerly along  
5 said East line of Railroad to the North side of "D" Street NE; Thence  
6 Westerly along the North side of "D" Street NE to the West Side of Fifth  
7 Street NE; Thence Southerly along the Southerly projection of the West  
8 line of Fifth Street NE to the North Bank of Mill Creek; Thence Westerly  
9 along the North Bank of Mill Creek 140 feet (more or less) to the  
10 Southerly Projection of the East line of a 16 foot Alley running through  
11 Block 5 of Boise's 2nd Addition to the City of Salem; Thence Northerly  
12 along the East line of Said Alley to the North Side of Market Street NE;  
13 Thence Westerly along the North line of Market Street NE to the East bank  
14 of the Willamette River; Thence Southerly along the East Bank of the  
15 Willamette River and Willamette Slough to the Westerly projection of the  
16 South line of Mission Street SE; Thence running Easterly along the South  
17 side of Mission Street SE to the Place of Beginning.

18 111.050. "D" DEFINITIONS. (a) DANGEROUS BUILDING CODE means  
19 SRC 56.200 to 56.390.

20 (b) DECISION on a land use action means the formal act by which an  
21 administrative body makes its final disposition of a land use action on  
22 its merits. See FINAL DECISION.

23 (c) DESIGNATED ARTERIAL OR COLLECTOR STREET means a street  
24 designated as an arterial or collector on the comprehensive plan or on a  
25 sector plan adopted under SRC Chapter 66.

26 (d) DEVELOP means:

27 (1) To construct or structurally alter a structure; or

1 (2) To make alterations or improvements to land for the purpose of  
2 enhancing its economic value or productivity.

3 See SRC 140.020 and 141.020 for special definitions of "develop" as  
4 used in those chapters.

5 (e) DEVELOPMENT means the act, process or result of developing.

6 (f) DEVELOPMENT STANDARD means any standard or condition imposed by  
7 this zoning code or a decision on a land use action which regulates or  
8 controls the physical development of property.

9 (g) DIRECTOR OF PUBLIC WORKS means the duly appointed and acting  
10 Director of the Department of Public Works of the City of Salem, or such  
11 director's designee.

12 (h) DORMITORY means a room occupied by more than two guests.

13 (i) DOWNHILL LOT. See "Lot, Downhill."

14 (j) DUPLEX means a dwelling containing two independent dwelling  
15 units.

16 (k) DWELLING means any building or portion thereof which is not an  
17 apartment house, court apartment, lodging house, or hotel as defined in  
18 this chapter, and which contains one or two dwelling units or guest  
19 rooms, used, intended, or designed to be built, used, rented, leased,  
20 let, or hired out to be occupied, or which are occupied for living  
21 purposes.

22 (l) DWELLING UNIT means a single unit providing complete,  
23 independent living facilities for one or more persons including permanent  
24 provisions for living, sleeping, eating, cooking, and sanitation.

25 111.060. "E" DEFINITIONS. (a) EMPLOYEES means all persons, including  
26 proprietors, performing work on a premises during the largest shift at  
27

1 peak season.

2 (b) EVIDENCE. See SRC 114.110(a).

3 (c) EX PARTE CONTACT. See SRC 14.130(a).

4 111.070. "F" DEFINITIONS. (a) FAMILY means an individual or two or  
5 more persons related by blood or marriage, or a group of not more than  
6 five persons (excluding servants) who need not be related by blood or  
7 marriage, living together in a dwelling unit.

8 (b) FENCE means an unroofed structure used as an enclosure, barrier,  
9 or restriction to light, sight, air, or passage.

10 (c) FINAL DECISION means a decision by the council, or a decision by  
11 any other administrative body after the applicable appeal and review  
12 periods have expired.

13 (d) FLOOR AREA means the area included within the surrounding  
14 exterior walls of a building or portion thereof, exclusive of vent shafts  
15 and courts. The floor area of a structure or portion thereof not provided  
16 with surrounding exterior walls shall be the usable area under the  
17 horizontal projection of the roof or floor above.

18 (e) FRONTAGE means that portion of a parcel of real property which  
19 abuts a public street, whether or not access to the property is accorded  
20 thereby, and whether or not a building or structure faces the street  
21 frontage. In context, coupled with the term "alley" "frontage" has the  
22 same meaning with respect to an abutting alley.

23 (f) FRONT LOT LINE. See "Lot Line, Front."

24 111.080. "G" DEFINITIONS. (a) GARAGE is a building or portion thereof  
25 in which a motor vehicle is stored, repaired, or kept; or which,  
26 irrespective of use, is designed and constructed for the storage, repair,

1 or keeping of a motor vehicle.

2 (b) GARAGE OPERATIONS means the parking or storage of motor vehicles  
3 for hire, other than exclusively the motor vehicles used by the occupants  
4 of a particular building; the repair or maintenance of motor vehicles for  
5 hire; the renovation or reconstruction of motor vehicles for sale or  
6 resale; or any combination thereof.

7 (c) GARAGE, PRIVATE means a garage designed for or restricted in use  
8 to motor vehicles used by the occupants of a particular building.

9 (d) GARAGE, PUBLIC means any garage other than a private garage.

10 (e) GRADE means the lowest point of elevation of the ground or paved  
11 surface excluding stairwells and area wells at the point's contact with a  
12 building's foundation, a property line, or a street, depending upon the  
13 context.

14 (f) GRADE, FINISHED means final grade upon completion of excavation,  
15 fill, and paving.

16 (g) GRADE, NATURAL means grade with the land in an undisturbed state.

17 (h) GUEST means any person hiring or occupying a room for living or  
18 sleeping purposes.

19 (i) GUEST HOUSE means an accessory building maintained for the  
20 purpose of providing temporary and gratuitous living accommodations, but  
21 dependent upon the main dwelling for cooking or bathroom facilities or  
22 both.

23 (j) GUEST ROOM means any room or rooms used or intended to be used  
24 by a guest for sleeping purposes.

25 111.090. "H" DEFINITIONS. (a) HABITABLE SPACE (ROOM) means space in a  
26 structure for living, sleeping, eating, or cooking. Bathrooms, toilet

27

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1 compartments, closets, halls, storage or utility space, and similar  
2 areas, are not considered habitable space.

3 (b) HEARINGS OFFICER means the person so designated by the council  
4 pursuant to SRC 2.315.

5 (c) HEIGHT OF BUILDING (other than hillside lot) means the vertical  
6 distance above a reference datum measured to the highest point of the  
7 coping of a flat roof or to the deck line of a mansard roof or to the  
8 average height of the highest gable of a pitched or hipped roof. The  
9 reference datum shall be selected by either of the following, whichever  
10 yields a greater height of building:

11 (1) The elevation of the highest adjoining sidewalk or ground  
12 surface within a 5-foot horizontal distance of the exterior wall of the  
13 building when such sidewalk or ground surface is not more than 10 feet  
14 above lowest grade.

15 (2) An elevation 10 feet higher than the lowest grade when the  
16 sidewalk or ground surface described in Item 1 above is more than 10 feet  
17 above lowest grade.

18 The height of a stepped or terraced building is the maximum height of  
19 any segment of the building.

20 (d) HEIGHT OF BUILDING (hillside lot only) means the highest of the  
21 following vertical distances:

22 (1) Front elevation, measured from finished grade at the front lot  
23 line to the highest structural element of the building within 30 feet of  
24 the front lot lines;

25 (2) Rear elevation, measured from natural grade at the furthest part  
26 of the building's foundation from the front lot line to the highest  
27

1 structural element of the building within 50 feet of the rear lot line; or

2 (3) Either side elevations, measured from natural grade at the  
3 furthest projections of the building's foundations toward side lot lines  
4 to the highest structural element of the building within 30 feet of the  
5 nearest side lot line to the foundation projections.

6 (d) HILLSIDE LOT means a lot having an average cross slope of 15  
7 percent or more, and zoned or developed for one or two family residential  
8 use.

9 (e) HOME OCCUPATION means any business or professional activity  
10 engaged in for the production of income by a resident of a dwelling or  
11 dwelling unit as a subordinate use of the building and its premises, and  
12 in conformance with the provisions of SRC Chapter 124. Such term does not  
13 include the lease or rental of a dwelling unit or the rental of guest  
14 rooms on the same premises.

15 (f) HOTEL means any building containing six or more guest rooms  
16 intended or designed to be used, or which are used, rented or hired out  
17 to be occupied or which are occupied for sleeping purposes by guests.

18 111.100. "I" DEFINITIONS. (a) INTERESTED PERSON with respect to a  
19 land use action means any person or organization, or the duly authorized  
20 representative of either, having a right of appeal pursuant to  
21 SRC 114.200(a).

22 (b) INTERIOR LOT. See "Lot, Interior."

23 111.110. (Reserved for "J" definitions)

24 111.120. (Reserved for "K" definitions)

25 111.130. "L" DEFINITIONS. (a) LAND USE ACTION means a zone change,  
26 conditional zone change, variance, adjustment, conditional use approval,

1 specific conditional use approval, planned unit development approval at  
2 any stage requiring commission or council action, or any other action  
3 requiring discretionary review by an administrative body, including  
4 appeals from any of the foregoing.

5 (b) LAND USE PROCEEDING means a proceeding on a zone change,  
6 variance, adjustment, conditional use, specific conditional use, or  
7 planned unit development application; a council or commission initiated  
8 zone change proceeding; a proceeding to designate zoning classifications  
9 for a newly annexed area; or any other proceeding which will result in a  
10 land use action unless dismissed.

11 (c) LANDSCAPED means primarily devoted to the planting and  
12 preservation of trees, shrubs, lawn and other organic ground cover,  
13 together with other natural or artificial supplements to that primary use  
14 such as watercourses, ponds, fountains, decorative lighting, benches,  
15 arbors, gazebos, bridges, rock or stone arrangements, pathways,  
16 sculpture, trellises, and screens.

17 (d) LOADING SPACE means an off-street space or bay on the same lot  
18 or parcel with a building or complex for the parking of a vehicle while  
19 loading or unloading passengers or cargo.

20 (e) LODGING HOUSE means any building or portion thereof containing  
21 not more than five guest rooms which are used by not more than five  
22 guests where rent is paid in money, goods, labor or otherwise.

23 (f) LOT. In addition to the meaning given in SRC 63.030, "lot" means  
24 any parcel or contiguous unit of lots or other parcels under common or  
25 condominium ownership, common life estate, or subject to a common  
26 leasehold for a term of at least 99 years.

1 (g) LOT AREA means the area in square feet or acres (43,560 square  
2 feet equals one acre) of a horizontal plane bounded by the vertical  
3 extensions of the lot lines.

4 (h) LOT COVERAGE means the percentage of lot area covered by  
5 structures other than fences or by other structures no point of which is  
6 more than three feet above grade.

7 (i) LOT DEPTH means the horizontal distance between the front and  
8 rear lot lines measured at a point halfway between the side lot lines.

9 (j) LOT, DOWNHILL means a hillside lot which slopes downhill from  
10 the front lot line.

11 (k) LOT, INTERIOR means any lot other than a corner lot.

12 (l) LOT LINE means one of the property lines forming the exterior  
13 boundaries of a lot; and includes a condominium unit ownership line where  
14 the underlying real property is included in a unit.

15 (m) LOT LINE, FRONT means:

16 (1) In the case of any lot having a front lot line designated  
17 pursuant to SRC 63.145(e), the line so designated;

18 (2) In the case of an interior lot having only one street frontage,  
19 the lot line separating the lot from the street right of way; and

20 (3) In the case of any lot not covered by paragraphs (1) or (2) of  
21 this subsection, the lot line which the architecturally designed front of  
22 the building faces.

23 (n) LOT LINE, INTERIOR means a lot line which is not adjacent to a  
24 street.

25 (o) LOT LINE, REAR means:

26 (1) In the case of any lot having a rear lot line designated or  
27

1 determinable under SRC 63.145(g), the lot line so designated or  
2 determined; and

3 (2) In the case of any other lot, the lot line opposite and most  
4 distant from the front lot line.

5 (p) LOT LINE, SIDE means any lot line which is not a front or rear  
6 lot line.

7 (q) LOT, UPHILL means a hillside lot which slopes uphill from the  
8 front lot line.

9 (r) LOT WIDTH means the horizontal distance between the side lot  
10 lines measured at right angles to the lot depth at a point halfway  
11 between the front and rear lot lines.

12 111.140 "M" DEFINITIONS. (a) MOBILE HOME means a vehicle or  
13 structure, transportable in one or more sections, which is eight feet or  
14 more in width, is 32 feet or more in length, is built on a permanent  
15 chassis to which running gear is or has been attached, and is designed to  
16 be used as a dwelling with or without permanent foundation when connected  
17 to the required utilities. Such definition does not include any  
18 recreational vehicle as defined by SRC 111.190.

19 (b) MOBILE HOME PARK means any place where four or more mobile homes  
20 are located within 500 feet of one another on a lot, tract, or parcel of  
21 land of not less than five acres under the same ownership, the primary  
22 purpose of which is to rent mobile homes or mobile home space or keep the  
23 same for rent to any person for a charge or fee paid or to be paid for  
24 the rental or use of facilities or to offer space free in connection with  
25 securing the trade or patronage of such person.

26 111.150. "N" DEFINITIONS. (a) NEIGHBORHOOD ORGANIZATION means a

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1 neighborhood organization which is officially recognized as provided in  
2 SRC 64.250 to 64.350.

3 (b) NONCONFORMING DEVELOPMENT means any development which met all  
4 applicable development standards imposed by applicable city or county  
5 zoning code provisions when it was established, and which has been  
6 maintained in compliance with such standards; but which does not comply  
7 with the development standards of this zoning code solely because of the  
8 adoption of or amendment to this code, or because annexation to the city  
9 resulted in the application of different development standards to the  
10 subject property.

11 (c) NONCONFORMING USE means a use which met all applicable use  
12 standards imposed by applicable city or county zoning code provisions  
13 when it was established; but which does not comply with the use standards  
14 of this zoning code solely because of the adoption of or amendment to  
15 this zoning code, or because annexation to the city resulted in the  
16 application of different use standards to the subject property.

17 (d) NOTIFICATION AREA means an area bounded by a line 250 feet from  
18 and parallel to the subject property. As used in this section "subject  
19 property" includes not only the area proposed to be rezoned or otherwise  
20 subject of the proceeding for which notice is required, but also includes  
21 any contiguous property in which any applicant or owner of the subject  
22 property has any of the following interests:

23 (1) Ownership, either sole, joint, or common;

24 (2) Life estate or estate for years;

25 (3) Remainder of a life estate or estate for years;

26 (4) A reversionary interest in a fee subject to conditions precedent

1 or subsequent or otherwise terminable;

2 (5) Vendor's or vendee's interest under a recorded or unrecorded  
3 land sale contract;

4 (6) Leasehold;

5 (7) An option to purchase, in whatever form.

6 (8) Any of the above interests held by a principal stockholder in a  
7 corporation holding any of the above interests in the subject property or  
8 contiguous property. As used herein, "principal stockholder" means any  
9 person owning more than five percent of the voting stock in the  
10 corporation.

11 111.160. "O" DEFINITIONS. (a) OFFICIAL ZONING MAP means the map  
12 adopted in SRC 113.020, together with all amendments and additions  
13 thereto and replacements thereof authorized under SRC 113.030 to 113.060.

14 (b) ORIGINAL JURISDICTION means the authority and responsibility for  
15 rendering the first decision in a land use proceeding.

16 (c) OWNER means any person having a legal or equitable interest in  
17 the property other than a leasehold or an interest less than a leasehold.

18 111.170. "P" DEFINITIONS. (a) PARKING means the temporary storage of  
19 a vehicle where the owner or person entitled to its use intends that its  
20 storage be for a time and in a place where it may be conveniently  
21 recovered ready for continued use as a means of transportation.

22 (b) PARKING AREA means a private garage, a public garage or portion  
23 thereof whose use is restricted to the parking of motor vehicles, or an  
24 area of land with or without a cover which is devoted to the parking of  
25 motor vehicles.

26 (c) PARKING SPACE means a designated space in a parking area for the

1 parking of one motor vehicle.

2 (d) PARKS DIRECTOR means the duly appointed and acting Director of  
3 the Parks and Recreation Department of the City of Salem, Oregon, or such  
4 Director's designee.

5 (e) PERMANENT CONDITION means a condition imposed by this zoning code  
6 or the decision on a land use action, continued compliance with which is  
7 a condition upon the right to continue or maintain a particular use or  
8 development.

9 (c) PERMIT means any formal permission to do an act or to engage in  
10 activity where such permission is required by this zoning code, but does  
11 not include land use actions.

12 (d) PUBLIC UTILITIES means water, gas, sanitary sewer, storm sewer,  
13 electricity, telephone and wire communication service, and CATV (cable  
14 television) service lines, mains, pumping stations, reservoirs, poles,  
15 underground transmission facilities, substations, and related physical  
16 facilities which do not include buildings regularly occupied by  
17 employees, parking areas, or vehicle, equipment or material storage areas.

18 111.180. (Reserved for "Q" definitions)

19 111.190. "R" DEFINITIONS. (a) REAR LOT LINE. See "Lot Line, Rear."

20 (b) RECREATIONAL VEHICLE means a "camper," "motor home," "travel  
21 trailer," or "snowmobile" as defined in ORS 481.021 and 481.048,  
22 including trailers for snowmobiles, and also includes self-propelled  
23 vehicles which are designed for off-road use and kept primarily for  
24 private recreational purposes, including their trailers.

25 (c) RECYCLING DEPOT means a building or portion of a building not  
26 more than 1,000 square feet in floor area used for the collection,



1 sorting, and temporary storage of waste and discarded materials which may  
2 be reprocessed elsewhere into usable raw materials. Such term does not  
3 include a structure maintained solely to provide shelter for no more than  
4 three types of recyclable material (such as paper, tin cans, and bottles)  
5 deposited by members of the public and collected at regular intervals for  
6 further transfer or processing elsewhere.

7 111.200. "S" DEFINITIONS. (a) SIDE LOT LINE. See "Lot Line, Side."

8 (b) SOLID WASTE TRANSFER STATION means a fixed or mobile facility  
9 normally used as an adjunct of a solid waste collection system or  
10 resource recovery system between a collection route and a disposal site,  
11 including but not limited to a large hopper, railroad gondola, or barge.  
12 See ORS Chapter 459, and OAR 340-61-065.

13 (c) SPECIAL USE means a use which is permitted in a particular  
14 zoning district conditioned upon compliance with either the applicable  
15 standards of SRC Chapter 119, or any conditions imposed under conditional  
16 use approval. See SRC 119.010.

17 (d) SPECIFIC CONDITIONAL USE means any use which is permitted in a  
18 particular zoning district only after review and approval by the  
19 commission as provided in SRC Chapter 118.

20 (e) STANDARD INDUSTRIAL CLASSIFICATION MANUAL (SIC) means the  
21 document so entitled, adopted by SRC 113.090.

22 (f) STRUCTURAL ALTERATION means any alteration, addition, or removal  
23 of any structural member of a building, other than a minor alteration. As  
24 used in this subsection:

25 (1) "Minor alteration" means the alteration, replacement, or repair  
26 of a structural member so as not to alter structural integrity or the

1 manner in which structural integrity was achieved before the alteration,  
2 replacement, or repair;

3 (2) "Structural integrity" means the capacity of the building and  
4 its component parts, other than non-bearing walls, fixtures, electrical  
5 systems, plumbing systems, mechanical systems, openings, and ornamental  
6 appendages, to withstand the forces, stresses, and loads which are  
7 contemplated in the Uniform Building Code for the type of construction  
8 involved; and

9 (3) "Structural member" means any component part of a building which  
10 contributes to structural integrity.

11 (g) STRUCTURE means that which is built or constructed, an edifice  
12 or building of any kind, or any piece of work artificially built up or  
13 composed of parts joined together in some definite manner; any of which  
14 is an addition to or fixture on real property. Such term does not include  
15 paving, or mobile homes.

16 (h) SUBJECT PROPERTY means the real property subject of any land use  
17 proceeding.

18 111.210. "T" DEFINITIONS. (a) TURNAROUND AREA means a paved area of a  
19 sufficient size and configuration that a motor vehicle having a  
20 curb-to-curb turning radius of 30 feet or less may maneuver around to  
21 head in the opposite direction without having to move in reverse more  
22 than once.

23 (b) TWO-FAMILY DWELLING. See Duplex.

24 111.220. "U" DEFINITIONS. (a) UNIFORM BUILDING CODE (UBC) means the  
25 code of building design and construction standards adopted pursuant to  
26 SRC 56.010.

1 (b) UPHILL LOT. See "Lot, Uphill."

2 (c) USE (noun) means an activity or beneficial purpose for which a  
3 building, structure, or land is designed, developed, or occupied.

4 (d) USE STANDARD means any standard or condition imposed by this  
5 zoning code or a decision in a land use action which regulates,  
6 restricts, prohibits, or allows the conduct of a use; but such term does  
7 not include a development standard.

8 (e) UTILITY. See "Public Utility."

9 111.230. "V" DEFINITIONS. (a) VISION CLEARANCE AREA means a  
10 triangular area having one angle formed by the lot lines abutting two  
11 intersecting streets or an alley and a street or alley, or a street or  
12 alley and a driveway, any two of which intersect, and having the other  
13 two angles defined by a line drawn between two points on the legs of that  
14 angle at the distances specified in this zoning code.

15 111.240. (Reserved for "W" definitions)

16 111.250. (Reserved for "X" definitions)

17 111.260. (Reserved for "Y" definitions)

18 111.270. "Z" DEFINITIONS. (a) ZERO SIDE YARD DWELLING UNIT means a  
19 dwelling unit located in a building constructed contiguous to an interior  
20 side lot line as provided in SRC 119.550.

21 (b) ZONE CHANGE means a reclassification of property which was  
22 either differently zoned, unzoned, or classified as to zone under a  
23 county zoning ordinance, from that prior zoned or unzoned status to a  
24 zone specified in SRC 113.010. The term includes, unless specifically  
25 excluded in a particular context, conditional zone changes.

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1 CHAPTER 112

2 NONCONFORMING USE AND DEVELOPMENT

3 112.020. EFFECT ON OTHER REGULATIONS. The provisions of this chapter  
4 relate exclusively to the use and development conditions and regulations  
5 imposed directly and not by reference or implication in this zoning code.  
6 Nothing in this chapter shall be deemed a waiver, relaxation or  
7 abrogation of any provision of any other applicable law, ordinance, or  
8 regulation controlling the use or development of buildings, structures or  
9 land.

10 112.030. TERMINATION OF NONCONFORMING STATUS. (a) The nonconforming  
11 use of a building, structure, or land shall be deemed to have terminated  
12 if the building, structure, or land ceases to be occupied for that use,  
13 or one approved as required by SRC 112.040(b), for any reason for a  
14 continuous period of one year.

15 (b) A condition of nonconformance with any development standard or  
16 condition other than use shall be deemed terminated if the building,  
17 structure, or land subject of the nonconformity ceases for any reason to  
18 be occupied for a continuous period of one year by any use which was  
19 lawful when the building, structure or land was occupied.

20 (c) Any nonconforming use or development dependent upon a building  
21 or structure which is substantially damaged or becomes deteriorated to  
22 the extent that it has been declared a "dangerous building" and ordered  
23 demolished pursuant to the Salem Dangerous Building Code (SRC 56.200 to  
24 56.390), shall be deemed terminated upon such destruction or declaration  
25 and order.

26 (d) Any nonconforming use or development dependent upon a building  
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1 or structure which is substantially damaged or destroyed by any cause to  
2 the extent that the cost of repair or restoration of the building or  
3 structure would exceed 60 percent of its replacement cost using new  
4 materials and conforming to current building codes shall be deemed  
5 terminated upon the date of such damage or destruction. Cost of repair or  
6 restoration, and replacement cost, shall be determined by the building  
7 official. Such determination is appealable as provided in SRC 4.040.

8 (e) No nonconforming use or development which has terminated as  
9 provided in this section shall thereafter be re-established.

10 112.040. NONCONFORMING USES, GENERALLY. Except as provided in SRC  
11 112.050, any nonconforming use may be continued as a lawful use unless  
12 and until terminated as provided in SRC 112.030, subject to the following  
13 restrictions as to expansion, alteration, and change of use:

14 (a) A nonconforming use of a portion of a building may be extended  
15 into other portions of that building with conditional use approval, as  
16 provided in subsection (d) of this section.

17 (b) A building or structure occupied for a nonconforming use may be  
18 structurally altered or enlarged for the benefit of such use as provided  
19 in subsection (c) of this section, provided that the alteration or  
20 enlargement itself is otherwise lawful under the development standards of  
21 this zoning code and the provisions of all other applicable laws,  
22 ordinances, and regulations.

23 (c) The nonconforming conditional uses specified in this section are  
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1 conditional in all zones. However, unlike conditional uses  
2 generally, they are not deemed permitted uses. All such nonconforming  
3 conditional use applications and proceedings shall be subject to the  
4 criteria set forth in SRC 114.160. In addition, the applicant shall have  
5 the burden of showing that the proposal is both consistent with the  
6 nature and purpose of the existing nonconforming use, and that it will  
7 not substantially alter the character of the immediate neighborhood.

8 112.050. NONCONFORMING RESIDENTIAL USES IN COMMERCIAL ZONES.

9 Notwithstanding the provisions of SRC 112.040, any nonconforming  
10 residential use in any commercial zone may be continued unless and until  
11 terminated. Such uses may be expanded and their buildings structurally  
12 altered provided such expansion or structural alteration complies with  
13 all applicable development standards in this zoning code, and with all  
14 applicable provisions of other laws, ordinances and regulations. Changes  
15 of use from a nonconforming residential use to a nonconforming  
16 non-residential use shall be allowed as provided in SRC 112.040(b) and  
17 (d). Changes of use from a nonconforming residential use to another  
18 nonconforming residential use may be made without review provided that  
19 all applicable development standards of this zoning code are met, and  
20 that the new use complies with all other applicable laws, ordinances, and  
21 regulations.

22 112.060. NONCONFORMING DEVELOPMENT. Except as provided in SRC 112.040  
23 and 112.050 (for enlargement or structural alterations in connection with  
24 nonconforming uses), buildings, structures, and land which do not conform  
25 to all applicable development standards in this zoning code may be  
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1 structurally altered or enlarged provided such new development conforms  
2 in all respects, including use, to all applicable provisions of this  
3 zoning code and other laws, ordinances and regulations.

4 112.070. COMPLIANCE WITH FORMER REGULATIONS. Except as provided under  
5 SRC 112.040 to 112.060 for expansion, change, or alteration of  
6 nonconforming uses and development, every use and premises which is  
7 nonconforming shall maintain compliance with all applicable regulations,  
8 including conditions on land use actions, by which it was governed at the  
9 time it became nonconforming.

10 112.080. REPAIRS AND MAINTENANCE. Except as otherwise provided in  
11 this chapter, nonconforming development, and premises occupied by  
12 nonconforming uses may be repaired and maintained without restriction.

CHAPTER 113

LAND USE ZONES

113.010. ESTABLISHMENT OF ZONING DISTRICTS. (a) For the purposes expressed in SRC 110.020, the City is hereby divided into certain distinctive land use categories which may be applied to geographic areas of the city and recorded on an official zoning map. The zoning district names, their respective zone map designations (symbols), and the chapters in which their respective special regulations are set forth are as follows:

ZONING DISTRICT NAME	DESIGNATION	CHAPTER
FLOOD PLAIN OVERLAY		
Floodway	FW	140
Floodway Fringe	FF	140
WILLAMETTE GREENWAY		
OVERLAY	WG	141
RESIDENTIAL AGRICULTURE	RA	145
SINGLE FAMILY RESIDENTIAL	RS	146
DUPLEX RESIDENTIAL	RD	147
MULTIPLE FAMILY RESIDENTIAL	RM	148
HIGH RISE MULTIPLE FAMILY		
RESIDENTIAL	RH	149
COMMERCIAL OFFICE	CO	150
NEIGHBORHOOD COMMERCIAL	CN	151
RETAIL COMMERCIAL	CR	152
GENERAL COMMERCIAL	CG	153
CENTRAL BUSINESS	CB	154



1	INDUSTRIAL COMMERCIAL	IC	155
2	CAMPUS INDUSTRIAL PARK	IPC	156
3	INDUSTRIAL PARK	IP	157
4	GENERAL INDUSTRIAL	IG	158
5	INTENSIVE INDUSTRIAL	II	159
6	PUBLIC USE		
7	Public Amusement and		
8	Recreation	PA	160
9	Public and Private		
10	Cemeteries	PC	160
11	Public and Private		
12	Educational Facilities	PE	160
13	Public and Private		
14	Hospitals	PH	160
15	Public Service	PS	160
16	Capitol Mall Area	PM	160

17 (b) Whenever the terms "R" districts, "C" districts, "I" districts,  
18 or "P" districts are used in this Code, they shall be deemed to refer to  
19 all districts containing that letter as the first letter designation in  
20 their names. For example, the term "R districts" shall include all  
21 residential districts, including RA, RS, RD, RM, and RH. R districts are  
22 also referred to as "residential," C districts as "commercial," I  
23 districts as "industrial," and P districts as "public" or "public use."

24 (c) The above ordering of districts does not rank them as to their  
25 desirability or need to be included within the city. All districts are  
26 hereby deemed to be appropriate as offering a range of available use

1 classifications which may be applied in individual cases to promote the  
2 health, safety, and general welfare of the city and its people and to  
3 implement the objectives set forth in the comprehensive plan.

4 (d) Certain of the above listed districts are intended to overlay or  
5 combine with others. They are listed by a title followed by the word  
6 "overlay." They are designed to be combined with nonoverlay districts to  
7 satisfy certain natural conditions or stated community objectives and  
8 needs.

9 113.020. ADOPTION AND FORM OF OFFICIAL ZONING MAP. (a) An official  
10 zoning map entitled, "Zoning Map of the City of Salem (date)" is hereby  
11 adopted and made a part of this zoning code. The location and boundaries  
12 of all zoning districts, overlay-combining districts and all other  
13 information required by this chapter shall be noted on such zoning map.  
14 The official zoning map shall be filed with the administrator or subject  
15 to his control if electronically stored as provided in subsection (c) of  
16 this section. The administrator shall, when necessary, certify to the  
17 accuracy of copies of the official map or portions thereof.

18 (b) The zoning map may consist of several sheets or pages, each of  
19 which shall bear a distinctive identifying number assigned by the  
20 administrator.

21 (c) Notwithstanding the provisions of subsection (b) of this  
22 section, the council may, by resolution, order digital electronic  
23 programming and storage of the official zoning map in a data processing  
24 (computer) system. In such event, a copy of the information so programmed  
25 and retrieved in the form of a map or maps shall be compared by the  
26 administrator with the prior official zoning map. If the map thus  
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1 retrieved from electronic data to be accurate, the administrator shall  
2 certify that the official zoning map has been accurately programmed for  
3 permanent electronic storage, and thereafter the data thus stored shall  
4 be the only official zoning map.

5 (d) The administrator shall adopt rules governing access to and  
6 storage of the official zoning map (if electronically stored) to insure  
7 against accidental or unauthorized modification or loss of the data.

8 113.030. AMENDMENTS TO OFFICIAL MAP. (a) Except as provided in  
9 subsection (b) of this section, when particular property is rezoned, a  
10 copy of the action effecting the change shall be filed with the  
11 administrator who shall note on the official zoning map a clear  
12 indication that an amendment affecting the particular property has been  
13 made, and shall keep on file a copy of the action accomplishing such  
14 amendment so indexed that by reference to the location of the property,  
15 the action may be readily retrieved.

16 (b) If the official map is kept in electronic data processing,  
17 amendments shall be programmed as provided in SRC 113.020(c) together  
18 with adequate reference to the date of the amendment and the specific  
19 action resulting in such change as to a particular property so that by  
20 reference to the information thus programmed, the action may be readily  
21 retrieved from the file kept by the administrator. The administrator  
22 shall certify that a retrieved copy of such amended portion of the map is  
23 accurate, and the data as thus amended shall thereafter be the official  
24 zoning map.

25 113.040. ADDITION OF ANNEXED AREAS TO OFFICIAL MAP. (a) When property  
26 is annexed to the City of Salem, and such annexation becomes final and

1 effective, the administrator shall add to the official zoning map the  
2 area annexed, together with such zoning as has been adopted by ordinance  
3 of the common council. The area added to the official map shall be  
4 annotated to the effect that it is an addition citing the action annexing  
5 the property to the city and the actions establishing the zones.

6 (b) The added map or sheet shall be certified and filed in the same  
7 manner as set forth in SRC 113.030.

8 113.050. REPLACEMENT OF PAGES OF OFFICIAL MAP. The administrator may,  
9 from time to time, cause a comprehensive update of electronic data  
10 comprising the official map, or replacement pages for the official zoning  
11 map to be prepared engrossing without specific reference all lawful  
12 changes in zoning to a certain date. Such replacement data or pages shall  
13 be carefully compared with the official zoning map by the administrator  
14 who shall, if satisfied that they are correct, certify the same. Each  
15 replacement page or update of electronic data shall bear the date of its  
16 preparation. Any pages thereby replaced, and a copy prepared from the  
17 electronic data before being updated shall be retained in a separate file  
18 by the administrator. The file may be either physical retention of the  
19 pages replaced, microfilm, or other photographic reduction, or electronic  
20 data processing.

21 113.060. REPLACEMENT OF ENTIRE MAP. (a) In the event the official  
22 zoning map becomes damaged, destroyed, or lost, or when it is necessary  
23 or desirable for some other reason, the council, upon recommendation of  
24 the commission, may adopt all or part of a replacement zoning map by  
25 ordinance, and such map shall supersede the prior official zoning map.  
26 Reference in this zoning code to the official zoning map "as of the date  
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1 of its adoption" shall mean the most recent such replacement map as of  
2 the date of its adoption.

3 (b) The replacement zoning map shall be certified and filed in the  
4 same manner as set forth in SRC 113.020.

5 (c) The superseded zoning map, or any portion thereof which has not  
6 been damaged, destroyed or lost, shall be retained in a separate file by  
7 the administrator as provided in SRC 113.050.

8 113.070. STATUS OF OFFICIAL MAP; EFFECT OF COPIES. (a) Regardless of  
9 the existence of purported copies of the official zoning map which may  
10 from time to time be made or published, there shall be only one official  
11 zoning map, which shall be the map kept on file by the administrator or  
12 electronically programmed and stored as provided in SRC 113.020 to  
13 113.060. The official zoning map shall be the final authority as to the  
14 zoning status of all land and water area, buildings and other structures  
15 within the city as of the date of its first adoption. As to amendments to  
16 the map, it shall be deemed prima facie evidence of the zoning status of  
17 the area shown by the amendment; but in the event of a conflict between  
18 the map and the action effecting the amendment, the action shall control.

19 (b) Uncertified copies of the map are furnished for informational  
20 purposes only, and no representation as to their accuracy is made or  
21 implied. Persons wishing to verify the zoning status of a particular  
22 property may request a certified copy of the official zoning map showing  
23 the zoning status as of a particular date, which the administrator shall  
24 furnish, charging any fee otherwise prescribed for certified copies of  
25 the public records of the city.

26 (c) Certified copies of the official map or portions thereof shall  
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1 note thereon the date as of which the zoning status is represented by the  
2 copy. Such copies shall be deemed primary evidence of the official zoning  
3 map, having like effect as the original from which the copy was made.

4 113.080. RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES. Where  
5 uncertainty exists as to the boundaries of districts as shown on the  
6 official zoning map, the following rules shall apply:

7 (a) Boundaries indicated as approximately following the centerlines  
8 of streets, highways, or alleys shall be construed to follow such  
9 centerlines;

10 (b) Boundaries indicated as approximately following platted lot  
11 lines shall be construed as following such lot lines;

12 (c) Boundaries indicated as approximately following city limits  
13 shall be construed as following city limits;

14 (d) Boundaries indicated as following railroad lines shall be  
15 construed to be midway between the main tracks;

16 (e) Boundaries indicated as approximately following the centerlines  
17 of streams, rivers, canals, lakes, or other bodies of water shall be  
18 construed to follow such centerlines;

19 (f) Boundaries indicated as parallel to or extensions of features  
20 indicated in subsections (a) through (e) above shall be so construed.  
21 Distances not specifically indicated on the official zoning map shall be  
22 determined with reference to the scale of the map;

23 (g) In all cases where a zoning or rezoning action was made with  
24 reference to a specific property description, that description shall  
25 establish the district boundary; and where two or more property  
26 descriptions would apparently establish conflicting boundaries, the most  
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1 recent action shall control;

2 (h) Where physical or cultural features existing on the ground are  
3 at variance with those shown on the official zoning map, or in other  
4 circumstances not covered by subsections (a) through (f) of this section,  
5 the administrator shall interpret the district boundaries, and, if need  
6 be, may refer the matter to the commission for its interpretation as  
7 provided in SRC 110.050.

8 113.090. CLASSIFICATION AND INTERPRETATION OF USES. (a) Within each  
9 zoning district, uses are classified procedurally as "permitted,"  
10 "conditional," and "special." Further, uses are functionally classified  
11 by description of the particular activity (such as "single family  
12 residence"), or by generic category with reference to the "Standard  
13 Industrial Classification Manual." Uses functionally classified with  
14 reference to the Standard Industrial Classification Manual (SIC) are  
15 described with the SIC title for the particular subdivision thereof,  
16 followed by the index number assigned in the manual for such subdivision.  
17 Uses described without reference to SIC are described with ordinary words  
18 of common usage which, where it is necessary that their definitions be  
19 clarified or restricted for purposes of this zoning code, are defined in  
20 SRC Chapter 111. Where a use is not described with reference to SIC or  
21 otherwise defined in SRC Chapter 111, the words of this zoning code  
22 describing such use are to be given their ordinarily accepted meaning  
23 except where the context in which they are used otherwise clearly  
24 requires. In many cases, uses are listed under convenient categories,  
25 often the divisions of the SIC, which appear in capital letters or  
26 boldface type. Such catchlines of subsections do not indicate nor shall

1 they be construed as meaning that they themselves independently designate  
2 permitted, special, or conditional uses. They are provided for ease of  
3 reference only, and only those more specific uses listed thereunder shall  
4 be deemed part of this zoning code.

5 (b) SIC classifications are based upon the primary activity of the  
6 uses which fall thereunder. The primary activity is determined by the  
7 principal product or group of products produced or distributed or  
8 services rendered. Ancillary or subordinate activities, conducted in  
9 furtherance of the primary activity, shall not be considered in  
10 determining the SIC classification for purposes of this zoning code, even  
11 though such secondary and dependent activities may be separately  
12 classifiable under the SIC were they not secondary to and dependent on  
13 the principal use. A more detailed guideline for determining "principal  
14 activity" is found in the Introduction to the SIC, and may be considered  
15 by the Administrative body in rendering an interpretation as to a  
16 particular use; however, those guidelines are advisory only, and the  
17 administrative body may find other factors equally or more persuasive in  
18 rendering interpretations as to classification of particular uses.

19 (c) That certain document entitled "Standard Industrial  
20 Classification Manual, 1972," published by the Executive Office of the  
21 President, Office of Management and Budget (U.S. Government Printing  
22 Office Stock No. 041-001-00066-6), together with the 1977 supplement  
23 thereto, is, by this reference, adopted as part of this zoning code for  
24 the purpose of identifying those uses described in this zoning code with  
25 reference to such manual. References in this zoning code to the "Standard  
26 Industrial Classification Manual" or "SIC" mean the document adopted by



1 this subsection. One copy of the SIC shall be kept on file by the city  
2 recorder, and at least one copy shall be kept on file by the  
3 administrator.

4 (d) Uses which the administrator determines cannot be readily  
5 classified with reference to SIC or a particular description in this  
6 zoning code shall be referred to the commission for a formal  
7 interpretation as provided in SRC 110.050 as the need arises. Where such  
8 a use is so similar in character and intensity to another use described  
9 in this zoning code that it is clear that the same intent in classifying  
10 and conditioning the already-described use is equally applicable to the  
11 use in question, the commission may determine that the use in question  
12 shall be deemed equivalent to such similar use, and in all respects  
13 governed by the same provisions of this zoning code applicable to such  
14 similar use.

15 113.100. ZONE CHANGES, INTENT AND PURPOSE. (a) It is recognized that  
16 because of normal and anticipated growth of the city, changing  
17 development patterns and concepts, governmental policy decisions  
18 affecting land use, community needs, and other factors whose specific  
19 future application at any given time cannot be precisely anticipated and  
20 implemented legislatively, the zoning pattern on the official zoning map  
21 cannot remain static. The council deems it generally inappropriate to  
22 make site-specific legislative decisions as to the zoning of undeveloped  
23 and underdeveloped property in anticipation of future needs. For those  
24 reasons, it is necessary that procedures be established whereby zoning  
25 designations of particular properties may be reviewed and, if  
26 appropriate, changed.

1 (b) Notwithstanding the foregoing, no zone change to RD shall ever  
2 be made.

3 113.110. ZONE CHANGES, HOW MADE. A zone change may be made only in  
4 one of the following ways:

5 (a) By order of the hearings officer incorporated in a decision  
6 rendered pursuant to SRC 113.140 or SRC 113.200 to 113.260;

7 (b) By order of the commission incorporated in a resolution adopted  
8 pursuant to SRC 113.130;

9 (c) By resolution of the council pursuant to SRC 114.200 or 114.210;

10 (d) By ordinance of the council pursuant to SRC 113.120, 113.130,  
11 113.150, or 113.200 to 113.260; or

12 (e) By operation of law upon the happening of certain conditions as  
13 provided in SRC 113.160.

14 113.120. COUNCIL-INITIATED ZONE CHANGES. (a) A zone change may be  
15 initiated by the council only when the change proposed is for some  
16 governmental, educational, religious, or philanthropic purpose.

17 (b) Zone change proceedings initiated by the council shall be  
18 initiated by resolution, and the resolution shall be referred to the  
19 commission. The administrator shall thereupon fix a date for hearing by  
20 the commission and give notice of such hearing as provided in SRC Chapter  
21 114.

22 (c) After the hearing, the commission shall make a timely  
23 recommendation or report to the council.

24 (d) Following public hearing as provided in SRC chapter 114, the  
25 council shall either dismiss the proceeding as provided in SRC 114.180,  
26 or, by ordinance, deny or effect the zone change or enter a conditional  
27

1 zone change declaration pursuant to SRC 113.200 to 113.260.

2 113.130. COMMISSION-INITIATED ZONE CHANGES. (a) A zone change may be  
3 initiated by resolution by the commission only when the proposed change  
4 is in the public interest and would be of general benefit.

5 (b) When the proceedings are initiated by the commission, the  
6 administrator shall fix a date for hearing before the commission and give  
7 notice of such hearing as provided in SRC Chapter 114.

8 (c) After the hearing, the commission may dismiss the proceeding as  
9 provided in SRC 114.180, or, by resolution, deny or effect the zone  
10 change or enter a conditional zone change declaration pursuant to SRC  
11 113.200 to 113.260.

12 (d) Notwithstanding the nature of the zone change, whether it is  
13 legislative or quasi-judicial, any final decision granting or denying a  
14 zone change or conditional zone change declaration under this section is  
15 appealable to the council as provided in SRC 114.200 and subject to  
16 review by council as provided in SRC 114.210.

17 113.140. APPLICATION-INITIATED ZONE CHANGES. Any person entitled to  
18 submit an application as provided in SRC 110.230 may file a zone change  
19 application. Upon acceptance of the application as provided in SRC  
20 110.240, the administrator shall schedule the matter for public hearing  
21 before the hearings officer. Following a hearing as provided in SRC  
22 Chapter 114, the hearings officer shall, by written order, either dismiss  
23 the proceeding as provided in SRC 114.180, grant or deny a zone change,  
24 or enter a conditional zone change declaration pursuant to SRC 113.200 to  
25 113.260.

26 113.150. ZONING OF AREAS PROPOSED FOR ANNEXATION. (a) As used in this

1 section, an annexation proceeding is deemed initiated when either a  
2 consent petition for annexation is filed with the council, or the council  
3 adopts an annexation proposal on its own initiative. A consent petition  
4 is a written consent to annexation pursuant to ORS 222.170.

5 (b) Upon the initiation of an annexation proceeding by consent  
6 petition, a copy of the petition shall be forwarded to the commission  
7 together with an application for zoning classification completed by the  
8 petitioners. The application shall state the zoning classification of the  
9 subject property at the time of the annexation, and shall state that the  
10 petitioners either request a particular zoning classification upon  
11 annexation or that they waive the privilege of requesting a particular  
12 zoning classification. No fee shall be charged for such zoning  
13 application.

14 (c) Upon initiating an annexation other than one based upon a  
15 consent petition, the council shall advise the commission of the  
16 initiation.

17 (d) Upon information as provided in subsections (b) or (c) of this  
18 section, the commission shall, with or without hearing at its pleasure,  
19 recommend to the council an appropriate zoning classification plan for  
20 the subject property of the area proposed to be annexed. The  
21 recommendation may be that the zone which most closely corresponds to  
22 that of the subject property be designated upon annexation, or that any  
23 other zone be designated. If the petitioners of a consent petition  
24 request a particular zone, the commission may recommend a conditional  
25 zone change to that zone.

26 (e) The council shall, in its notice of public hearing on the  
27

1 annexation, also give notice that the hearing will also have as its  
2 subject the zoning of the subject property. The notice shall specify the  
3 zone classification, if any, requested by the petitioners and the zoning  
4 classification recommended by the commission. Any ordinance annexing  
5 territory to the city shall also prescribe the zoning classification for  
6 the subject property, and no such ordinance shall become effective until  
7 any appeal or judicial review of the zoning designation for the subject  
8 property has sustained that designation, or until the period for appeal  
9 or judicial review has passed with no further proceedings filed.

10 (f) Notwithstanding any other provision of this code, proceedings  
11 before the commission to consider recommendation of appropriate zoning  
12 shall not be deemed quasi-judicial land use actions. Consideration of  
13 zoning by the council is quasi-judicial unless the annexation proposal  
14 was initiated by the council, and the area proposed to be annexed  
15 contains five or more properties held in separate ownership.

16 113.160. NEWLY SUBDIVIDED AREAS IN AN RA DISTRICT. Any land which is  
17 within an RA District and which is subject of a subdivision plat approved  
18 and recorded with the county clerk as provided in the Salem Subdivision  
19 Code, shall be classified automatically as an RS District on the date of  
20 such recording.

21 113.170. SCOPE OF ACTION IN ZONE CHANGE PROCEEDINGS. In any zone  
22 change proceeding, including appeal or review by council of a hearings  
23 officer's decision, the administrative body may:

24 (a) Deny any zone change;

25 (b) Grant the zone change as initiated, without conditions;

1 (c) Grant a zone change to any zone which is both between RA and II  
2 in the listing of zones in subsection (a) of SRC 113.010, and which is  
3 also, according to that listing, between the zones from which and to  
4 which the zone change was initiated;

5 (d) Enter a conditional zone change order as provided in SRC 113.200  
6 to 113.250, specifying the zone for which the change was initiated or any  
7 other zone as provided in subsection (c) of this section; or

8 (e) Dismiss the proceeding as provided in SRC 114.180.

9 113.200. CONDITIONAL ZONE CHANGES, INTENT AND PURPOSE. (a) It is the  
10 intent and purpose of SRC 113.200 to 113.260 to provide a means whereby a  
11 zone change may be granted with special conditions attached.

12 (b) The delegation of authority to the hearings officer as provided  
13 in SRC 113.200 to 113.260 is found to be necessary and in the public  
14 interest.

15 113.210. COUNCIL AND COMMISSION AUTHORITY TO GRANT CONDITIONAL ZONE  
16 CHANGE. (a) The council shall have the authority to issue conditional  
17 zone change declarations and orders as provided in SRC 113.200 to 113.250  
18 in any zone change proceeding pending before it, regardless of how  
19 initiated. In the event the council's action must be taken by ordinance  
20 pursuant to SRC 113.110, the conditional zone change declaration only  
21 shall be made by ordinance; all other conditional zone change  
22 declarations and orders shall be made by resolution.

23 (b) The commission shall have the authority to make conditional zone  
24 change orders with respect to commission-initiated zone changes.

25 (c) As used in SRC 113.200 to 113.250, the term "hearings officer"  
26 includes the council as to proceedings before the council, and the

1 commission as to commission-initiated zone changes.

2 113.220. CONDITIONAL ZONE CHANGE DECLARATION; SCOPE. (a) If, after  
3 consideration of the entire record, the hearings officer determines that  
4 a zone change would have been granted as to all or any portion of the  
5 subject property but for circumstances as set forth in SRC 113.200(a);  
6 and that a zone change would be granted as to all or any portion of the  
7 subject property if certain conditions within the scope of subsection (b)  
8 of this section were met as to use or development of such property; the  
9 decision may adopt a conditional zone change declaration conforming to  
10 this section. The hearings officer's decision shall include findings of  
11 fact and conclusions upon which the declaration is based.

12 (b) The conditional zone change declaration may impose conditions as  
13 to any of the following matters which the hearings officer deems  
14 necessary:

- 15 (1) Uses permitted;
- 16 (2) Size, height, and location of buildings and accessory structures;
- 17 (3) Landscaping when necessary to provide screening from  
18 incompatible adjacent uses or from public right-of-way;
- 19 (4) Protection and preservation of existing trees, vegetation, water  
20 resources, wildlife habitat and other significant natural resources;
- 21 (5) Size, location, screening, drainage, and surfacing of driveways,  
22 parking and loading areas, and street access;
- 23 (6) Size, height, location, and illumination of signs;
- 24 (7) Size, height, location, and materials for the construction of  
25 fences to screen the subject property from incompatible adjacent uses or  
26 from public right-of-way;

- 1 (8) Location and intensity of outdoor lighting;
- 2 (9) Hours of operation or conduct of particular activities;
- 3 (10) Abatement, mitigation, or prevention of nuisances.
- 4 (11) Availability and improvement of urban services, including street
- 5 improvements, traffic signs and signals, sewer, storm drainage, water,
- 6 and mass transportation; provided, however, that no condition imposed
- 7 under this paragraph shall obligate the applicant to construct or fund,
- 8 in whole or in part, public improvements in public right-of-way or
- 9 easements not on or abutting the subject property. Conditions under this
- 10 paragraph may, however, require that all or part of the development or
- 11 use be deferred until the happening of certain events such as the
- 12 availability to the subject property of a certain level of urban service.

13 (c) Such conditions shall be stated with at least the same

14 specificity and narrowness as would be required of a regulatory ordinance

15 enacted in the exercise of the city's police power; shall be reasonably

16 related to the public health, safety, and welfare; and shall be designed

17 to reasonably effectuate their intended purpose. Each condition shall

18 specify whether it be a permanent condition or a condition precedent.

19 (d) The hearings officer shall not impose any permanent condition

20 which would have the effect of limiting use of the subject property to

21 one particular owner, tenant, or business. Such permanent conditions may

22 limit the subject property as to use, but shall not be so restrictive

23 that they may not reasonably be complied with by other occupants who

24 might devote the property to the same or a substantially similar use.

25 (e) The hearings officer's decision may expressly authorize a

26 variance from the applicable development requirements of this zoning



1 code, regardless of whether an application was filed for such variance,  
2 provided each of the following conditions is met:

3 (1) The granting of the variance meets the criteria set forth in SRC  
4 <sup>115.020</sup>~~114.100~~, except that the applicant shall bear no burden of proof as to  
5 such criteria;

6 (2) The variance is required to accomplish a condition imposed as a  
7 part of the conditional zone change; and

8 (3) The need for the variance was identified during the public  
9 hearing on the zone change.

10 113.230. COMPLIANCE WITH AND EFFECT OF DECLARATION. (a) Compliance  
11 with all conditions precedent imposed in the conditional zone change  
12 declaration within the time provided in subsection (b) of this section  
13 shall vest in the applicant a right to the entry of a conditional zone  
14 change order as provided in SRC 113.240.

15 (b) The proceedings upon the application shall be continued for the  
16 period specified in the declaration, which shall be no longer than two  
17 years from the date of the final decision, except as may be provided by  
18 the hearings officer upon a showing of good cause as to why the  
19 conditions precedent cannot be fully met within such two-year period. If  
20 no other period is specified in the declaration, the proceedings shall be  
21 continued for two years from the date of the final decision.

22 (c) Unless a certification of compliance is filed as provided in SRC  
23 113.240(a) and within the compliance period provided in this section or  
24 under an extension granted under SRC 110.310, the conditional zone change  
25 declaration shall expire by limitation and become null and void.

26 113.240. CONDITIONAL ZONE CHANGE ORDER; ISSUANCE AND REVIEW. (a) Upon

1 written certification to the administrator by the applicant that all  
2 conditions precedent to a conditional zone change order for all or any  
3 approved phase of compliance under the declaration have been complied  
4 with, the administrator shall, within 15 city business days, investigate  
5 the extent of such compliance. AT or before the end of such 15 days the  
6 administrator shall forward the applicant's certification to the hearings  
7 officer, together with a report of the investigation.

8 (b) If the administrator's report clearly indicates that a purely  
9 ministerial review leaves no doubt that all conditions precedent have  
10 been substantially complied with, the hearings officer may, without  
11 further hearing, enter a final decision as to all or any approved phase  
12 of compliance under the declaration, which decision shall incorporate a  
13 conditional zone change order as provided in subsection (d) of this  
14 section.

15 (c) Except as provided in subsection (b) of this section, the  
16 hearings officer shall hold a supplemental public hearing to determine  
17 whether the applicant has satisfactorily met all conditions precedent.  
18 The scope of such hearing shall be limited to the question of whether or  
19 not the conditions precedent have been met and, if not, whether there  
20 should be an extended compliance period granted as provided in SRC  
21 110.310, or whether because of changed conditions since the declaration  
22 or of circumstances not fully apparent from the record of the public  
23 hearing on the zone change, any condition precedent is unreasonable or  
24 unnecessary and should be waived. No new conditions shall be imposed;  
25 however the hearings officer may exercise discretion in determining  
26 whether the intent of the conditions precedent has, in fact, been met.

1 Substantial compliance acceptable to the hearings officer shall be  
2 sufficient to justify a conditional zone change order. Notice of such  
3 public hearing shall be given in accordance with SRC Chapter 114 to all  
4 persons who were entitled to a copy of the conditional zone change  
5 declaration. The notice shall state the alternatives available to the  
6 hearings officer under this section.

7 (d) Upon a determination, as provided in subsections (b) or (c) of  
8 this section, that all conditions precedent respecting all or any  
9 approved phase of compliance under the declaration have been  
10 satisfactorily complied with, the hearings officer shall issue a  
11 conditional zone change order. Such order shall incorporate all permanent  
12 conditions specified in the conditional zone change declaration.

13 (e) The conditional zone change order shall be filed with the city  
14 recorder within 15 days of the date of the administrator's report, if  
15 issued pursuant to subsection (b) of this section, or otherwise within 15  
16 days of the close of the supplemental hearing provided for in subsection  
17 (c) of this section.

18 (f) The conditional zone change order shall be subject to appeal or  
19 review as provided in SRC 114.210 and 114.220; provided, however, that  
20 the scope of review shall be limited to those matters within the scope of  
21 the supplemental hearing as provided in subsection (c) of this section.

22 113.250. DENIAL OF CONDITIONAL ZONE CHANGE ORDER. (a) The hearings  
23 officer shall not deny a conditional zone change order after the  
24 applicant's certification of compliance except after public hearing and  
25 then only upon one or more of the grounds specified in this section.

26 (b) The hearings officer shall deny a conditional zone change order  
27  
28

1 only upon a finding that all conditions precedent have not been  
2 satisfactorily complied with, but shall permit an additional period to  
3 comply if it appears that the applicant has made a good faith effort to  
4 substantially comply with the conditions, or has made an honest mistake  
5 in interpreting or applying such conditions. Any reasonable doubt as to  
6 the reasons why there has not been satisfactory compliance shall be  
7 resolved in favor of granting the applicant an additional reasonable  
8 period of time in which to comply. If any time remains in the compliance  
9 period, the applicant may undertake to comply with the conditions  
10 precedent and submit a certificate of compliance as provided in SRC  
11 113.240(a), as though the previous determination of noncompliance had not  
12 been made.

13 (c) The filing of a certificate of compliance and proceedings  
14 thereafter shall not operate to stay or extend the compliance period  
15 established pursuant to SRC 113.230, provided that any established use  
16 dependent on the declaration may be continued without expansion or  
17 further development until final decision granting or denying the  
18 conditional zone change order.

19 (d) An order denying a conditional zone change order shall be filed  
20 with the city recorder within 15 days of the close of the supplemental  
21 public hearing, and shall be subject to appeal or review as provided in  
22 SRC 113.210 or 113.220; provided, however, that the scope of review shall  
23 be limited to those matters within the scope of review pursuant to SRC  
24 113.240(f).

25 113.260. RECORDATION AND EFFECT OF CONDITIONAL ZONE CHANGE ORDER.

26 (a) Upon the filing of a conditional zone change order with the council,

1 the administrator shall place the same on permanent file as a public  
2 record and shall make appropriate reference annotation on the official  
3 zoning map to the fact that the zone change was conditional if there are  
4 any permanent conditions.

5 (b) The permanent conditions imposed in the order shall be construed  
6 and enforced, in all respects, as provisions of this zoning code  
7 regulating the use and development of the subject property. Variances  
8 from such conditions, including full or partial release therefrom, may be  
9 applied for and granted as provided for variances, generally, in SRC  
10 Chapter 115.

1 CHAPTER 114

2 PROCEEDINGS ON LAND USE ACTIONS

3 114.010. SCOPE OF CHAPTER; CATEGORIES OF PROCEEDINGS. (a) This  
4 chapter shall apply to all proceedings on proposed land use actions where  
5 a public hearing is required under the provisions of this zoning code;  
6 and to public hearings before the commission and council on amendments to  
7 the text only of this zoning code, to the extent expressly provided in  
8 this chapter.

9 (b) Proceedings are classified under this chapter with regard to  
10 their procedural requirements as "legislative" and "quasi-judicial." All  
11 proceedings are "quasi-judicial" except for the following specific  
12 matters, which are legislative:

13 (1) Amendment to the text only of this zoning code;

14 (2) Commission consideration of recommendation as to appropriate  
15 zoning of newly annexed areas;

16 (3) Council or commission-initiated zone changes involving five or  
17 more properties held in separate ownership where the same public purpose  
18 for initiating the proceeding is common to all subject properties;

19 (4) Council or commission-initiated zone changes which were  
20 initiated for the purpose of complying with the order, directive, or  
21 recommendation of a court or of any state administrative agency  
22 responsible for administering state land use laws and regulations. "State  
23 administrative agency" includes, but is not limited to the Land Use Board  
24 of Appeals, the Land Conservation and Development Commission, and the  
25 Department of Land Conservation and Development.

26 (5) Council action on zoning of an area proposed to be annexed where  
27

1 the council initiated the annexation proposal other than through the  
2 consent procedure of ORS 222.170, and the area proposed to be annexed  
3 contains five or more properties held in separate ownership.

4 114.020. HEARINGS REQUIRED; JURISDICTION. (a) Hearings are required  
5 for the following land use actions, as well as for amendments to the text  
6 only of this zoning code:

7 (1) Any zone change other than a recommendation by the commission as  
8 to appropriate zoning for a newly annexed area pursuant to SRC 113.150;

9 (2) Any conditional use or specific conditional use;

10 (3) Any variance,

11 (4) Any planned unit development where required under SRC Chapter  
12 121;

13 (5) Any appeal to or review by the hearings officer of an  
14 administrative adjustment;

15 (6) Any appeal to or review by council from the decision of the  
16 administrator, hearings officer or commission where such appeal is  
17 provided for in this zoning code;

18 (7) Hearings officer review of compliance under a conditional zone  
19 change declaration, where required;

20 (8) Any other action where a public hearing is required by any  
21 provision of this zoning code.

22 (b) Jurisdiction over proceedings on land use actions shall be as  
23 follows:

24 (1) Council-initiated zone changes shall be first heard by the  
25 commission and then heard and decided by council;

1 (2) Commission-initiated zone changes and specific conditional uses  
2 under SRC Chapter 118 shall be heard and decided by the commission  
3 subject to appeal to or review by the council;

4 (3) Application-initiated zone changes, conditional uses except  
5 specific conditional uses under SRC Chapter 118, variances, appeal or  
6 review of administrative adjustments, and compliance review under a  
7 conditional zone change declaration shall be heard and decided by the  
8 hearings officer, subject to appeal to or review by council.

9 (4) Jurisdiction over planned unit development applications shall be  
10 as provided in SRC Chapter 121;

11 (5) Appeals to or review of actions of the administrator, hearings  
12 officer or commission shall be heard and decided by council where such  
13 appeal is provided for, except as provided for appeal from or review of  
14 decisions of the administrator granting or denying adjustments;

15 (6) Jurisdiction over any other action requiring a public hearing  
16 shall be as elsewhere provided in this zoning code, subject always to  
17 appeal to or review by council of a decision following public hearing by  
18 the hearings officer or commission, and appeal to or review by council of  
19 administrative actions where provided in this zoning code.

20 114.050. NOTICE, GENERALLY. (a) Where mailed, delivered, or published  
21 notice of public hearing is required by this chapter, such notice shall:

22 (1) Set forth the time, date and place of hearing and the  
23 administrative body conducting the hearing;

24 (2) Clearly and concisely summarize the nature of the action subject  
25 of the hearing, including any variances applied for;

26 (3) Describe the subject property, if any, of the proceeding such  
27



1 that it may be readily identified by persons reading the notice. A legal  
2 description of the property may be included, but shall not be used  
3 exclusively unless the subject property is undeveloped and has not been  
4 assigned a street address;

5 (4) If the notice is given by mail, include a general location map  
6 to aid in identifying the subject property with relation to nearby major  
7 streets or other landmarks; and a more particular site map showing the  
8 dimensions of the subject property and adjacent zoning classification; and

9 (5) Set forth the fact that further information may be obtained from  
10 the administrator, and identify the officer to whom written comments on  
11 the proposed action may be directed for the record.

12 (b) The city recorder shall cause notice to be given as provided in  
13 SRC 114.050 to 114.080 for all hearings before council. The administrator  
14 shall cause all other required notices to be given.

15 114.060. NOTICE BY MAIL OR PERSONAL DELIVERY. Notice by first class  
16 mail or personal delivery shall be given not less than ten days prior to  
17 the hearing to:

18 (a) The applicant, all persons owning property within the  
19 notification area, and all affected neighborhood organizations for every  
20 quasi-judicial hearing and for every legislative zone change proceeding;

21 (b) Every neighborhood organization and to the Boards of  
22 Commissioners of Marion and Polk Counties for all legislative hearings;

23 (c) The Capitol Planning Commission for every zone code text  
24 amendment relating to the P districts;

25 (d) The Parks and Recreation Division of the Oregon Department of  
26 Transportation for every zone code text amendment relating to the

1 Willamette Greenway Overlay Zones and for all proposed modifications of  
2 the boundaries of such zones;

3 (e) To the State Department of Geology and Mineral Resources for any  
4 zone code text amendment relating to mining, quarry operations, or  
5 mineral aggregate extraction; and

6 (f) To the Federal Insurance Administration, U.S. Department of  
7 Housing and Urban Development for all zone code text changes relating to  
8 the Flood Plain Overlay Zones and for all proposed modifications of the  
9 boundaries of such zones.

10 114.070. NOTICE BY POSTING. Notice by posting shall be given for all  
11 required hearings on land use actions as follows:

12 (a) Notices shall be posted not less than 10 days nor more than 14  
13 days prior to the date of the public hearing.

14 (b) The notices which are to be posted shall be headed "Public  
15 hearing affecting this area;" which heading shall be in letters at least  
16 one inch in height.

17 (c) Except as provided in subsection (e) of this section, notice of  
18 public hearing on any land use action shall be given by posting on each  
19 street frontage of the subject property a sign approximately two feet by  
20 three feet in size. If no street abuts the subject property, the notice  
21 shall be placed in such a manner as near as possible to the subject  
22 property in such a manner as may be readily seen by the public. For  
23 application-initiated proceedings, including appeal from or review of  
24 administrative adjustments, it shall be the responsibility of the  
25 applicant to provide a sign frame and to place the notice. The  
26 administrator shall provide the notice to be attached to the frame. At

1 least five days prior to the hearing, the applicant shall file with the  
2 official responsible for notice under SRC 114.050(b) an affidavit that  
3 such posting has occurred.

4 (d) Posted notices, including frames, shall be removed from the  
5 subject property by the applicant, if responsible under this section, or  
6 otherwise by the official responsible for notice within seven days of the  
7 close of the hearing.

8 (e) Notice of public hearing for legislative zone changes shall be  
9 given by posting in accordance with subsection (c) of this section,  
10 except that each individual property need not be posted so long as there  
11 is such a notice posted on each property or group of properties which is  
12 not contiguous with other properties so posted.

13 114.080. NOTICE BY PUBLICATION. (a) Notice of public hearing before  
14 the council or commission on zone code text amendments and zone changes  
15 being considered concurrently with comprehensive plan amendments, shall  
16 be given by publishing such notice in a local newspaper of general  
17 circulation in the City of Salem at least once a week for two successive  
18 weeks prior to the hearing. Published notice shall also be given in any  
19 particular case where the council directs. The council may, in a  
20 particular case, prescribe the size, location, design, and additional  
21 contents of the notice.

22 114.090. COMPLIANCE AND WAIVER OF NOTICE. (a) Notice by mail shall be  
23 deemed given when the notice is deposited with the U.S. Postal Service,  
24 first class postage fully prepaid, for mailing to the addressee at his,  
25 her, or its last known mailing address. Failure of the addressee to  
26 receive notice shall not invalidate the proceeding.

1 (b) Posted notice is deemed given when the sign is first posted.  
2 Subsequent removal of or damage to the sign by anyone other than the  
3 applicant or an officer of the city shall not invalidate the proceeding.

4 (c) The requirement for notice shall be deemed satisfied as to any  
5 person who, in any manner, obtains actual knowledge of the time, place  
6 and subject matter of the hearing prior thereto.

7 (d) Appearance and testimony or comment on the merits of the  
8 proposed action by any person at a hearing, or submission by any person  
9 of written comments directed to the merits of the proposed action at or  
10 prior to the hearing and after the proceeding was initiated shall be  
11 deemed a waiver by such person of any defect in notice.

12 114.100. RULES OF PROCEDURE. The council, commission, and hearings  
13 officer shall adopt rules of procedure consistent with this chapter for  
14 the conduct of their respective hearings; provided, however, that the  
15 rules of procedure adopted by the hearings officer and commission shall  
16 be filed with the city recorder and are subject to review by council at  
17 its discretion. Unless repealed or modified by council, such rules and  
18 the provisions of this chapter shall govern the conduct of all  
19 proceedings under this zoning code. All such rules shall, at a minimum,  
20 afford all persons who desire to be heard a reasonable opportunity to do  
21 so, subject to reasonable restrictions as to length, relevancy and  
22 repetition of testimony, and to the maintenance of order and decorum of  
23 the proceedings.

24 114.110. EVIDENCE AND WITNESSES. (a) In a proceeding under this  
25 chapter, "evidence" means any thing offered for the record by way of  
26 written or unwritten communication, or offered for the record as a

1 representation or illustration of a fact or idea. The administrative body  
2 before whom the hearing is held shall be the sole and exclusive judge as  
3 to what evidence may be received by it, provided that:

4 (1) Rules of evidence applicable to proceedings in law or equity  
5 shall not bind the administrative body;

6 (2) The administrative body shall be guided by the precept that any  
7 evidence of a kind commonly relied on by reasonably prudent persons in  
8 the conduct of their serious affairs should be received unless clearly  
9 irrelevant, immaterial or unduly repetitious;

10 (3) Any person may express any relevant opinion or conclusion. All  
11 opinions and conclusions shall be given whatever weight the  
12 administrative body deems appropriate.

13 (b) Witnesses shall not be sworn, provided that evidence of a  
14 factual nature in the form of a sworn affidavit may be given greater  
15 weight than unsworn contradictory evidence.

16 (c) No decision shall be deemed invalid on the basis that any  
17 evidence was excluded except where such exclusion amounts to a denial of  
18 due process of law to the substantial prejudice of the rights of the  
19 person offering it.

20 114.120. OFFICIAL NOTICE AND PERSONAL INVESTIGATION. (a)

21 Administrative bodies may, at any time, take notice of judicially  
22 cognizable facts. Rules 201 (b) through 201 (f) and Rule 202 of the  
23 Oregon Rules of Evidence (1981) shall apply to administrative bodies.

24 (b) Administrative bodies may take official notice of general facts  
25 or facts peculiar to the pending proceeding within the personal knowledge  
26 of any member of the body; provided that in a quasi-judicial proceeding

1 such facts shall be disclosed on the record before the close of the  
2 hearing, or they may not be used by the administrative body in rendering  
3 a decision. Except as to judicially cognizable facts, any person  
4 present at the hearing shall be accorded an opportunity during the  
5 hearing to rebut such facts.

6 (c) Any member of the administrative body may, at any time prior to  
7 entry of a decision on a proposed land use action, view the subject  
8 property alone or with any other person, subject to the provisions of SRC  
9 114.130.

10 (d) Any member of the administrative body may, at any time prior to  
11 entry of a decision, seek the advice of the city attorney, or of any  
12 other city employee through the administrator, as to matters of opinion  
13 or policy; as to factual matters prior to the hearing provided any such  
14 factual information obtained is officially noticed as required in  
15 subsection (a) of this section; or as to clarifications of factual  
16 matters appearing on the record after the hearing is closed provided no  
17 new factual information is considered.

18 (e) The administrative body may, at any time, take official notice  
19 of the provisions of:

- 20 (1) The Charter of the City of Salem;
- 21 (2) The Salem Revised Code and other city ordinance;
- 22 (3) Prior ordinances and charter provisions of the city;
- 23 (4) Recorded public actions of the council;
- 24 (5) Formal interpretations of the provisions of this zoning code  
25 made pursuant to SRC 110.050;
- 26 (6) Prior recorded land use actions of any administrative body as to

1 policies, interpretations or precedents expressed or implied therein;

2 (7) Written administrative policies and regulations of the city;

3 (8) Written opinions of the city attorney;

4 (9) The comprehensive plan and its predecessors; and

5 (10) The legislative history behind any provision of the Salem

6 Revised Code or comprehensive plan.

7 (f) Any document mentioned in subsection (e) of this section, any  
8 portion of which was officially noticed, shall, by virtue of such notice,  
9 be automatically incorporated in its entirety into the record of a  
10 quasi-judicial proceeding. Any reference to such provisions by the  
11 administrative body in the record or in its decision shall constitute  
12 official notice.

13 114.130. EX PARTE CONTACTS. (a) As used in this section, "ex parte  
14 contact" means any communication concerning the merits of a proposed  
15 quasi-judicial land use action made to a member of an administrative body  
16 before whom the action is pending or before whom it may likely come in  
17 the future, which communication is initiated by or on behalf of any  
18 person interested in or advocating a position as to the outcome of the  
19 proceeding. Such communication may be of factual information or argument,  
20 or by way of direct or indirect attempt to influence a decision. This  
21 section does not apply to contacts with the administrator or staff  
22 concerning adjustments.

23 (b) No person shall initiate any ex parte contact with any member of  
24 an administrative body before whom a quasi-judicial land use proceeding  
25 is pending, knowing such contact is prohibited.

26 (c) In the event there is any ex parte contact with a member of the  
27

1 administrative body, such member shall place on the record a statement of  
2 the substance of such ex parte contact, and shall not participate further  
3 in the proceeding unless he or she declares on the record that he or she  
4 remains impartial with respect to the merits of the proposed action, and  
5 will consider with an open mind any evidence and argument presented to  
6 rebut any matters subject of the ex parte contact. The presiding officer  
7 at the hearing shall notify all persons present of their right to rebut  
8 any matters subject of the ex parte contact. Any factual information  
9 discussed during the ex parte contact shall not be considered in reaching  
10 a decision unless independently brought forth on the record by way of  
11 evidence or by official notice by some member of the administrative body  
12 other than the one with whom the ex parte contact was made.

13 (d) Communications permitted in SRC 114.120(d), subject to the  
14 restrictions and limitations therein, shall not be deemed ex parte  
15 contacts.

16 114.140. RECORD OF PROCEEDINGS. In every quasi-judicial land use  
17 action, the administrative body shall cause to be made a record which  
18 shall contain:

19 (a) The Charter of the City of Salem, the Salem Revised Code, and  
20 the comprehensive plan, all of which shall be automatically incorporated  
21 into the record by virtue of this subsection;

22 (b) The application, resolution or other action which initiated the  
23 proceeding;

24 (c) Any motions, petitions or written objections of a procedural  
25 nature received prior to the hearing, and any rulings thereon or  
26 responses thereto;



1 (d) All written communications, including staff reports and  
2 opinions, received prior to or at the hearing;

3 (e) All exhibits received at the hearing, and those exhibits offered  
4 but not received if the proponent of the evidence so requests;

5 (f) Any objections to the evidence or the proceedings made at the  
6 hearing and any rulings thereon; provided that if such objections and  
7 rulings are made orally and recorded as provided in subsection (g) or (h)  
8 of this section they need not be separately preserved in the record;

9 (g) A verbatim recording of the hearing, which may be stenographic  
10 or electronic, unless such recording is, by accident, not made or  
11 preserved;

12 (h) Minutes of the hearing, taken independently of the recording  
13 mentioned in subsection (g) of this section;

14 (i) Minutes of any public meeting after the close of the hearing at  
15 which the proceeding is discussed or acted upon by the administrative  
16 body;

17 (j) Any written motions or objections of a procedural nature  
18 received after the hearing and any rulings thereon;

19 (k) Any written staff reports or opinions received after the hearing;

20 (l) Any proposed form of order, resolution or ordinance to decide  
21 the case submitted by any person, and any exceptions thereto by any other  
22 person;

23 (m) The administrative body's final decision;

24 (n) Any notice of appeal or action initiating review of another  
25 administrative body's action, and the record of the proceedings if any  
26 before that administrative body; and

27

28 ORD BILL - page 100

1 (o) Any written request for reconsideration submitted after the  
2 administrative body's final decision.

3 114.150. TRANSCRIPT OF HEARING. The electronic or stenographic  
4 recording mentioned in SRC 116.140(g) shall be preserved but not  
5 transcribed unless requested by the administrative body before which the  
6 proceeding is pending, by the administrator, by any person who has  
7 perfected an appeal to council as provided in SRC 114.200, or as may be  
8 required for review proceedings before any court or state administrative  
9 agency having jurisdiction. If a transcript is requested by a person  
10 prosecuting an appeal pursuant to SRC 114.200, that person shall pay the  
11 fees and deposit prescribed in by resolution of the council pursuant to  
12 SRC 110.220.

13 114.160. CRITERIA AND BURDEN OF PROOF. (a) The applicant for any  
14 quasi-judicial land use action under this zoning code, other than  
15 conditional uses under SRC Chapters 117 and 118, but including  
16 "nonconforming" conditional uses under SRC 112.040, shall have the burden  
17 of proving justification for the proposal. The greater the impact of the  
18 proposal in an area, the greater is the burden on the proponent.

19 (b) The proposal must be supported by proof that it conforms to all  
20 applicable criteria imposed in this zoning code; that it conforms to all  
21 standards imposed by applicable goals and policies of the comprehensive  
22 plan in light of its intent statements, including adopted neighborhood  
23 plans and other detailed plans made a part thereof; and that it conforms  
24 with all applicable land use standards imposed by state law or  
25 administrative regulation. The burden rests ultimately on the proponent  
26 to bring forward testimony or other evidence sufficient to prove

1 compliance with these standards. At a minimum, the proponent's case  
2 should identify and evaluate the proposal in the context of all  
3 applicable standards.

4 (c) In addition to the proof under (a) and (b) above, the following  
5 factors should be evaluated by the proponent and shall, where relevant,  
6 be addressed by the administrative body in its final decision:

7 (1) The existence of a mistake in the compilation of any map, or in  
8 the application of a particular land use designation to any property in  
9 this zoning code or the comprehensive plan;

10 (2) A change in the social, economic, or demographic patterns of the  
11 neighborhood or of the community;

12 (3) A change of conditions in the character of the neighborhood in  
13 which the use or development is proposed;

14 (4) The effect of the proposal on the neighborhood, the physical  
15 characteristics of the subject property, and public facilities and  
16 services;

17 (5) All other factors relating to the public health, safety, and  
18 general welfare which the administrative body deems relevant.

19 (d) The extent of the consideration given to the various factors set  
20 forth in subsection (c) of this section will depend on the nature and  
21 circumstances of each individual case. Unless any of the factors is  
22 deemed irrelevant, something more than an unsupported conclusion will be  
23 required, but the degree of detail in the treatment of relevant factors  
24 will depend on the degree of proposed change or deviation, and the scale  
25 and intensity of the proposed use or development. The requisite degree of  
26 consideration is directly related to the provision of subsection (a) of

1 this section that the greater the impact of a proposal in an area, the  
2 greater is the burden on the proponent.

3 (e) The provisions of this section do not apply to legislative  
4 proceedings.

5 114.170. FORM OF DECISION. (a) All hearings officer decisions shall  
6 be in writing, containing findings of fact and conclusions drawn  
7 therefrom.

8 (b) All commission decisions on commission-initiated zone changes  
9 and specific conditional uses shall be in the form of a resolution  
10 containing findings of fact and conclusions drawn therefrom. All  
11 commission recommendations in quasi-judicial zone change proceedings  
12 shall contain proposed findings and conclusions.

13 (c) All council decisions on land use actions, except as otherwise  
14 provided in SRC 113.110, shall be by resolution. All council  
15 quasi-judicial decisions, including those required to be by ordinance,  
16 shall contain findings of fact and conclusions drawn therefrom, which may  
17 be adoptions by reference from or affirmance of findings and conclusions  
18 entered by the hearings officer or commission, or recommended by the  
19 commission or the administrator.

20 (d) As used in this section, "findings of fact" need not be in any  
21 particular form or format, but must contain a clear statement of those  
22 facts which the administrative body found to be relevant and true, and  
23 the reasons why they justify the action taken. The findings must be so  
24 complete that if, taken as true, they would lead a reasonable person to  
25 conclude that the criteria specified in this zoning code for the action  
26 taken are logically satisfied.

1 (e) The administrative body may require the applicant or the  
2 appellant, whichever is the prevailing party, to assist in the  
3 preparation of findings of fact to justify the decision.

4 114.180. DISMISSALS; VOLUNTARY AND INVOLUNTARY. (a) At any stage of a  
5 proceeding prior to entry of a final decision, the applicant may request  
6 that the proceeding be dismissed, and the administrative body before whom  
7 the proceeding is then pending shall dismiss the proceeding forthwith. A  
8 request for dismissal shall be made either in writing or orally on the  
9 record of a hearing. A dismissal under this subsection operates  
10 automatically to dismiss both the proceeding and the application; but is  
11 not of itself a bar to the filing of a new application, nor shall it be  
12 deemed a final decision for any purpose other than to terminate the  
13 proceeding. A new application upon payment of a new fee may be filed  
14 unless the filing has become barred by any limiting period provided in  
15 this zoning code. A dismissal under this subsection is not appealable,  
16 need not be supported by findings, and shall be granted the applicant as  
17 a matter of right.

18 (b) Administrative bodies, including the council, shall in every  
19 stage of the proceeding disregard any error or defect which does not  
20 affect the substantial rights of an interested person. All motions,  
21 objections, applications, notices, and other matters of form shall be  
22 considered from the standpoint of doing substantial justice.

23 114.190 ENTRY AND MAILING OF DECISIONS. (a) The decisions of the  
24 commission and hearings officer shall be filed with the administrator and  
25 entered into the record of the proceedings. The administrator shall cause  
26 the date of its receipt in the Planning Division to be recorded on each  
27

1 decision. Such decision shall not be deemed entered until so received and  
2 recorded.

3 (b) Upon entry of a decision, the administrator shall cause a full  
4 copy of the decision to be mailed to the applicant, and to everyone who  
5 appeared either personally at the hearing or in writing before the close  
6 of the hearing. The copies of the decision so mailed shall bear the  
7 record date of the decision as provided in subsection (a) of this section.

8 114.200. APPEAL TO COUNCIL. (a) Any of the following may appeal a  
9 final decision on a quasi-judicial land use matter to the council, except  
10 where prohibited by any other provision of this zoning code:

11 (1) The applicant;

12 (2) Any person or organization entitled under SRC 114.060 to notice  
13 of the hearing on which the decision was based; or

14 (3) Any person who testified at such hearing or who submitted  
15 written comments at or before such hearing.

16 (b) A written notice of appeal shall be filed with the administrator  
17 within 15 city business days after the record date of the as provided in  
18 SRC 114.190, and shall contain:

19 (1) A reference to the action appealed from by its assigned number  
20 and the title or caption of the decision;

21 (2) The name and mailing address of the appellant and a statement as  
22 to the appellant's standing to appeal under subsection (a) of this  
23 section; and

24 (3) Whether the appellant requests a review on the record or a de  
25 novo hearing. If a review on the record is requested, the appellant shall  
26 succinctly state the issue or issues prompting the appeal to inform  
27

1 council in deciding whether to honor such request.

2 (c) Unless the council on its own motion or at the appellant's  
3 request determines to hear the appeal on the record only, the appeal  
4 shall proceed to a de novo hearing, provided that the record of the  
5 proceeding appealed from shall also be part of the record before the  
6 council on review. Any person, whether the appeal be heard de novo or on  
7 the record, may request that a transcript of the hearing in the  
8 proceeding appealed from be made and presented to council. A request by  
9 the appellant for appeal on the record shall, if granted, be deemed  
10 automatically a request for such a transcript. Persons other than the  
11 administrator or the council requesting a transcript of the hearing below  
12 in an appeal to council shall pay the fees and deposit prescribed by  
13 council resolution pursuant to SRC 110.220.

14 (d) Where the appeal is to be heard de novo, the provisions of SRC  
15 114.100 to 114.170 shall be fully applicable to the council's hearing,  
16 and the matter shall proceed as though the decision appealed from was a  
17 recommendation to council only. The decision appealed from shall be  
18 considered advisory and shall not operate to relieve or shift any burden  
19 of proof applicable in the proceeding from which appeal is taken.

20 (e) Where the appeal is to be heard on the record, the appellant  
21 shall submit, not later than ten days prior to the date set for council  
22 hearing, a written statement setting forth in detail the basis for and  
23 issues raised in the appeal. The statement shall specifically refer to  
24 those portions of this zoning code, the comprehensive plan, state law or  
25 administrative regulation, and the record from below which support the  
26 appellant's position.

1 (f) The council may, in its decision on the appeal, amend, rescind,  
2 or affirm the action appealed from, or may remand the matter for further  
3 proceedings. Whether the appeal be heard on the record or with a de novo  
4 hearing, the council shall not be bound by any finding, conclusion or  
5 other ruling of the administrative body below.

6 (g) The council shall render a decision on the appeal within 60 days  
7 of the close of the hearing unless the applicant consents to an extension  
8 for a specific additional period.

9 114.210. REVIEW BY COUNCIL. (a) Whether or not an appeal is filed  
10 pursuant to SRC 114.200, the council may by majority vote initiate review  
11 of a commission or hearings officer final decision; and the commission  
12 may initiate council review of a hearings officer final decision by  
13 resolution filed with the city recorder.

14 (b) Review under subsection (a) of this section shall be initiated  
15 prior to the adjournment of the second regular council meeting following  
16 the date of the final decision to be reviewed.

17 (c) Review shall proceed as provided for appeals in subsections (c)  
18 to (g) of SRC 114.200.

19 114.220. EFFECT OF APPEAL OR REVIEW. The filing of a notice of appeal  
20 or initiation of review as provided in SRC 114.200 and 114.210 shall stay  
21 and suspend the decision appealed from until entry of a final decision by  
22 council, and no right or benefit accorded by virtue of the decision  
23 appealed from shall accrue or be exercised except as provided in the  
24 council's final decision.

25 114.230. EFFECT OF JUDICIAL OR ADMINISTRATIVE REVIEW. Except as  
26 provided by law or by lawful order of a court or administrative tribunal



1 having jurisdiction, a final decision by the council shall remain valid  
2 and effective notwithstanding the initiation by any person of judicial or  
3 state administrative review of such decision; provided, however, that any  
4 building permit dependent upon such decision for its validity shall be  
5 issued only with the applicant's written acknowledgement, in a form  
6 approved by the city attorney, that such review has been taken and may  
7 result in the reversal of the decision, in which event the permit will be  
8 revoked as well as any temporary occupancy permit, and the premises shall  
9 thereafter be brought into conformity with the provisions of this zoning  
10 code by appropriate means. No required permanent occupancy certificate  
11 shall be issued by the building official until such review has finally  
12 terminated in a decision making such occupancy in all respects lawful  
13 under this zoning code.

CHAPTER 115

VARIANCES

115.010. INTENT AND PURPOSE. (a) Each area of land is, to some degree, unique as to its suitability for and constraints on development. Development standards imposed under this zoning code cannot foresee all conceivable situations peculiar to the development of every property at every moment, but are designed as general standards applicable to most situations. It is the intent of this chapter to provide flexibility, adaptability, and reasonableness in the application and administration of this zoning code where special conditions exist. Although a process for deviation from those general standards is necessary, where the extent of deviation is more than minimal it is necessary that the deviation be carefully reviewed in a public hearing process to insure that certain minimum criteria justifying the deviation are met, and that the extent and impact of deviation will be that degree which is reasonably necessary to meet the special conditions. Certain minimal deviations are allowed by way of administrative adjustment as provided in SRC Chapter 116. Any other deviation below the minimum development standards provided under this zoning code may only be authorized by a variance pursuant to this chapter. No variance purporting to authorize a use not otherwise permitted for the subject property shall ever be granted.

(b) As used in this chapter, "development standards" include development conditions imposed on a particular property in any prior land use action.

115.020. CRITERIA AND AUTHORITY TO GRANT VARIANCE. The hearings officer may grant the degree of variance from any of the development

1 standards imposed on a particular subject property under the provisions  
2 of this zoning code which is reasonably necessary to permit development  
3 for an otherwise lawful use upon finding that each of the following  
4 criteria is met:

5 (a) There are special conditions applying to the land, buildings, or  
6 use referred to in the application, which circumstances or conditions do  
7 not apply generally to land, buildings, or uses in the same district, and  
8 which create unreasonable hardships or practical difficulties which can  
9 be most effectively relieved by a variance. Nonconforming land, uses, or  
10 structures in the vicinity shall not in themselves constitute such  
11 special conditions, nor shall the purely economic interests of the  
12 applicant. The potential for economic development of the subject property  
13 itself may, however, be considered among the factors specified in this  
14 subsection.

15 (b) Granting a variance will not be unreasonably detrimental to the  
16 public welfare or to property or improvements in the neighborhood of the  
17 subject property;

18 (c) Granting a variance will not, under the circumstances of the  
19 particular case, unreasonably affect the health or safety of persons  
20 working or residing in the neighborhood of the subject property; and

21 (d) Granting a variance will be consistent with the comprehensive  
22 plan and with the intent and purpose of this zoning code.

23 115.030. LIMITING VARIANCES. The hearings officer may impose such  
24 limitations, conditions, and safeguards as are deemed appropriate so that  
25 the criteria specified in SRC 115.020 will be most effectively met, and  
26 may consider such limitations, conditions and safeguards in making

1 findings as to those criteria. The effective date or duration of a  
2 variance may be limited or conditioned.

3 115.040. TRANSFER OF VARIANCE. Unless otherwise provided in the final  
4 decision granting the variance, any variance granted pursuant to this  
5 chapter shall run with the land, and shall automatically transfer to any  
6 new owner or occupant subject to all conditions and restrictions thereon.

1 CHAPTER 116

2 ADJUSTMENTS

3 116.010. INTENT AND PURPOSE. The provisions of this chapter are  
4 intended to provide a process and standards whereby the administrator may  
5 grant limited adjustments to the strict application of the development  
6 standards of this zoning code. These provisions should be used to allow  
7 reasonable and economically practical development of property where  
8 special conditions warrant limited deviation.

9 116.020. CRITERIA FOR GRANTING AN ADJUSTMENT. The limitations on the  
10 authority set forth in this chapter shall not be exceeded under any  
11 circumstances. No adjustment shall be granted to permit development for a  
12 use not permitted on the subject property. The administrator may grant an  
13 adjustment only upon finding that either of the following, in addition to  
14 the criteria specified in SRC 114.160, is demonstrated by the applicant,  
15 and may conduct such further investigation as may be necessary with  
16 regard to the facts relevant under such criteria:

17 (a) The criteria for granting a variance under SRC 115.020 are met;

18 (b) The intent and purpose behind the specific provision sought to  
19 be adjusted is either clearly inapplicable under the circumstances of the  
20 particular proposed development, or the particular development as  
21 proposed otherwise clearly satisfies the intent and purpose for the  
22 provision sought to be adjusted; and, in either case, the proposed  
23 development will not unreasonably impact surrounding existing or  
24 potential uses and development; or

25 (c) Specific criteria for the grant of a particular kind of  
26 adjustment specified elsewhere in this zoning code are met.

1 116.030. LIMITS FOR ADJUSTMENTS. The administrator may grant an  
2 adjustment only:

3 (a) If the request involves only the expansion or reduction by not  
4 more than 20 percent of one or more quantifiable provisions of this  
5 zoning code for yards, setbacks, building height, vision clearance area,  
6 or percentage of lot coverage;

7 (b) For the location, height, or density of a fence; or

8 (c) Where otherwise specifically permitted under this zoning code,  
9 and then only within any limits specified in the grant of such authority.

10 116.040. CONDITIONS MAY BE ATTACHED. The administrator may attach any  
11 condition to the adjustment deemed necessary to more fully satisfy the  
12 criteria set forth in SRC 116.020, if such condition relates directly and  
13 specifically to the matter being adjusted. Such conditions may be  
14 considered in determining whether the criteria of SRC 116.020 are met.

15 116.050. ORDER GRANTING THE ADJUSTMENT. (a) The administrator shall  
16 issue a written order, including findings of fact as to the justification  
17 for the decision, when granting or denying an adjustment. The order shall  
18 be mailed or delivered to:

19 (1) The owner of the property;

20 (2) The building official for filing with the building permit;

21 (3) Each member of the commission for their review;

22 (4) Each property owner in the notification area; and

23 (5) Each affected neighborhood organization.

24 (b) The order shall be effective on the 15th day following the day  
25 it is issued, unless an appeal is filed.

26 116.060. TRANSFER OF ADJUSTMENTS. Adjustments shall transfer as

1 provided for variances in SRC 115.040.

2 116.070. APPEAL OR REVIEW. (a) Appeals from the grant or denial of an  
3 adjustment shall be heard by the hearings officer as provided in SRC  
4 Chapter 114 upon the filing with the administrator of a written notice of  
5 appeal by any of the following:

6 (1) The applicant;

7 (2) Any person owning property within the notification area; or

8 (3) Any affected neighborhood organization.

9 (b) The commission may, by majority vote, direct review by the  
10 hearings officer under SRC Chapter 114 of an order granting or denying an  
11 adjustment, and may make factual recommendations concerning the  
12 adjustment to the hearings officer.

13 (c) Notice of appeal or initiation of review shall be filed on or  
14 before the effective date of the adjustment.

15 (d) Notice of appeal shall include the name and mailing address of  
16 the appellant, and a reference by number or title to the order appealed  
17 from.

1 CHAPTER 117

2 CONDITIONAL USES

3 117.010. GENERAL CONCEPT. A conditional use is a permitted, but not  
4 outright permitted use for which review is necessary to determine what,  
5 if any, condition should be imposed. A conditional use is an activity  
6 which is basically similar to other uses permitted in the district but  
7 because of the manner in which such use may be conducted, or the manner  
8 in which land and buildings might be developed to accommodate such use, a  
9 public hearing and review of the specific proposed use and the imposition  
10 of certain conditions, if necessary, will appropriately adapt the use to  
11 its location and neighborhood. Approval of a conditional use is not a  
12 variance, waiver, or relaxation of any of the provisions of this code,  
13 and approval shall not be denied unless there are compelling reasons why  
14 the specific proposed use could not be appropriately conditioned.  
15 Conditional use review shall have as its objective the promotion rather  
16 than restriction of reasonable development of conditional uses.

17 117.020. CONDITIONAL USE APPROVAL REQUIRED; JURISDICTION. (a) No  
18 building, structure or land shall be used or developed for any use which  
19 is, by any provision of this zoning code, designated as a conditional use  
20 in all zones or in the particular zone in which the building, structure  
21 or land is located unless there has been granted a conditional use  
22 approval pursuant to this chapter. As used in this chapter unless  
23 otherwise restricted in meaning, the term "conditional use" includes  
24 those specific conditional uses specified in SRC Chapter 118.

25 (b) No use for which a conditional use approval has been granted  
26 shall be changed to another conditional use or expanded or relocated, nor



1 shall any building or structure devoted to such use be structurally  
2 altered or enlarged unless there has been granted a separate conditional  
3 use approval for such change, expansion, relocation, structural  
4 alteration or enlargement pursuant to this chapter.

5 (c) Except as provided in subsection (d) of this section, the  
6 hearings officer shall have original jurisdiction to hear and decide all  
7 applications for conditional use approval.

8 (d) As to all specific conditional uses mentioned in SRC Chapter  
9 118, the commission shall have original jurisdiction to hear and decide  
10 applications for conditional use approval.

11 117.030. IMPOSITION OF CONDITIONS. (a) The administrative body may  
12 prescribe conditions as to any of the matters set forth in SRC  
13 113.220(b), and any of such conditions may be either permanent or  
14 precedent to the issuance of any required occupancy certificate. All such  
15 conditions shall be treated with like effect as the standards and  
16 requirements for use and development specifically set forth in this  
17 zoning code.

18 (b) Conditions may be imposed only where the administrative body  
19 finds that they are necessary and appropriate to:

- 20 (1) Implement comprehensive plan goals and policies;  
21 (2) Protect the public health or safety; or  
22 (3) Minimize any reasonably likely adverse consequences of the  
23 proposed use and development to the immediate neighborhood.

24 117.040. STATUS OF PRIOR CONDITIONAL USES. Conditional use permits  
25 issued on or before (effective date of new code) for uses which, in their  
26 respective locations, are permitted as conditional uses under this zoning

1 code shall be valid, and the uses therein authorized shall not be deemed  
2 nonconforming; provided that all conditions imposed under such prior  
3 permits continue to be met.

4 117.050. TRANSFER OF CONDITIONAL USE PERMIT. Conditional use approval  
5 shall transfer as provided for variances in SRC 115.040.

1 CHAPTER 118

2 SPECIFIC CONDITIONAL USES

3 118.010. APPLICATION AND SCOPE OF CHAPTER. The specific conditional  
4 uses set forth in this chapter shall be reviewed by the commission rather  
5 than the hearings officer whenever such uses are listed as conditional  
6 uses permitted in a particular zone. Where a use set forth in this  
7 chapter is listed as a permitted use in a particular zone, the provisions  
8 of this chapter shall not apply, and the use may be established without  
9 any further review or approval. The minimum standards and conditions set  
10 forth in this chapter may be supplemented by the commission with other  
11 standards as allowed for conditional uses, generally, under SRC Chapter  
12 117.

13 118.100. SOLID WASTE DISPOSAL SITES. Solid waste disposal sites as  
14 defined in SRC 118.110 are specific conditional uses in the PS zone, and  
15 shall be developed and operated in compliance with SRC 118.100 to  
16 118.160, together with any other conditions imposed on the conditional  
17 use approval.

18 118.110. DEFINITIONS. As used in SRC 118.100 to 118.160:

19 (a) "Dispose" or "disposal" means accumulation, storage, collection,  
20 or interment of solid wastes.

21 (b) "Solid wastes" means all lumber, tile, bricks, concrete rubble,  
22 siding, roofing, asphalt, structural metal work, plaster and gypsum  
23 board, mortar stones, concrete blocks, pipe, plumbing fixtures,  
24 electrical wiring and fixtures, and shredded or split tires. Such term  
25 does not include leaves, prunings and grass clippings, household  
26 appliances, machinery, motor vehicles or their parts other than shredded

1 or split tires, or any putrescible substance; nor does such term include  
2 any item collected or stored for reuse or sale in any form.

3 (c) "Solid waste disposal site" means land used for disposal of  
4 solid waste.

5 118.120. MINIMUM STANDARDS. The following minimum standards shall  
6 apply to the operation of any solid waste disposal site.

7 (a) Screening. All sites shall be screened from adjoining developed  
8 properties and public streets by a sight-obscuring fence, wall or hedge.  
9 This screen shall be in addition to such landscaping and setbacks as the  
10 commission may require. Where the applicant has obtained an interest in  
11 adjacent property for the purpose of providing adequate screening, or  
12 where an appropriate governmental agency provides for such screening, the  
13 commission may accept such screening in lieu of that otherwise required  
14 by this subsection. The screening and landscaping shall be continuously  
15 maintained.

16 (b) Access roads. All access to the site shall be by a route or  
17 routes approved by the director of public works.

18 (c) Nuisance. If for any reason materials are blown or noxious odors  
19 are given off from the solid waste disposal site, the owner or developer  
20 must cover or remove the offensive materials within 24 hours of a notice  
21 from the building official.

22 (d) Drainage. The applicant shall provide a drainage system  
23 approved by the director of public works.

24 118.130. RECLAMATION PLAN REQUIRED. A plan for the reclamation of the  
25 site which, at a minimum, satisfies the requirements of SRC 118.140 shall  
26 be submitted with an application for conditional use approval for a solid

1 waste disposal site. Compliance with an approved reclamation plan shall  
2 be a condition of every such approval.

3 118.140. SITE RECLAMATION STANDARDS. (a) The owner or operator of the  
4 disposal site shall be responsible for the eventual site reclamation as  
5 described in the approved reclamation plan. Upon voluntary closure of the  
6 site for additional solid waste disposal, or cessation of active  
7 operation for more than six consecutive months, the owner or operator  
8 shall have three years to complete reclamation of the site as described  
9 in the approved reclamation plan, all other conditions of the permit, and  
10 this section. In the event the owner or operator does not comply after  
11 written notice and a reasonable period set by council, the council may  
12 cause the required work to be done and the cost thereof, if not paid by  
13 the owner, operator, or surety, to be assessed as a lien against the  
14 property as provided for dangerous buildings in SRC 56.390.

15 (b) A condition of an approved reclamation plan shall be the removal  
16 of all buildings, equipment, apparatus, and appurtenances used in the  
17 operation and not designated for other lawful use in the approved  
18 reclamation plan.

19 (c) All excavations shall be backfilled and rough graded for the  
20 uses shown on the approved reclamation plan.

21 (d) Topsoil shall be replaced to sufficient depth to allow  
22 landscaping material to be installed except on the site of buildings  
23 which are approved as part of the reclamation plan.

24 (e) The owner or operator shall, after complying with subsections  
25 (c) and (d) of this section, file with the building official a site plan  
26 showing the location of subsurface areas where solid wastes are interred,

1 and the type and depth of in-place fill material and ground cover.

2 118.150. BOND OR SECURITY DEPOSIT. As a condition of the conditional  
3 use approval the applicant shall file with the city recorder a bond or  
4 security deposit in a form approved by the city attorney, conditioned  
5 upon the faithful performance of the approved reclamation plan, and in an  
6 amount set by the commission at least equal to the estimated cost of  
7 completion of the reclamation work.

8 118.160. FAILURE TO MAINTAIN COMPLIANCE. The operator of a solid  
9 waste disposal site under conditional use approval shall continuously  
10 operate and maintain the site within the terms and conditions set forth  
11 in SRC 118.100 to 118.160 and the conditional use approval.

12 118.200. SURFACE MINING; INTENT AND PURPOSE. Surface mining sites are  
13 permitted as specific conditional uses in the II district when a permit  
14 issued by the Oregon Department of Geology and Mineral Resources pursuant  
15 to ORS 517.750 to 517.900 would otherwise be required. The purpose of SRC  
16 118.200 to 118.240 is to implement the legislative policy expressed in  
17 ORS 517.760 and the goals and policies relating to mineral resource  
18 extraction expressed in the comprehensive plan; and to provide for  
19 regulations on the operation and reclamation of mined lands subject to  
20 approval by the Oregon Department of Geology and mineral resources  
21 pursuant to subsection (2) of ORS 517.780.

22 118.210. DEFINITIONS; ADOPTION BY REFERENCE. As used in SRC 118.200  
23 to 118.240, the words and phrases defined in ORS 517.750 and OAR  
24 632-30-010 shall have the meanings set forth therein.

25 118.220. RECLAMATION PLAN REQUIRED; OTHER CONDITIONS. A plan for  
26 reclamation of the surface mining site which, at a minimum, satisfies the

1 requirements of OAR 632-30-025 (except that the word "commission" shall  
2 replace the word "department" as used therein) shall be submitted with an  
3 application for conditional use approval for a surface mining operation.

4 In addition to conditions as to the reclamation of the site, the  
5 commission may impose any condition as to conduct of the surface mining  
6 operation otherwise permitted under SRC 116.030. Compliance with an  
7 approved rehabilitation plan as well as any other conditions as to  
8 conduct of the surface mining operation, shall be a condition of every  
9 such conditional use approval.

10 118.230. BOND OR SECURITY DEPOSIT REQUIRED. As a condition of the  
11 conditional use approval, the applicant shall file with the city recorder  
12 a bond or security deposit in a form approved by the city attorney,  
13 conditioned upon the faithful performance of the approved reclamation  
14 plan, and in an amount set by the commission at least equal to the  
15 estimated cost of completion of the reclamation work, but not more than  
16 \$500 per acre.

17 118.240. FAILURE TO MAINTAIN COMPLIANCE. (a) The operator of a  
18 surface mining under conditional use approval shall continuously operate  
19 and maintain the site within the terms and conditions set forth in SRC  
20 118.200 to 118.240 and the conditional use approval.

21 (b) In the event of any of the conditions described in paragraphs  
22 (a) to (d) of (2) of ORS 517.860 (the period of time mentioned in  
23 paragraph (a) of such subsection being the compliance period specified in  
24 a written notice from the building official to correct deficiencies), the  
25 council may cause the required work to be done and the cost thereof, if  
26 not paid by the owner, operator, or surety, to be assessed as a lien

1 against the property as provided for dangerous buildings in SRC 56.390.

2 118.300. HISTORICALLY AND ARCHITECTURALLY SIGNIFICANT BUILDINGS;  
3 INTENT AND PURPOSE. Certain limited commercial uses in historically or  
4 architecturally significant buildings are permitted as specific  
5 conditional uses in all residential districts and in the CO district  
6 subject to the provisions of SRC 118.300 to 118.330. The intent of SRC  
7 118.300 to 118.330 is to permit, after appropriate review and subject to  
8 minimum standards and conditions, the use of historically or  
9 architecturally significant buildings for uses not otherwise permitted in  
10 such districts in order to preserve these buildings where their  
11 maintenance and productive use would not otherwise be economically  
12 practical, and where a zone change would be inappropriate.

13 118.310. USES PERMITTED. Under conditional use approval for a  
14 historically or architecturally significant building, the following uses  
15 may be permitted singly or in combination as the commission may deem  
16 appropriate:

17 (a) Additional dwelling units:

18 (1) RS - maximum of four units;

19 (2) RD - maximum of six units;

20 (b) Telephone answering service;

21 (c) Professional offices for two professions only:

22 (1) Accounting services (SIC 8931);

23 (2) Artists;

24 (3) Engineering, architectural, and surveying services (SIC 891);

25 (4) Legal services (SIC 81);

26 (5) Offices of physicials (SIC 801), dentists (SIC 802), osteopathic



1 physicians (SIC 803), and other health practitioners (SIC 804).

2 (d) Retail:

3 (1) Used merchandise store (SIC 5931);

4 (2) Women's ready-to-wear stores (SIC 562);

5 (3) Women's accessory and specialty stores (SIC 563);

6 (4) Art gallery and framing shop;

7 (e) Services:

8 (1) Interior decorating studio;

9 (2) Child day care services (SIC 835);

10 (3) Residential care (SIC 836).

11 (f) Other office, service, and retail uses approved by the  
12 commission as being substantially similar in traffic generation, noise  
13 generation, parking demand, hours of operation, and other similar factors  
14 relating to their compatibility with surrounding uses.

15 118.320. CRITERIA FOR DESIGNATION OF BUILDING. To qualify for a  
16 designation as a historically or architecturally significant building for  
17 purposes of SRC 118.300 to 118.330, the building must meet one or more of  
18 the following criteria:

19 (a) Be designated on the "National Register of Historic Places"  
20 published by the United States Department of the Interior;

21 (b) Be designated as such pursuant to SRC 56.410; or

22 (c) Be accepted as historically or architecturally significant by  
23 the commission upon recommendation by the committee designated by the  
24 council pursuant to SRC 56.410. Acceptance by the commission shall, in  
25 addition to the committee's recommendation, be based upon:

26 (1) Association with events that have made a significant

1 contribution to the broad patterns of the history of Salem;

2 (2) Association with the lives of persons significant in our past;  
3 or

4 (3) Possession of distinctive characteristics of a type or method of  
5 construction, or the work of an acknowledged master of high artistic  
6 values.

7 118.330. DEVELOPMENT STANDARDS. The following development standards  
8 shall apply to the structures approved for a conditional use under SRC  
9 118.300 to 118.330.

10 (a) Minimal changes to the exterior of the building shall be made.  
11 These changes shall be limited to those necessary to the architectural  
12 preservation or restoration of the building.

13 (b) Any sign identifying the use of the building otherwise permitted  
14 by the Salem Sign Ordinance shall be limited to the minimum necessary for  
15 the identification of the use of the building.

16 118.400. WILLAMETTE GREENWAY CONDITIONAL USES. Those permits required  
17 under SRC Chapter 141 are specific conditional uses within the meaning of  
18 any reference to specific conditional use review under this chapter.

19 118.410. OTHER USES. Where elsewhere designated in this zoning code  
20 as requiring specific conditional use approval, specific uses and  
21 development shall be reviewed by the commission pursuant to this chapter.

1 CHAPTER 119

2 SPECIAL USES

3 119.010. GENERAL CONCEPT. Special uses are like conditional uses in  
4 that they are permitted uses where certain conditions beyond those  
5 applicable to all uses in a particular district are met. Unlike  
6 conditional uses, however, those conditions can be standardized so that  
7 special review of a proposed development is unnecessary if they are met.  
8 Where the proposed development does not fully meet the applicable  
9 standards of this chapter, the developer may choose to apply for  
10 conditional use approval. The hearings officer may consider the standards  
11 set forth in this chapter for the proposed use, but is not bound to  
12 impose any of them. The standards set forth in this chapter apply only  
13 where the particular use is a special use in a particular district, and  
14 are in addition to the use and development standards generally applicable  
15 to all use and development in that zone unless specifically exempted by  
16 the provisions of this chapter.

17 119.050. VETERINARY SERVICES FOR ANIMAL SPECIALTIES. Where permitted  
18 as a special use, veterinary services for animal specialties (SIC 0742)  
19 shall meet the following additional use and development standards:

20 (a) Except as provided in subsection (b) of this section, all  
21 operations shall be conducted within completely enclosed and soundproof  
22 buildings.

23 (b) Outside runs for dogs and other animals shall be operated only  
24 between the hours of 7 a.m. to 6 p.m., with an attendant present on the  
25 premises. Outside runs shall be located at least 60 feet from every  
26 property zoned or used for residential purposes. Outside runs shall be

1 screened from adjacent properties and streets by a sight-obscuring fence,  
2 wall, or hedge.

3 119.100. SCRAP AND WASTE MATERIALS ESTABLISHMENTS. Where permitted as  
4 a special use, scrap and waste materials establishments (SIC 5093) shall  
5 meet the following additional use and development standards:

6 (a) Screening. All outdoor operations shall be screened from  
7 adjacent streets and uses by a sight-obscuring fence, wall or hedge, or  
8 by a landscaped berm the top of which is at least eight feet above the  
9 highest grade on either side thereof.

10 (b) Heavy operations. If conducted out of doors, the following  
11 operations shall be conducted more than 300 feet away from any  
12 residential zone or use:

- 13 (1) Shredding or baling of tires;
- 14 (2) Compression, cutting or baling of scrap metal;
- 15 (3) Cutting or baling of used lumber; and
- 16 (4) Breaking up of concrete or masonry other than the removal of  
17 mortar for the salvage of stone or brick masonry products.

18 119.150. GASOLINE SERVICE STATIONS. Where permitted as a special use,  
19 gasoline service stations (SIC 554) shall meet the following additional  
20 use and development standards:

21 (a) Lot area and dimensions. Minimum lot size, 13,000 square feet;  
22 minimum of 100 feet of street frontage for an interior lot, 120 feet of  
23 frontage on each street abutting a corner lot.

24 (b) Screening. The property shall be screened from every abutting  
25 residential district or use by a sight-obscuring fence, wall or hedge.

26 (c) Lighting. Outdoor lighting shall be so designed as not to shine

1 or reflect into adjacent residentially zoned or used property.

2 (d) Use and operation restrictions:

3 (1) No vehicle repairs or disassembling of vehicles other than  
4 routine maintenance such as changing lubricants and coolant, replacement  
5 of small parts, or changing tires shall be conducted outside a building.

6 (2) No merchandise shall be stored or displayed outside a building  
7 or underground structure except for lubricants and small accessories in  
8 retail packaging or display racks.

9 (3) No inoperative vehicles or used vehicle parts shall be stored  
10 outside a building for any period longer than 72 hours.

11 (4) No rental trailers shall be parked or stored except in side or  
12 rear yards, and then no closer than 20 feet to any right of way.

13 119.200. USED MERCHANDISE STORES. Where permitted as a special use,  
14 used merchandise stores (SIC 593) shall meet the following additional use  
15 and development standards:

16 (a) In a CR zone, all retail sales and storage of merchandise, shall  
17 be conducted entirely within a building.

18 (b) In a CG zone, all operations shall be conducted entirely within  
19 a building or within a yard fully enclosed by a sight-obscuring fence,  
20 wall or hedge, and materials shall not be stored higher than such fence,  
21 wall or hedge.

22 119.250. FUNERAL SERVICE AND CREMATORIES; AND CEMETERY SUBDIVIDERS  
23 AND DEVELOPERS. Where permitted as a special use, funeral service and  
24 crematories (726) and cemetery subdividers and developers (6553) shall  
25 meet the following additional use and development standards.

26 (a) Screening. The property shall be screened from all adjacent

properties by a sight-obscuring fence, wall, or hedge.

(b) Height. Gravemarkers, tombstones, monuments, and memorials shall not exceed five feet in height. Buildings (including, but not limited to mausolea, columbaria, and crypts) shall not exceed 35 feet in height.

(c) Lot area. The minimum lot area is three acres.

119.300. PUBLIC GOLF COURSES AND MEMBERSHIP SPORTS AND RECREATION CLUBS WITH GOLF COURSES. Where permitted as a special use, public golf courses (SIC 7992) and membership sports and recreation clubs (SIC 7997) with golf courses shall meet the following additional use and development standards:

(a) Setbacks: No building shall be located within 100 feet of any property line. Golf fairways, tennis courts, and similar sports courts or fields shall be set back 25 feet from all abutting residential or commercial zones and uses. Swimming pools shall be set back 50 feet from all abutting residential and commercial zones and uses.

(b) Parking. No off-street parking or loading area shall be permitted within five feet of the side and rear lot lines.

(c) Screening. All parking shall be screened from adjacent uses by a sight-obscuring fence, wall or hedge.

119.350. NURSING AND PERSONAL CARE AND RESIDENTIAL CARE FACILITIES. Where permitted as a special use, nursing and personal care facilities (SIC 805) and residential care (SIC 836) shall meet the following additional use and development standards:

(a) Lot Coverage. Not more than 40 percent.

(b) Yards. Front yard, 20 foot minimum. Side and rear yards, 20 foot minimum.

1 (c) Off-street parking. No off-street parking or loading area shall  
2 be permitted within five feet of the side and rear lot lines.

3 (d) Landscaping: All lot area not lawfully developed for buildings,  
4 structures, parking, loading or driveways, shall be landscaped as  
5 provided in SRC Chapter 132.

6 (e) Screening: Parking areas shall be screened from adjacent uses by  
7 a sight-obscuring fence, wall or hedge.

8 119.400. ELEMENTARY AND SECONDARY SCHOOLS. Where permitted as a  
9 special use, elementary and secondary schools (SIC 821) shall meet the  
10 following additional use and development standards:

11 (a) Lot size. Minimum of three acres.

12 (b) Lot coverage. No main building or combination of classroom  
13 buildings shall occupy more than 30 percent of the lot area.

14 (c) Setbacks. Buildings shall set back from every lot line one foot  
15 for each foot of height of the building to a maximum of 35 feet.

16 (d) Off-street parking. No off-street parking or loading area shall  
17 be permitted within ten feet of any residential use or zone.

18 119.450. CHILD DAY CARE SERVICES. Where permitted as a special use,  
19 child day care services (SIC 835) providing care for more than five but  
20 no more than ten children unrelated by blood or marriage to the operator  
21 shall meet the following additional use and development standards:

22 (a) Lot Size: Minimum of 6,000 square feet.

23 (b) Screening: Outdoor play areas and off-street parking and loading  
24 areas shall be screened from adjacent uses by a sight-obscuring fence,  
25 wall or hedge.

26 119.500. RELIGIOUS ORGANIZATIONS. Where permitted as a special use,

1 religious organizations (SIC 866) shall meet the following additional use  
2 and development standards:

3 (a) Side and rear yards. In or abutting every residential district  
4 or use, 25 feet.

5 (b) Building height. Maximum height of 35 feet.

6 (c) Lot coverage. No more than 40 percent.

7 (d) Landscaping. All lot area not lawfully developed for buildings,  
8 structures, parking, loading or driveways shall be landscaped as provided  
9 in SRC Chapter 132.

10 (e) Off-street parking. No off-street parking or loading area shall  
11 be permitted within ten feet of a residential zone or use. In an RA zone  
12 no more than 100 off-street spaces shall be provided, and in an RS zone  
13 no more than 75 off-street parking spaces shall be provided. The  
14 provisions of this subsection shall not relieve or justify a variance  
15 from the provisions of SRC 133.100 and 133.180. Building size and seating  
16 capacity may be limited by the maximum number of parking spaces allowed  
17 in this subsection, and that effect is intended.

18 (f) Screening of off-street parking. Where any portion of an  
19 off-street parking area other than a garage is within 15 feet of a lot  
20 zoned or used for residential purposes, the perimeter of the parking area  
21 facing such residential zone or use shall be screened by a sight  
22 obscuring fence, wall, or hedge.

23 (g) Street access. Only one vehicle access driveway per street  
24 frontage shall be permitted in a residential zone, or on a local street  
25 in any other zone abutting a residential zone. Where a parking area is on  
26 property having frontage on a collector or arterial street, access shall



1 be limited to such collector or arterial unless alternate access is  
2 required by the director of public works.

3 (h) Other related uses. Schools, day care facilities, kindergartens,  
4 meeting facilities for clubs and organizations, and other similar uses  
5 which are not operated primarily for the purpose of religious  
6 instruction, worship, government of the church, or the fellowship of its  
7 congregation shall be permitted only to the extent otherwise permitted in  
8 the zone.

9 119.550. ZERO SIDE YARD DWELLING UNITS. Where permitted as a special  
10 use, zero side yard dwelling units shall meet the following use and  
11 development standards:

12 (a) Permitted development. When developed as required in this  
13 section, not more than three dwelling units, each on a separate platted  
14 lot may be attached in RA and RS districts, and not more than six  
15 dwelling units on two or more lots held in separate ownership in any  
16 other zone where permitted as a special use, may be attached without  
17 regard to the side yard requirements otherwise applicable under this  
18 zoning code. Any number of unattached dwellings, built contiguous with  
19 one but not both of the side lot lines of a separate platted lot, one  
20 dwelling per lot, may be developed under this section in any zone where  
21 permitted as a special use.

22 (b) Yards adjacent to a street. The requirements of this zoning code  
23 for yards adjacent to a street are not relieved by this section, and  
24 shall be met.

25 (c) Interior side yards. Any exterior wall or portion thereof which  
26 faces but is not contiguous to a side lot line shall meet all applicable

1 interior side yard requirements under this zoning code; otherwise, the  
2 interior side yard requirements of this zoning code shall not apply.

3 (d) Building separation. Buildings on adjacent **properties** but not  
4 attached to each other shall be separated by a distance of **at least five**  
5 **feet.**

6 (e) Maintenance easement. As a condition of issuance of a building  
7 permit for any building having a wall contiguous to a property line, the  
8 applicant shall furnish an easement from the owner of the property  
9 adjacent to the wall providing for reasonable ingress, egress and use of  
10 such adjacent property for the purpose of maintaining, repairing and  
11 replacing the premises. Such easement shall be appurtenant to the  
12 property on which the building is located as the dominant tenement, shall  
13 be approved as to form by the city attorney, and shall be recorded with  
14 the county clerk prior to issuance of the permit.

15 (f) Adjustment of property line. Notwithstanding any provision of  
16 the Salem Subdivision Code to the contrary, the owner or owners of  
17 adjacent lots either of which has thereon a zero side yard dwelling unit,  
18 may, by appropriate instrument, adjust the common side lot line by no  
19 more than 18 inches to make the wall intended to be contiguous with the  
20 common lot line actually contiguous. Such adjustment shall move the line  
21 as a whole; and may, without the necessity of an adjustment or variance  
22 and without making the premises nonconforming, reduce the required area  
23 or frontage of the lot, increase the allowable lot coverage, or any  
24 combination thereof necessary to make the side lot line and building  
25 contiguous within the limits of this subsection. The instrument  
26 accomplishing such adjustment, and a survey by a registered land surveyor

1 evidencing the need for and description of such adjustment, shall be  
2 reviewed and approved by the administrator prior to recording the  
3 instrument; otherwise the exemption granted by this subsection shall not  
4 apply.

5 (g) Accessory buildings. The provisions of this section apply to  
6 accessory as well as main buildings.

7 119.600 TWO FAMILY SHARED HOUSING. Where permitted as a special  
8 use, two family shared housing shall meet the following additional use  
9 and development standards:

10 (a) The building to be converted for two family shared housing must  
11 have been constructed as a single family dwelling, and have been occupied  
12 as such by an owner for any continuous six month period between the date  
13 of its first occupancy and the date of its conversion to a two family  
14 dwelling.

15 (b) The building must contain not more than two dwelling units after  
16 conversion, and there must be not more than two dwelling units per lot.

17 (c) At least 60 percent of the building's habitable space prior to  
18 conversion must be included within one of the dwelling units.

19 (d) Each dwelling unit must contain at least 600 square feet of  
20 floor area.

21 (e) Not more than 60 square feet of floor area shall be added to the  
22 building; provided, however, that conversion of unfinished areas to  
23 habitable space or bathrooms shall not count toward the 60 foot  
24 limitation.

1 (f) Only one of the two dwelling units may be occupied by a family  
2 which does not include an owner-occupant of the building.

3 (g) Two family shared housing under this section shall not be  
4 separated in ownership under the provisions of ORS Chapter 94 or any  
5 other law or ordinance allowing unit ownership of a portion of a building  
6 or space therein.

7 119.650. BOAT AND RECREATIONAL VEHICLE STORAGE AREA. Where permitted  
8 as a special use, storage areas which are operated by nonprofit  
9 neighborhood homeowners associations and are limited exclusively to the  
10 storage and not active use on the premises, of members' boats or  
11 trailers, recreational vehicles, utility trailers and horse trailers,  
12 none of which are kept or used in connection with a business or  
13 commercial activity, shall meet the following additional use and  
14 development standards:

15 (a) Screening. Outdoor storage areas shall be screened from all  
16 adjacent properties and from all but one abutting street by a  
17 sight-obscuring fence, wall or hedge.

18 (b) Landscaping. All unpaved areas not occupied by buildings or  
19 structures shall be landscaped as provided in SRC Chapter 132.

20 (c) Paving. All driveways, outdoor storage space, and other outdoor  
21 vehicle parking, loading and maneuvering areas shall be paved as provided  
22 for parking areas in SRC Chapter 133. All paving shall set back from all  
23 lot lines other than those adjacent to a street by at least five feet.

24 (d) Lighting. Outdoor lighting shall be so designed as not to shine  
25 or reflect into adjacent residentially zoned or used property.

26 119.700. MIXED USE BUILDINGS. Where permitted as a special use, a

1 building or complex of buildings on the same lot having more than 25  
2 dwelling units or guest rooms may include office, retail, and service  
3 uses meeting the following additional use and development standards:

4 (a) Permitted uses. In addition to the residential and lodging uses  
5 permitted in the underlying zone, the following additional uses shall be  
6 permitted:

7 (1) Communication (48) BUT EXCLUDING communication services, not  
8 elsewhere classified (489);

9 (2) Variety stores (533);

10 (3) Food stores (54);

11 (4) Apparel and accessory stores (56);

12 (5) Home furnishing stores, miscellaneous (5719);

13 (6) Eating and drinking places (58); and

14 (7) Retail, miscellaneous (59) BUT EXCLUDING nonstore retailers  
15 (596) and fuel and ice dealers (598).

16 (8) Commercial and stock savings banks (602);

17 (9) Mutual savings banks (603);

18 (10) Savings and loan associations (612);

19 (11) Personal credit institutions (614);

20 (12) Insurance agents, brokers, and service (641);

21 (13) Real estate (65).

22 (14) Personal services (72) BUT EXCLUDING power laundries, family and  
23 commercial (7211), linen supply (7213), dry cleaning plants, except rug  
24 cleaning (7216), carpet and upholstery cleaning (7217), and industrial  
25 launderers (7218);

26 (15) Management, consulting, and public relations services (7392);

1 (16) Amusement and recreation services, except motion pictures (79)  
2 BUT EXCLUDING commercial sports (794);

3 (17) Offices of physicians (801);

4 (18) Offices of dentists (802);

5 (19) Offices of osteopathic physicians (803);

6 (20) Offices of other health practitioners (804);

7 (21) Legal services (81);

8 (22) Miscellaneous services (89) BUT EXCLUDING noncommercial  
9 educational, scientific, and research organizations (892).

10 (b) Use restrictions. No use permitted under subsection (a) of this  
11 section shall in any way involve any of the following:

12 (1) The keeping of live animals;

13 (2) The rendering, processing, or cleaning of animals, fish,  
14 seafoods, fowl, poultry, fruits, vegetables, or dairy products except for  
15 consumption on the premises;

16 (3) The packaging of products for retail sale, except the purchase  
17 made by a retail customer at the time of purchase;

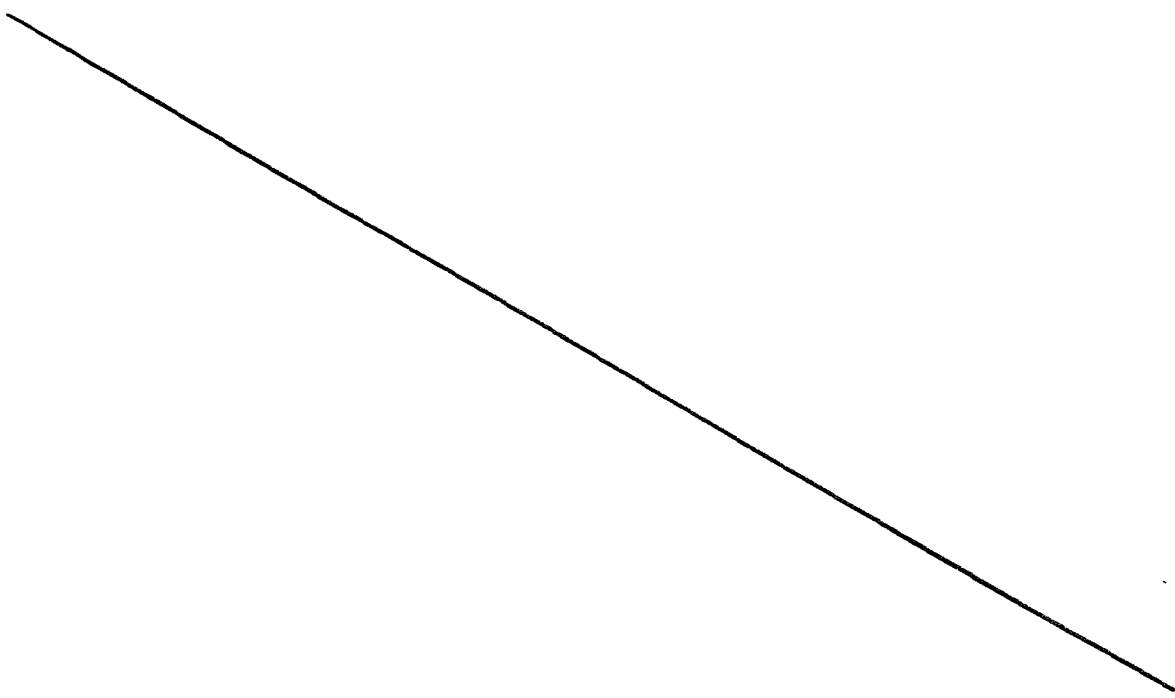
18 (4) Any outdoor display or storage of merchandise or materials.

19 (c) Location in the building. All retail showrooms where goods are  
20 offered for sale on the premises, or where customers may view samples or  
21 catalogues on the premises and place orders for future delivery shall be  
22 confined to the first floor of any building.

23 (d) Non-residential floor area. At least 50 percent of the floor  
24 area of each building housing any use permitted in subsection (a) of this  
25 section shall be devoted to dwelling units or guest rooms; except that an  
26 eating establishment may be housed in a separate building if all uses

1 permitted in subsection (a) of this section, including the eating  
2 establishment, total less than 50 percent of the total floor area of the  
3 complex of buildings on the same lot, and all other buildings in the  
4 complex of buildings comply with this subsection.

5 119.750. SECONDARY DWELLINGS AND GUEST ROOMS. Where permitted as a  
6 special use, dwelling units or guest rooms may be located in a building  
7 devoted primarily to a non-residential use, provided that none of the  
8 ground floor area within 25 feet of the exterior wall of the building  
9 facing at least one business street is occupied by any portion of a  
10 dwelling unit or guest room other than an entrance, hallway or stairway  
11 no more than six feet in width. As used in this section, "business  
12 street" means a street providing vehicular and pedestrian access to C or  
13 I zoned lots fronting thereon, and does not include any street other than  
14 a designated arterial or collector street where access is also afforded  
15 by a collector or arterial.



1 CHAPTER 121

2 PLANNED UNIT DEVELOPMENT

3 121.010. PURPOSE. It is the purpose of this section to provide a  
4 means whereby larger parcels of ground may be developed with more  
5 latitude as regards site development, common areas, and open space than  
6 is possible through traditional zoning controls with residential  
7 densities similar to the zone in which it is to be located; to establish  
8 standards and controls necessary to assure the community of a well  
9 related, harmonious development; and to provide within existing zones the  
10 development of residential uses with increased amenities.

11 121.140. DEFINITIONS. The following terms are defined for the  
12 purposes of this chapter section and do not apply otherwise to the Salem  
13 Zoning Ordinance.

14 (a) Home Owners Association. A home owners association is an  
15 organization formed for the maintenance and operation of the common areas  
16 of the planned development. The membership in the association must be  
17 automatic with the purchase of a dwelling unit or other property in the  
18 planned development. The association's principal source of funds shall be  
19 an assessment levied against each dwelling unit or other property, which  
20 assessment shall be enforceable as a lien against the property.

21 (b) Open Space. A common area designated on the final plans of the  
22 planned development, permanently set aside for the common use of the  
23 members of the home owners association, which open area may be landscaped  
24 and/or left with a natural tree cover, and in which area no thoroughfares  
25 or parking area are located.

26 (c) Open Space Lot. An open space lot is a parcel which abuts upon



1 an open space for a distance of ten feet or more.

2 (d) Public Sidewalks. A public sidewalk is a pedestrian walkway for  
3 the general public through the planned development open space and common  
4 areas and replaces a sidewalk which would have been located adjacent to a  
5 through street.

6 (c) Thoroughfare. A thoroughfare is any vehicular way through the  
7 planned development or any vehicular way to property in the planned  
8 development.

9 (1) Minor thoroughfares are to serve specific property only, not the  
10 general traffic circulation in the area and need be constructed only wide  
11 enough to adequately perform this function. Minor thoroughfares include  
12 "T" turn-arounds, culs-de-sac, circles, loops and those "L" shaped  
13 streets not functioning as a through thoroughfare.

14 (2) Through thoroughfares are publicly owned ways permitting traffic  
15 to move in one side of the development and out of another.

16 (f) Walkway. A walkway shall mean a pedestrian pathway within a  
17 planned development for residents and guests.

18 121.150. PREAPPLICATION CONFERENCE (OPTIONAL). A preapplication  
19 conference with the staff or the planning commission may be requested by  
20 the developer for the purpose of gathering general information and  
21 guidelines before entering into binding commitments or incurring  
22 substantial expense in the preparation of plans.

23 During a preapplication conference, particular attention should be  
24 given to:

25 (a) The present uses and character of the area;

26 (b) The road and street system in the area, especially:

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- 1 (1) Neighborhood through routes,
- 2 (2) Designated collector and arterial streets, both existing or
- 3 proposed,
- 4 (3) The right-of-way widths for all roads and streets,
- 5 (4) Whether streets or ways are to be public or private.
- 6 (c) Public and private open areas, parks, and trails;
- 7 (d) Public and private utilities and services or their counterpart:
- 8 (1) Water.
- 9 (2) Sewer.
- 10 (3) Fire protection.
- 11 (4) Surface drainage.
- 12 (5) Electricity (underground).
- 13 (6) Telephone (underground).
- 14 (7) Gas.
- 15 (8) Street and common area lights.
- 16 (9) Television cable (underground).
- 17 (e) General concept of the developer.

18 121.160. OUTLINE DEVELOPMENT PLAN (OPTIONAL). The planned development  
19 application may be filed on the basis of an outline plan or the developer  
20 may omit this step and file his application based on a detail plan as  
21 contained in SRC 121.220.

22 121.170. PURPOSE. The purpose of an outline plan is to demonstrate  
23 the intent of the developer at an early stage of his plan with a minimum  
24 of design costs.

25 121.180. MAPS, WRITTEN STATEMENT, AND APPLICATION. The outline plan  
26 shall include maps and a preliminary written statement setting forth the

1 nature of the proposed development. The maps must show the entire planned  
2 development area and the affected surrounding area and demonstrate the  
3 relationship of the planned development to both existing adjoining uses  
4 and those proposed by the developer. The maps and written statement shall  
5 be accompanied by a completed application form.

6 (a) The maps for the planned development shall be in a general  
7 schematic form prepared on material which is suitable for printing by the  
8 oxlid (blue-line) process and contain the following information and, as  
9 appropriate, facilities shall be identified as to whether they are public  
10 or private:

11 (1) The approximate topography (either contour lines or elevations  
12 at key locations);

13 (2) Proposed land uses and the approximate location of existing  
14 buildings to be retained proposed structures on the site, and existing  
15 buildings, structures and uses on the properties adjacent to the site;

16 (3) The approximate location of all proposed thoroughfares,  
17 walkways, and parking facilities;

18 (4) Public uses including schools, parks, playgrounds, open spaces,  
19 and trails;

20 (5) Public and private utilities or their counterpart as noted in  
21 SRC 121.150(d).

22 (b) The preliminary written statement shall contain an explanation  
23 of:

24 (1) The character of the proposed development and the manner in  
25 which it has been designed to take advantage of the planned development  
26 concept;

1 (2) The proposed manner of financing;

2 (3) The present ownership of all of the land included within the  
3 planned development;

4 (4) The method proposed to maintain private common open areas,  
5 buildings, private thoroughfares or other facilities;

6 (5) The proposed time schedule of development.

7 (c) The application for the outline plan shall be made on forms  
8 provided by the planning commission and signed by the owners of the  
9 property.

10 121.190. PRELIMINARY OUTLINE PLAN APPROVAL. The planning commission  
11 may consider an outline plan on a preliminary basis to give guidance of a  
12 developer. Preliminary approval of an outline plan may be granted without  
13 a public hearing. Preliminary approval shall not be binding either on the  
14 developer or the planning commission. A public hearing on the entire plan  
15 must precede formal approval of a plan.

16 121.200. PUBLIC HEARING FOR THE PLANNED DEVELOPMENT AS A CONDITIONAL  
17 USE. The public hearing may be held based on the entire outline plan or  
18 on the entire detail plan at the option of the developer. If the density  
19 of the proposed planned development does not exceed the density  
20 established for the zone in which it is to be located, a public hearing  
21 for the conditional use only shall be held, except a public hearing shall  
22 not be required for single family subdivision planned developments.

23 (a) An application shall be filed at least 20 days prior to the date  
24 of such hearing.

25 (b) Notice of hearing shall be given to all property owners in the  
26 affected area in the same manner as is provided in this title for zone

1 changes.

2 (1) The affected area shall include all of the property within the  
3 same or more restricted zone.

4 (2) A certified list of the owners of property in the affected area  
5 will be supplied in the same manner as is provided for a zone change in  
6 chapter 123 of this Code.

7 (3) A petition need not be circulated to file a planned development.

8 121.210. PUBLIC HEARING FOR ZONE CHANGE. In the event the density is  
9 greater than is permitted in the zone in which the planned development is  
10 located, a zone change shall be required. A zone change petition and the  
11 conditional use application may be filed and the hearings held  
12 concurrently.

13 If in the event the zone is changed for a planned development, use of  
14 the property shall be limited to the construction of the approved planned  
15 development only, and shall be so annotated on the official zoning map.  
16 If any change of use is desired, a new zone change petition must be filed  
17 and approved by the common council.

18 121.220. OUTLINE PLAN APPROVAL. (a) The planning commission may  
19 recommend the granting as a conditional use, a planned development,  
20 providing the minimum standards are met as set forth in this chapter  
21 provided, however, that the planning commission may prescribe such  
22 additional conditions as the particular circumstances may require for the  
23 protection of the health, safety, and welfare of the residents and  
24 property in the vicinity of the development, consistent with the purpose  
25 and intent of this chapter. The planning commission shall render its  
26 decision on the application for a planned development, either on the

1 outline plan or on the detail plan whichever serves as the basis of the  
2 public hearing within 45 days after the conclusion of the public hearing  
3 which time period may be extended with the consent of the applicants. The  
4 planning administrator shall mail a notice of the decision to the  
5 applicant at the address set forth in the application and shall file a  
6 copy of the notice of the decision with the common council.

7 (b) After an outline plan which has had a public hearing is approved  
8 the developer may then file a detail plan in phases or in its entirety,  
9 however, a detail plan may not be filed until the common council adopts a  
10 resolution of intent or approved any zone change necessary for the  
11 planned development.

12 121.230. APPROVAL BY THE COMMON COUNCIL. Upon approval by the  
13 planning commission the outline plan will be referred to the common  
14 council for its consideration. If approved by the council an ordinance  
15 shall be adopted setting forth such approval and any conditions which may  
16 be deemed to be necessary by the council. A detail plan may be considered  
17 by the planning commission after the passage of such ordinance by the  
18 council.

#### 19 DETAIL PLAN

20 121.240. PURPOSE. The purpose of the detail plan is to provide a  
21 specific plan upon which the planning commission can base its decision  
22 and with which substantial compliance is necessary for preparation of the  
23 final plan. When seeking approval of the planned development, the detail  
24 plan shall be filed.

25 (a) As the initial plan for the entire development if not outline  
26 plan has been approved at the time application is made;

1 (b) As the second step when an outline plan has been approved.

2 (1) Such detail plan may be filed on phases.

3 (2) The first phase of the entire detail plan shall be submitted  
4 within 12 months following approval of the outline plan unless an  
5 extension has been granted.

6 (3) Detail plan, for subsequent phases if more than one phase is  
7 ued, shall be filed at least 60 days prior to the construction date set  
8 forth in the timetable unless an extension has been granted as herein  
9 provided.

10 (4) The detail plan shall be filed at least 20 days prior to the  
11 date to be considered by the planning commission.

12 121.250. MAPS, WRITTEN STATEMENTS, AND APPLICATION. The detail plan  
13 shall be accompanied by an application on a form supplied by the planning  
14 commission. The detail plan shall include the following information and  
15 shall be prepared on material which is suitable for printing by the oxlid  
16 (blue) process:

17 (a) A scale map showing the following for the planned development  
18 site:

19 (1) The topography in sufficient detail to determine the grades and  
20 character of the site as they relate to the improvements and to the  
21 adjacent area;

22 (2) The location of all thoroughfares and walks, their widths and  
23 the nature of their improvement and whether they are to be public or  
24 private;

25 (3) The location, layout, and the surfacing of all off-street  
26 parking areas;

1       (4) The property boundary lines;

2       (5) The individual lot lines of each parcel that is to be created  
3 for separate ownership;

4       (6) The location of easements for the water lines, fire hydrants,  
5 sewer and storm sewer lines, and the location of the electric, gas, and  
6 telephone lines, television cable, and the lighting plans;

7       (7) The landscaping and tree planting plan with a notation  
8 indicating the existing trees and shrubs which are to be retained;

9       (8) The common open areas and spaces and the particular uses which  
10 are intended for them;

11       (9) The areas proposed to be conveyed, dedicated, reserved, or used  
12 for parks, scenicways, playgrounds, schools, public buildings, and  
13 similar public and semipublic uses and whether such areas are to be  
14 public or private;

15       (10) If the planned development is to be constructed in phases,  
16 indicate the area of each phase on the map; and

17       (11) A plan showing the following for each existing or proposed  
18 building or structure for all sites; except single family lots:

19           (1) Its location on the lot and within the planned development;

20           (2) The intended use;

21           (3) The number of dwelling units in each residential building.

22       (b) Elevation drawings of all typical proposed structures except  
23 single family residences. The drawings shall be accurate and to scale but  
24 need not be the final working drawings.

25       (c) The location of all buildings on abutting properties. If  
26 accurate information was submitted for the outline plan, this will be

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1 sufficient.

2 (d) The manner of financing for the planned development.

3 (e) The present ownership of all of the land in the planned  
4 development.

5 (f) A statement from the department of public works and department  
6 of utilities that the utility plans are feasible as to the basic route  
7 and size of the facility in relation to the needs of the development and  
8 the area.

9 (g) A development time schedule indicating:

10 (1) The approximate date when construction of the project will begin;

11 (2) The phases in which the project will be built and the  
12 approximate date when construction of each phase will begin;

13 (3) The approximate dates when development of each phase will be  
14 completed; and

15 (4) The area and location of open space that will be provided at  
16 each phase.

17 (h) The application for the detail plan shall be made on forms  
18 provided by the planning commission and signed by the owners of the  
19 property.

20 121.260. DETAIL PLAN APPROVAL. (a) If an outline plan was not  
21 submitted and approved, the detail plan shall be considered in the same  
22 manner as provided in SRC 121.190 to 121.220.

23 (b) When an outline plan has been submitted, the public hearing held  
24 and the outline plan approved, the planning commission shall grant  
25 approval of the detail plan in whole or in phases if it conforms  
26 substantially to the outline plan and to the standards set forth in this

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chapter. The planning commission may impose reasonable conditions upon its approval to insure conformance to the approved plan. This substantial conformance is intended solely to facilitate the minor modifications from one planning step to another. It is not the intent, nor shall these modifications be used to increase the total area covered or decrease the total open space as approved by the planning commission. The planning commission may fail to find substantial conformance to exist if, in their opinion, the adjustments provided in subsection (c) are being used to significantly modify the approved plan.

(c) Substantial conformance shall exist when the comparison of the detail plan to the approved outline plan shall show that:

(1) There are the same or fewer number of dwelling units;

(2) The open space is in the same general location and in the same general amount, or a greater amount;

(3) The buildings have the same or less number of stories;

(4) The roads and drives follow approximately the same course, have the same or greater width, have the same public or private rights therein and have the same termini and serve the same or fewer dwelling units; and

(5) The detail plan is within the intent and purpose of the outline plan.

(d) Detail plan approved, either for a phase or for the entire plan, shall be valid for a 12 month period. At its discretion, the planning commission may extend approval for additional six-month periods.

121.270. DISAPPROVAL OF DETAIL PLAN. If the detail plan is not in substantial conformance to the purpose and intent of the outline plan, or an applicable portion thereof, the planning commission shall not approve

1 the detail plan. If it is not modified to conform to the outline plan,  
2 the developer may have a public hearing on the proposed detail plan,  
3 provided he supplies the planning commission with a list of current  
4 owners of property in the affected area. The planning commission shall  
5 set the date of hearing and give notice in the manner provided in SRC  
6 121.200 and consider the matter as if it were a new plan. The decision of  
7 the planning commission may be appealed to the common council as provided  
8 in SRC 122.120.

9 121.280. SITE IMPROVEMENTS. The developer may place street  
10 improvements, sidewalks, utilities, and other permanent site improvements  
11 or stake the location of the buildings and make application for building  
12 permits after detail plan approval, however, the placing of improvements  
13 will not obligate the planning commission to grant approval of the final  
14 plan. Under no circumstances will any building permit be issued until  
15 final approval has been granted and the necessary portions of the final  
16 plan recorded.

#### 17 FINAL PLAN

18 121.290. PURPOSE. The purpose of the final plan is to formalize into  
19 the final, legal document form the plans which were approved in the  
20 detail plan step. The final plan, when properly filed in the county deed  
21 records shall serve as the permanent public record of the planned  
22 development.

23 121.300. CONTENTS. The final plan shall contain the information  
24 required in SRC 121.250 for the detail plan. The final plan will be  
25 prepared or printed on permanent high grade paper in a form suitable for  
26 inclusion in the deed records of the county. If parcels of land are to be

1 sold, a "hard copy" subdivision plat in the form prescribed by ORS  
2 Chapter 92, shall also be filed with the final plan. Condominium plats  
3 shall conform to Oregon law and shall not be reviewed by the planning  
4 commission.

5 121.310. FILING. The final plan shall be filed within 12 months of  
6 the date of the granting of the detail plan approval.

7 121.320. SATISFACTORY EVIDENCE. The planning commission shall require,  
8 as a condition to granting final approval, the submission of satisfactory  
9 evidence that the thoroughfare, parking area, and sidewalk improvements  
10 will be placed. The planning commission may also require the submission  
11 of satisfactory evidence to improvements in the common areas. For the  
12 purpose of this section, the criteria for satisfactory evidence set forth  
13 in the subdivision ordinance shall apply.

14 121.330. FINAL PLAN APPROVAL. (a) The planning commission shall  
15 review and approve the final plan if it is in substantial conformance  
16 with the detail plan. Nothing in these provisions shall limit reduction  
17 of the number of dwelling units or increasing open space provided that if  
18 this is done for one phase the number of dwelling units shall not be  
19 transferred to another phase, nor the open space be reduced below that  
20 permitted in the detail plan. This substantial conformance provision is  
21 intended solely to facilitate the minor modifications from one planning  
22 step to another. It is not the intent, nor shall these modifications be  
23 used to increase the total area covered or decrease the total open space  
24 as approved by the planning commission. The planning commission may fail  
25 to find substantial conformance to exist, if in their opinion, the  
26 adjustments provided below are being used to significantly modify the

1 approved plan.

2 (b) Substantial conformance shall exist when the comparison of the  
3 detail plan with the final plan shows that:

4 (1) The number of dwelling units are within ten percent of those  
5 shown on the approved detail plan, but in no case shall any change exceed  
6 the limits established in this Code;

7 (2) The yard depths and distances between main buildings are within  
8 ten percent of those shown on the approved detail plan, but in no case  
9 shall these distances be reduced below the minimum established within  
10 this Code;

11 (3) The open space is within 90 percent or more of that provided on  
12 the detail plan; and

13 (4) The building size does not exceed the building sizes shown on  
14 the detail plan by more than ten percent nor that the building location  
15 does not depart by more than ten percent from the location shown on the  
16 final plan.

17 121.340. FILING OR RECORDING. Upon final approval and after all  
18 conditions have been met, the developer shall record the final plan in  
19 the county deed records. If parcels are to be sold, the developer will  
20 also process and record a subdivision plat as provided in ORS Chapter 92.

21 121.350. AMENDING THE RECORDED FINAL PLAN. The recorded final plan  
22 may be amended by filing the amended plan in the same manner as either an  
23 outline plan or a detail plan. A public hearing must be held and the  
24 matter processed in the same manner as if it were a new application.

25 (This does not apply to the authorized construction phase adjustments in  
26 SRC 121.680). Such amendments shall be recorded in the same manner as the

1 final plan and the amendment noted on the original recorded copy of the  
2 final plan.

### 3 RETAIL SERVICE AREAS

4 121.360. PURPOSE. Retail service areas may be located within a  
5 planned development to provide neighborhood commercial facilities for the  
6 residents of a planned development. Retail service facilities may be  
7 developed when they are a part of a planned development application,  
8 without the need to process a zone change.

9 121.370. CONVENIENCE SERVICE AREA. A planned development, containing  
10 less than 150 dwelling units, may have a convenience service area,  
11 subject to planning commission approval, which may include a newsstand,  
12 barbershop, beauty parlors, delicatessen, dining rooms, coffee shops and  
13 tea rooms, activity rooms, meeting rooms. No drive-in service shall be  
14 permitted.

15 121.380. LIMITED RETAIL SERVICE AREA. (a) Planned developments  
16 containing 150 or more dwelling units may have limited landscaped  
17 perimeter yard area as a part of the development without obtaining a zone  
18 change to commercial zone.

19 (b) The following uses are permitted in a planned development when  
20 developed under the conditions set forth in SRC 121.390 to 121.460.

- 21 (1) Banking facilities;
- 22 (2) Craft and hobby shops;
- 23 (3) Drugstores;
- 24 (4) Grocery stores;
- 25 (5) Laundry and dry cleaning pick-up service, also coin-operated dry  
26 cleaning establishments;

1 (6) Post office station;

2 (7) Newsstands;

3 (8) Restaurants, coffee shops, dining rooms and tea rooms, but no  
4 drive-in service;

5 (9) Variety stores;

6 (10) Other similar uses which may be determined to be appropriate by  
7 the planning commission.

8 (c) The amount of limited retail service area allowed shall be  
9 directly proportionate to the number of dwelling units within the site.  
10 The following formula establishes the maximum allowable gross square feet  
11 to building area and minimum parking required for a limited retail  
12 service area for planned developments which have 150 or more dwelling  
13 units:

14 (1) The maximum allowable gross square feet of building area shall  
15 be 40 feet per dwelling unit.

16 (2) The minimum parking shall be two square feet of parking for  
17 every one square foot of gross building area.

18 (d) Construction of a limited retail service area shall not be  
19 started until at least 150 of the dwelling units have been completed. The  
20 gross floor area to be constructed at any time shall not exceed the gross  
21 floor area formula set forth above, based on the number of dwelling units  
22 constructed at that time, except when 50 percent of the residential units  
23 have been constructed, the planning commission may authorize the  
24 construction of the balance of the entire retail service area, provided  
25 that evidence is presented which satisfies the planning commission that  
26 all of the remaining residential units will be constructed as proposed.

1 The planning commission's policy on satisfactory evidence for subdivision  
2 improvements will apply or such other evidence which the planning  
3 commission may accept as being satisfactory for this purpose.

4 (e) No single business shall occupy more than 50 percent of the  
5 maximum floor area permitted at the time of the completion of the planned  
6 development.

7 DEVELOPMENT AND OPERATION  
8 OF CONVENIENCE AND LIMITED  
9 RETAIL SERVICE AREAS

10 121.390. ACTIVITIES ENCLOSED. All on-site activities of commercial  
11 firms, unless approval is otherwise granted by the planning commission,  
12 shall be conducted wholly within an enclosed building.

13 121.400. UTILITIES. All on-site utilities are to be placed  
14 underground.

15 121.410. LANDSCAPING. A landscaped perimeter yard outside of the  
16 street right-of-way, at least 20 feet in depth, except driveways, shall  
17 surround every retail service area.

18 121.420. VISION CLEARANCE. A vision clearance area at least 30 feet  
19 in depth shall be provided at all intersecting streets, street-driveway  
20 and street-alley intersections within the retail service area.

21 121.430. SIGNS. All signs shall be located flat against a building  
22 wall, not above the eaves of roof. The sign may be illuminated, but the  
23 lighting on it shall not flash, or have moving or animated parts. Each  
24 business may have only one exterior sign. The sign shall pertain only to  
25 that use conducted within the building and may have the following area:

26 (a) Convenience service area four square feet per business;



1 (b) Limited retail service area 50 square feet per business.

2 All other applicable provisions of the Sign Code shall govern as set  
3 forth in SRC Chapter 62.

4 121.440. MAINTENANCE. Maintenance and housekeeping of all exterior  
5 areas shall be provided by the owners. All garbage and refuse shall be  
6 kept entirely within the building and there shall be no storage outside  
7 of the building. No refuse shall be incinerated on the premises.

8 121.450. APPLICATION. The application for either a convenience area  
9 or a limited retail service area shall be included in the planned  
10 development conditional use application and shall be noted in the planned  
11 development public hearing notice and thus not require separate public  
12 hearing.

13 121.460. COMMISSION REVIEW. When reviewing a limited retail service  
14 area and convenience area, the planning commission shall consider the  
15 proposed location and nature of the commercial area in relation to  
16 existing commercial facilities in the general vicinity, its location in  
17 the planned development, vehicle access points to assure adequate and  
18 safe ingress and egress, offstreet parking and loading areas, the  
19 location of buildings, parking open spaces and landscaping as they relate  
20 to the planned development and adjacent areas in relation to the needs  
21 for privacy and freedom from excessive noise, and the need to minimize  
22 the influence of automobiles.

23 STANDARDS FOR A PLANNED DEVELOPMENT

24 121.500. MINIMUM ACREAGE. The following are the minimum acreages for  
25 planned development sites:

26 (a) RA or RS district - 5 acres

1 (b) RD, RM or RH districts - 3 acres

2 121.510. DENSITY. The density of the planned development shall not  
3 exceed the density of the area in which it is to be located, which for  
4 the purpose of this chapter, is established as:

5 (a) The density shall be computed by dividing the total acreage by  
6 the numbere of dwelling units. The total acreage shall be that area  
7 contained in the ownership at the time of the filing of the planned  
8 development application, and includes all proposed streets, common areas,  
9 retail service areas, public parks and dwelling sites and similar areas  
10 within the original area of ownership. When such computation ends with  
11 more than one-half of a dwelling unit, the figure may be rounded to the  
12 higher number of units permitted on the site. When such computation is  
13 less than one-half of a dwelling unit, the remainder will be dropped.

14 (b) RA or RS districts - 6 residential units per acre.

15 (c) RD districts - 10 residential units per gross acre.

16 (d) RM districts - 25 residential units per gross acre.

17 (e) RH districts -

18 (1) 50 residential units per gross acre when the buildings are more  
19 than three stories in height.

20 (2) 25 residential units per gross acre when the buildings are three  
21 stories or less.

22 121.520. UNLIMITED UNITS IN A BUILDING. The number of dwelling units  
23 in a building is not limited in the RA, RS, RD, RM, RH districts under  
24 the provision of the planned development.

25 121.530. HOME OWNERS ASSOCIATION. The perpetual maintenance of  
26 private open space shall be provided by a home owners association.

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1 Property owners within the planned development shall automatically be  
2 members of the association. The articles of such association shall be  
3 approved by the planning commission prior to final approval of the  
4 development. No change shall be made in the articles unless approved by  
5 the planning commission. The planning commission may adopt suggested home  
6 owners association articles which, with appropriate modifications, the  
7 developer may use for his development.

8 121.540. MAINTENANCE OF OPEN SPACE. Such articles shall further  
9 provide in the event of failure of such maintenance, the city may cause  
10 the maintenance of such open space and other common areas to be made and  
11 such costs shall become a lien upon the real property. The articles shall  
12 also prescribe the permitted uses of the open space.

13 121.550. OPEN SPACE UNDER ONE OWNER. In the event that the entire  
14 planned development is to remain under one ownership, the developer shall  
15 then file a deed restriction between the owners and the city in the deed  
16 records of the county providing for a home owners association in the  
17 event the property is divided or any part thereof is sold. The developer  
18 shall also file with the common council, on a form provided by them, an  
19 acknowledgment that he understands that the common council may cause the  
20 proper maintenance of the open space and common areas as is provided in  
21 SRC 121.540 for a home owners association.

22 EXPRESSWAYS, STREETS, ROADS,

23 SIDEWALKS, AND PARKING

24 121.560. EXPRESSWAYS, ARTERIAL AND COLLECTOR ROUTES. Designated  
25 expressway, arterial and collector streets, roads or highways shall  
26 conform to the location, alignment and width as indicated on the official

map of streets and highways now or hereafter adopted by the City of Salem.

121.570. PLANNED DEVELOPMENT THOROUGHFARES. The improvements and rights of way of the thoroughfares shall be of the following widths unless special circumstances such as terrain, anticipated frequency of traffic or other activities causes a need to increase the capacity of the route:

NATURE OF THOROUGHFARES	IMPROVEMENT WIDTHS	CURBLINE	R/W WIDTHS WHEN PROVIDED
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Paved Curb to Curb

Through thoroughfares: (\*1)

Standard improvement	34'	5' curblines	60'
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Alternate sidewalk (*2)	34'	(or *5)	50'
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Minor thoroughfares serving  
more than 20 dwelling units:

(\*3)

Standard improvement	30'	5' curblines	43'(*3)
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Alternate sidewalks (*2)	30'	(or *5)	40'
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Minor thoroughfares serving  
20 or less dwelling units:

Traveling portion - 2 way	18'		22'
---------------------------	-----	--	-----

1 way	12'		16'
-------	-----	--	-----

Add for parking lanes (*4) One	7'		7'
--------------------------------	----	--	----

Two	12'		12'
-----	-----	--	-----

Public utility area when  
providing adjacent to  
thoroughfare (\*3)

1 Sidewalks, each side (\*1) 5' or (\*5) as needed  
2 add to above

3 (\*1) All through thoroughfares shall be located on a public right-of-way.

4 (\*2) Sidewalks may be located in an internal, open space area away from  
5 the street as provided in the section below. An alighting strip 30 inches  
6 in width including the curb will replace the walk in those cases where it  
7 is appropriate. See SRC 121.590. (\*3) The dedication of rights-of-way for  
8 minor thoroughfares is optional, however, if lots are to be sold such  
9 rights-of-way must be dedicated as provided in ORS 92.090. If dedicated,  
10 such rights-of-way shall be that width necessary to accommodate all  
11 improvements and utility areas located in the thoroughfare, plus one foot  
12 for each side of said improvement. (\*4) Parking may be provided at some  
13 other point as provided in SRC 121.600. (\*5) In open space, but alighting  
14 strip 24 inches in width including curbs to be provided in lieu thereof.

15 121.580. APPLICABLE SECTIONS OF THE SUBDIVISION ORDINANCE. The  
16 following sections of the subdivision ordinance, chapter 63, shall apply  
17 to planned developments:

18 SRC 63.145(f) and (h), 63.225, 63.235, and 63.255.

19 121.590. PUBLIC SIDEWALKS. Sidewalks shall be at least five feet in  
20 width, located on a public easement for pedestrian purposes and shall be  
21 provided for the "relocated" walk which walk shall be maintained by the  
22 home owners association.

23 121.600. PARKING. (a) For RA and RS single family districts:

24 (1) A garage or carport shall be provided for each dwelling unit  
25 except the planning commission may permit uncovered parking areas in  
26 appropriate situations instead of the garage or carport. The parking

1 areas must then be well landscaped, designed to minimize the effect of a  
2 large number of cars in one area, effectively screened with ornamental  
3 evergreens or architectural features, such as fences and walls, and the  
4 total design of the area is done in a manner satisfactory to the planning  
5 commission.

6 (2) Two guest parking spaces per dwelling unit shall be provided and  
7 shall be located as set forth in paragraph (c) below.

8 (b) For RD, RM, RH districts, two and one-half parking spaces shall  
9 be provided per dwelling unit for the first ten dwelling units and two  
10 parking spaces for each additional dwelling unit in the same area. These  
11 amounts include both tenant and guest parking and the parking spaces  
12 shall be located as set forth in paragraph (c) below.

13 (c) Location:

14 (1) One-half of the spaces required in (a) and (b) above shall be  
15 located within 300 feet of the dwelling unit they are to serve. The  
16 balance of the spaces may be located up to 500 feet distance from the  
17 dwelling unit.

18 (2) The parking spaces may be located either on or off of the  
19 thoroughfare. Parallel parking spaces located on the thoroughfare shall  
20 be at least seven feet in width by 22 feet in length.

21 (3) When the driveway is at least 18 feet in depth from the front of  
22 the carport or garage to the sidewalk or alighting strip, the driveway  
23 may be considered as providing a parking space for each nine feet of  
24 width of the driveway. If the driveway depth is less than 18 feet, the  
25 driveway shall not be considered as providing parking space.

26 121.610. STORM DRAINAGE. Adequate facilities shall be provided for

1 all storm drainage. The plans shall be filed with the director of public  
2 works for his approval. The storm drainage facilities shall be  
3 constructed in accordance with the approved plans.

4 121.620. UTILITIES. All utility services shall be underground. Sewage  
5 disposal facilities and the water supply for these facilities shall be  
6 approved by the director of public works.

#### 7 YARDS

8 121.630. FRONT YARDS AND YARDS ADJACENT TO THOROUGHFARES. (a) Through  
9 Thoroughfares. Yards adjacent to through thoroughfares shall be not less  
10 than 20 feet in depth.

11 (b) Minor Thoroughfares. A minimum yard depth is not prescribed  
12 provided, however, that in the event vehicle access is to be provided  
13 along that portion of the thoroughfare, then the building line shall be  
14 not less than ten feet so that adequate vision clearance will be  
15 maintained for that portion of the thoroughfare.

16 (c) The yard adjacent to a public thoroughfare, other than those in  
17 front of a garage or carport, shall not be used for off-street parking  
18 except with the planning commission's approval. Off-street parking may be  
19 located within the required yard area adjacent to a thoroughfare, if the  
20 parking area is at least three feet below street grade and is separated  
21 from the street by an ornamental fence, wall, or hedge at least four feet  
22 in height above street grade, which fence, wall, or hedge shall be  
23 continuously maintained.

24 121.640. REAR YARDS. When the planned development abuts the rear of  
25 lots in RA and RS districts, there shall be an intervening yard having  
26 the following depth from buildings or structures located within the

1 planned development:

2 One story - 24 feet

3 Two story - 30 feet

4 Three story - 36 feet, and for

5 Fourth story, and each additional story, add four feet.

6 121.650. OTHER YARDS. All other yards adjacent to the planned  
7 development property lines, other than those yards adjacent to a public  
8 street and those adjacent to rear yards as set forth in SRC 121.640 shall  
9 be as follows:

10 (a) For buildings up to two and one-half stories in height:

11 (1) Main buildings - 1 story, 6 feet; 2 story, 7 feet; 2-1/2 story,  
12 8 feet.

13 Provided there shall be added to the above side yard and rear yard,  
14 one foot for each multiple of 15 feet or portion thereof, that the length  
15 of that side of the building exceeds 30 feet. The rear yard shall be  
16 measured from the property line and not the alley centerline, if any.

17 (2) In lieu of subsection (1) above, side and rear yards may be  
18 provided to allow portions of a main building with offsets and jobs at  
19 varying yard depths, provided:

20 (A) The minimum yard depth for any continuous wall between offsets  
21 and jobs shall be computed as in (a) above for that portion of the wall  
22 between offsets and would have been otherwise required by (a) above,  
23 which area shall be determined by multiplying the length of the yard  
24 times the depth of the yard;

25 (B) The minimum yard depth for any portion of a building shall be  
26 six feet for one story, seven feet for two story and eight feet for a two



1 and one-half story building; and

2 (C) The yard depth between two or more main buildings on the same  
3 lot, or within the development, shall be equal to that yard depth  
4 measured to an assumed property line drawn between each building. The  
5 yard depth between the assumed property line and each building shall be  
6 not less than as provided in (A).

7 (b) For buildings more than two and one-half stories in height,  
8 there shall be a minimum side yard depth of 11 feet and the side and rear  
9 yard requirements shall be increased by three feet for each additional  
10 story above the third, but need not exceed 20 feet.

11 The minimum yard depth between main buildings on the same lot shall  
12 be based on an assumed property line drawn between the buildings.

13 121.660. BUILDING HEIGHT. The following maximum building heights  
14 shall apply:

15 (a) RA, RS, RD, and RM districts - 35 feet.

16 (b) RH districts - not limited.

17 121.670. VISION CLEARANCE. Vision clearance areas shall be provided  
18 as set forth in SRC 130.280.

19 121.680. CONSTRUCTION PHASE ADJUSTMENTS. During construction of the  
20 planned development, the planning director may grant limited adjustments  
21 as follows:

22 (a) Lot area. Maximum possible adjustment of 1 percent of the  
23 minimum lot area but not more than 500 square feet.

24 (b) Percentage of lot coverage. A maximum adjustment of 2 percent  
25 more than permitted but not more than 250 square feet.

26 (c) Front yard and any yard adjacent to a street.

1 (1) A maximum adjustment of 10 percent of the required front yard  
2 depth.

3 (d) Side yards. A maximum adjustment of one foot but in no instance  
4 shall this permit a side yard depth of less than five feet for a one  
5 story building or less than six feet for a two or two and one-half story  
6 building.

7 (e) Rear yard depth. A maximum adjustment of:

8 (1) Either four feet for the main building; or

9 (2) Ten feet if a yard area equal in area to that being covered is  
10 provided at some other place on the lot other than a required yard area.

11 (f) Subjects not included for adjustments. The number of dwelling  
12 units permitted, parking requirements, building height, vision clearance  
13 area, and the use of property are not subjects for adjustments by the  
14 planning administrator.

15 (g) Minimum adjustments only. The adjustment must be held to the  
16 minimum necessary. The planning administrator must find that those  
17 conditions set forth in SRC 116.020 exist.

18 121.690. VARIANCES. Variances from the terms of the planned  
19 development provisions, may be considered concurrently with the  
20 application for the planned development by the planning commission in the  
21 same manner as is provided for the hearings officer in SRC Chapter 115.  
22 The commission shall make the findings set forth in SRC 115.020 prior to  
23 the granting of a variance request. If an application for a variance is  
24 filed at the same time as the filing of the outline or detail plan on  
25 which the planned development public hearing is to be held, then the  
26 variance may be processed and considered concurrently in all respects.

1 The notice of hearing for the planned development shall be considered as  
2 fulfilling other notice requirements of this zoning code, and no  
3 additional fee shall be required.

#### 4 GENERAL PROVISIONS

5 121.800. A PLANNED DEVELOPMENT NOT TRANSFERRABLE. The planned  
6 development project may not be transferred, except when such transfer is  
7 approved by the planning commission, and further excepting transfer of  
8 individual lots within the development.

9 121.810. APPEAL TO THE COMMON COUNCIL. Appeal may be made to the  
10 common council as provided in SRC 114.200.

11 121.820. RESUBMISSION OF PLANNED DEVELOPMENT APPLICATION. No  
12 application which has been denied completely by the planning commission  
13 or by the common council shall be resubmitted for a period of one year  
14 from such denial, unless consent for resubmission be given by majority of  
15 the members of the planning commission, present and voting.

16 121.830. REVOCATION OF PERMIT. Any planned development or adjustment  
17 granted under this chapter may be cancelled by the common council, the  
18 planning commission, or the building official if it develops that the  
19 application contained any false statements, or if the planned development  
20 does not proceed as granted. In such case, it shall be unlawful for any  
21 person to exercise any right granted by the planning commission or the  
22 common council pursuant to such application.

23 121.840. NOTATION ON ZONING MAP. Whenever any planned development has  
24 received final approval, the planning director shall, by appropriate  
25 symbol, note same on the official zoning map; provided, however, if the  
26 planned development is not exercised within the period herein specified,

1 the said symbol shall be deleted from the zoning map.

2 121.850. BUILDING AND CONSTRUCTION PLANS. Following final approval of  
3 the planned development, the developer shall make application to the  
4 director of public works for approval of plans for building construction  
5 and for all site development. The site development plans will include all  
6 private thoroughfares and driveways, sidewalks, walls, fences, screen  
7 planting, and other permanent installation. Each permanent installation  
8 shall be included in a permit issued by the building official.

9 121.870. ZONE CHANGES. Zone changes for property within a planned  
10 development may be considered and heard concurrently with the application  
11 for a planned development. All of the requirements for the preparation of  
12 the application shall be observed as provided in SRC Chapter 110.

13 In the event that a zone change is included in the application for a  
14 planned development, the decision on the planned development shall not be  
15 effective until the common council has approved the zone change.

1 CHAPTER 122

2 INCREASED RESIDENTIAL DENSITY

3 122.010. INTENT AND PURPOSE. The council finds that the cost of  
4 housing in the Salem area has drastically increased in recent years to  
5 the point that many families are no longer able to afford to own their  
6 own homes. This cost is due, in part, to the high cost of land and the  
7 high cost of developing under conventional density and lot development  
8 standards. It is, therefore, the intent of this chapter to encourage the  
9 development of more affordable housing through the increase of allowable  
10 density and relaxation of lot development standards for new subdivisions  
11 in all residential districts other than RH. In order to assure that these  
12 more liberal standards will not be the source of continuing development  
13 of unacceptable living areas, a "sunset" provision requires review and  
14 readoption of these standards by January 1, 1984.

15 122.020. DENSITIES PERMITTED. (a) Notwithstanding any provision in  
16 this zone code relating to density of dwelling units, percent of lot  
17 coverage, or minimum lot size, the following densities are permitted in  
18 RA, RS, RD, and RM districts for new subdivisions as provided in SRC  
19 122.100:

20 (1) RA and RS Districts. Subdivisions may be developed at a density  
21 of not more than eight dwelling units per gross acre of land contained  
22 within the subdivision.

23 (2) RD District. Subdivisions may be developed at a density of not  
24 more than 12 dwelling units per gross acre of land contained within the  
25 subdivision.

26 (3) RM District. Subdivisions may be developed at a density of not

1 more than 20 dwelling units per gross acre of land contained within the  
2 subdivision.

3 (b) In determining allowable density of a subdivision, the entire  
4 area of the subdivision expressed in acres or fractions thereof within  
5 each district shall be multiplied by the allowable density for that  
6 district as set forth in subsection (a) of this section. The result is  
7 the number of dwelling units permitted for the area of the subdivision  
8 thus zoned, except that fractions of a dwelling unit shall be disregarded.

9 (c) No variance or adjustment purporting to authorize or having the  
10 effect of allowing an increase in the densities prescribed in this  
11 section shall be granted.

12 122.030. USES PERMITTED. All uses permitted in the underlying zoning  
13 district, including special and conditional uses subject to the  
14 conditions prescribed therefor, shall be permitted in subdivisions  
15 developed under this chapter; provided that "rental dwellings" as defined  
16 in SRC 31.993, and mobile homes shall not be permitted.

17 122.040. YARDS AND SETBACKS; DRIVEWAYS; VISION CLEARANCE. The  
18 following special yard, setback, driveway and vision clearance provisions  
19 shall supersede any more restrictive provision of this zoning code:

20 (a) All dwelling units, including zero side yard dwellings, shall be  
21 set back from the boundaries of the subdivision as follows:

22 (1) In an RA or RS district, 14 feet for buildings 35 feet or less  
23 in height; 20 feet for all other dwelling units.

24 (2) In an RD or RM district, ten feet for buildings 35 feet or less  
25 in height; 14 feet for all other dwelling units.

26 (b) Dwelling units need not comply with any other yard or setback

1 provision of this zoning code except as otherwise provided in this  
2 section.

3 (c) The special setback lines established in SRC 130.180 shall be  
4 adhered to, provided the cumulative setback shall be five feet plus the  
5 distance specified in Table 130-1.

6 (d) Garages having vehicle entrances facing the street shall be set  
7 back at least 20 feet from the furthest from the street of the following  
8 lines:

9 (1) The right-of-way line;

10 (2) The outside curbline; or

11 (3) The edge of the sidewalk farthest from the street.

12 (e) Driveways serving garages for single family residences shall,  
13 within 20 feet of the line specified in subsection (c) of this section,  
14 contain no area where a paved rectangle at least seven and one-half feet  
15 by twenty feet is not available for the parking of a vehicle.

16 (f) At each side of a driveway serving any number of parking spaces  
17 a vision clearance triangle shall be provided having 15-foot legs along  
18 the driveway and the the edge of the sidewalk farthest from the street;  
19 or, where there is no sidewalk adjacent to the street, along the  
20 curbline. The vision clearance triangles shall be unobstructed as  
21 provided in SRC 130.280.

22 (g) Vision clearance triangles at street and alley intersections  
23 shall be provided as required by SRC 130.280; provided that where a  
24 street has less than 60 feet of right-of-way, or an improved curb-to-curb  
25 width of less than 30 feet, the legs of such vision clearance triangles  
26 along such streets shall be 30 feet for intersections with alleys and

1 with driveways serving off-street parking areas having space for more  
2 than three vehicles, and 40 feet for street intersections.

3 122.050. BUILDING MASS. No building shall exceed 150 feet in any  
4 dimension measured along an exterior wall; provided that a building may  
5 extend up to 200 feet if there is provided an offset or jog in the wall  
6 at least six feet in depth within 50 feet of the center of such  
7 dimension. For purposes of this section, attached buildings shall be  
8 considered a single building.

9 122.060. PARKING AND DRIVEWAYS. Parking shall be provided at a  
10 minimum of two and one-half spaces per dwelling unit in the subdivision.  
11 Parking areas may be located anywhere within the subdivision without  
12 regard to the limitation as to location specified in SRC 133.050. Where  
13 more than two vehicle parking spaces are served by a common driveway,  
14 adequate space as determined by the director of public works shall be  
15 provided in the parking and driveway area for backing and turning of  
16 vehicles so that they may exit the driveway front first. Not more than  
17 one-half space per dwelling unit in the subdivision may be provided by  
18 on-street parking on streets with not less than the right-of-way and  
19 improvement width specified in SRC 63.235(a) and (b), or by parallel  
20 parking bays on other streets.

21 122.070. PEDESTRIAN/BICYCLE WAYS. A paved pedestrian/bicycle system  
22 which may, but need not necessarily be conventional curbline or property  
23 line sidewalks, shall be provided connecting all buildings other than  
24 accessory buildings, parking areas, common facilities on the site, and  
25 the city's pedestrian/bikeway system as existing or planned. Such  
26 pedestrian/bikeway system shall be designated on the plat of the



1 subdivision as open to the public, but need not be dedicated public  
2 right-of-way. The design of such pedestrian/bikeway system and its  
3 connections to the city's pedestrian/bikeway system shall be approved by  
4 the commission as part of the subdivision review process. In addition to  
5 the provisions of SRC 63.245, the commission may require that lighting  
6 for pedestrian/bikeways be provided. Operation and maintenance of  
7 lighting systems serving pedestrian/bikeways which are not within  
8 dedicated public right-of-way shall not be the responsibility of the city.

9 122.080. HOMEOWNERS' ASSOCIATION. Where there is any common property  
10 or facility in the subdivision, there shall, as part of the covenants,  
11 conditions, and restrictions recorded with the subdivision, be a  
12 provision that all property owners within the subdivision shall be  
13 members of a homeowners' association. The association shall, at a  
14 minimum, be responsible for the perpetual maintenance and operation of  
15 all common property and facilities in the development, including but not  
16 limited to: open space, parking areas, recreational facilities, private  
17 streets, privately owned pedestrian/bikeways, and common buildings. Such  
18 association shall have the power to levy and assess against privately  
19 owned property in the development all necessary costs for maintenance and  
20 operation of common property and facilities. The documents creating such  
21 association shall have the approval of the city attorney. Except as  
22 provided in this section, a homeowners' association shall be optional.

23 122.090. DESIGNATION OF INCREASED DENSITY SUBDIVISIONS. At the time  
24 of filing a subdivision application, the applicant may designate his  
25 development for increased residential density as allowed by this chapter.  
26 Such application shall be referred to the commission and processed as

1 provided in SRC 63.048. The commission shall have no power to deny  
2 increased density designation if the subdivision meets the criteria  
3 specified in SRC 122.020. The planning commission may impose conditions  
4 as provided in this chapter, or as necessary to insure conformance with  
5 the applicable provisions of SRC Chapter 63, and the purposes set forth  
6 in SRC 63.020. The planning commission may deny tentative plan approval  
7 for the reasons specified in SRC 63.046(c), upon written findings and  
8 conclusions being made as specified in SRC 63.046(d).

1 CHAPTER 123

2 MOBILE HOME PARKS

3 123.020. DEFINITIONS. As used in this chapter, except where the  
4 context otherwise clearly requires:

5 (a) "Building" means any permanent park structure such as washrooms,  
6 office building, recreation building, and similar structures, owned by  
7 the park for the common use of all the tenants.

8 Exception: Mobile home accessory buildings, awnings, cabanas,  
9 carports, and ramadas as defined in ORS 446.003 (2), (3), (5), (20), and  
10 (25), are not included in this definition.

11 (b) "Park Street" means a private way which affords principal means  
12 of access to abutting individual mobile home spaces and permanent park  
13 structures.

14 (c) "Space" means any area or portion of a mobile home park, which  
15 is designated or used for occupancy by one mobile home.

16 (d) "Stand" means that portion of the mobile home space reserved for  
17 the location of the mobile home.

18 123.030. EXPANSION OR ALTERATION OF MOBILE HOME PARKS. Existing  
19 mobile home parks may be expanded or altered after approval is obtained  
20 from the administrator. The application shall be filed and processed as  
21 an application for a mobile home park use permit.

22 123.040. MOBILE HOME PARK USE PERMIT REQUIRED. No person shall  
23 establish, operate, or occupy a mobile home park or a space therein  
24 without the park owner or operator first obtaining a mobile home park use  
25 permit pursuant to this chapter. No such permit shall be required of  
26 mobile home parks established and maintained as lawful nonconforming uses.

1       123.050. SITE PLAN REVIEW. (a) The administrator shall review all  
2 mobile home park use permit applications within 45 days of receipt; and  
3 shall, if the application meets all requirements of this chapter, issue a  
4 mobile home park use permit with such conditions as may be necessary to  
5 comply with the intent and purpose of this chapter, and which are of such  
6 a nature as could be imposed for a conditional zone change pursuant to  
7 SRC 113.220(b). Failure of the applicant to comply with such conditions  
8 shall be grounds for revocation of the permit. The administrator shall  
9 give written notice of permit issuance to the neighborhood organizations  
10 entitled to notice of the application pursuant to subsection (b) of this  
11 section.

12       (b) Upon receipt of the site plan and application the administrator  
13 shall forward a copy of each to any affected neighborhood organization.  
14 The neighborhood association shall have 30 days from filing of the  
15 application to suggest in writing to the administrator any conditions it  
16 deems appropriate.

17       123.100. MOBILE HOME PARKS IN RA AND RS DISTRICTS; MINIMUM  
18 REQUIREMENTS. All mobile home parks in RA and RS districts are subject to  
19 the minimum standards and conditions set forth in this section.

20       (a) Dwelling Units Permitted. Only those mobile homes used as  
21 permanent residences, manufactured after June 15, 1976, which exhibit the  
22 Oregon Department of Commerce "Insignia of Compliance" that indicates  
23 conformance with Housing and Urban Development (HUD) standards shall be  
24 permitted. All such mobile homes shall be at least 24 feet or wider, with  
25 exterior dimensions enclosing a space of not less than 864 square feet..  
26 In addition, the mobile homes shall have siding materials similar to that

1 presently used on houses constructed under the Uniform Building Code  
2 (UBC); a composition or wood shingle or shake roof, at a minimum slope of  
3 two inches in 12 inches (16 percent); and, unless the mobile home is set  
4 on a ground level foundation, skirting which in design, color, and  
5 texture appears to be an integral part of the adjacent exterior wall of  
6 the mobile home.

7 (b) Minimum Area. No mobile home space shall contain less than 2,700  
8 square feet, except that a space, any portion of which is within 15 feet  
9 of the boundary of the mobile home park property, shall be not less than  
10 the minimum lot size prescribed for the district in which the mobile home  
11 park is located.

12 (c) Space Coverage. Not more than 60 percent of a mobile home space  
13 may be occupied by a mobile home and any other attached or detached  
14 structures used in conjunction with such mobile home. The mobile home  
15 space shall be exclusive of space provided for the common use of tenants,  
16 such as roadway, structures, guest parking, walkways, and areas for  
17 recreation purposes.

18 (d) On-site Storage. The outdoor storage of furniture, tools,  
19 equipment, building materials, or supplies belonging to the management of  
20 the park shall be screened. Screening shall be sight-obscuring and shall  
21 blend with the park environment.

22 (e) Street Names and Addresses. The naming of each public street and  
23 park street and the numbering of each mobile home space shall be done in  
24 accordance with SRC Chapter 84.

25 (f) Fire Hydrants. Each hydrant within the park shall be located on  
26 a public street or park street, and shall conform in design and capacity

1 to the requirements of the fire chief.

2 (g) Street Standards. Park streets shall conform to the following  
3 requirements:

4 (1) Park streets shall be a minimum of 20 feet in width, curb to  
5 curb; provided that if parking is to be allowed on either side of the  
6 street the minimum width shall be increased by eight feet for each side  
7 of the street on which parking is to be allowed. Parking shall be  
8 parallel.

9 (2) Streets shall be paved with cement or asphaltic concrete, and  
10 designed and constructed to adequately support traffic loads and provide  
11 adequate drainage, all as approved by the director of public works.

12 (3) Dead-end streets over 400 feet in length shall have a standard  
13 cul-de-sac bulb with a 38-foot curb radius. Shorter dead-end streets  
14 shall have a turnaround area approved by the director of public works. No  
15 dead-end street shall exceed 500 feet in length.

16 (4) Standard curbs to the specifications of the director of public  
17 works shall be provided.

18 (h) Connection to a Public Way. The park street system shall have  
19 direct connection to a public street with a right-of-way of not less than  
20 50 feet in width.

21 (i) Parking. There shall be two automobile parking spaces for each  
22 mobile home space; parking spaces may be designed end-to-end,  
23 side-to-side, or provided in off-street parking areas as approved by the  
24 administrator.

25 (j) Walks. Provisions shall be made for hard-surfaced, well-drained  
26 walks, not less than 48 inches in width, from each mobile home space to

1 the park buildings and to a public street or park street.

2 (k) Lighting. Streets and walkways designed for the general use of  
3 the park residents shall be lighted during the hours of darkness. Such  
4 lighting shall not be under control of the mobile home occupant. Lighting  
5 shall be designed to a minimum of 0.35 candlepower per square foot and a  
6 maximum of 0.1 watts per square foot energy use.

7 (l) Driveway. Each mobile home space within the park shall have  
8 direct access to a park street or to a public residential street which  
9 the park abuts on both sides. The driveway shall be an unobstructed area,  
10 not less than 10 feet in width, and shall be constructed of hard surface  
11 materials and well drained, meeting the standards of the department of  
12 public works for residential driveways.

13 (m) Decks, Patios. Each mobile home space shall be provided with one  
14 or more slabs or decks adjacent to the mobile home stand, constructed of  
15 concrete, asphalt, flag stone, wood, or other equivalent surface material  
16 which singly or in combination, total not less than 120 square feet of  
17 area and are not less than four feet in width in their least dimension.

18 (n) Separations and Setbacks. Building separations and setbacks from  
19 the park boundary for mobile homes, accessory structures, and buildings  
20 shall conform to the following:

21 (1) A mobile home shall not be located closer than 15 feet to any  
22 other mobile home, or closer than ten feet to a building.

23 (2) Mobile homes on spaces any portion of which is within 24 feet of  
24 the park boundary shall be set back from the boundaries of the space the  
25 same distance as would be required for structures in the underlying zone  
26 to set back from side and rear property lines. Side and rear lines of a

1 mobile home space shall be determined with relation to a park street the  
2 same as side and rear lot lines are determined with relation to a public  
3 street as provided in this zoning code.

4 (3) An accessory building shall not be located closer than six feet  
5 from any mobile home or other accessory building on an adjacent space,  
6 except that a double carport or garage may be built that serves two  
7 adjacent mobile homes. Accessory buildings shall be set back at least ten  
8 feet from the park boundary.

9 (4) When a double carport or garage is built to serve two adjacent  
10 mobile homes, a minimum six foot separation shall be provided between the  
11 double carport and any adjacent structure, mobile home, or mobile home  
12 accessory structure. In the alternative, a one-hour fire separation may  
13 be provided through the center of the double carport, serving adjacent  
14 mobile homes.

15 (5) Mobile homes shall be set back a minimum distance of eight feet  
16 from any adjacent park street, and five feet from any adjacent sidewalk,  
17 provided that there shall be maintained a vision clearance triangle kept  
18 open as provided in SRC 130.280, and having ten-foot legs along the edges  
19 of all driveways and the streets or park streets they intersect.

20 (6) A mobile home and a main or accessory building in the park,  
21 other than a sign or fence, shall be at least 25 feet from a public  
22 street right-of-way.

23 (7) Accessory buildings may not exceed 15 feet in height. For every  
24 one foot of height over ten feet of height up to a maximum of 15 feet,  
25 the accessory building shall set back an additional one foot from the  
26 park property boundary from the minimum required in paragraph (3) of this



1 subsection.

2 (o) Water Supply. All spaces shall be served by the water system of  
3 the City of Salem. Such water supply systems shall be designed and  
4 constructed according to all applicable provisions of the Salem Revised  
5 Code and the standards and specifications on file in the office of the  
6 director of public works.

7 (p) Sewage Disposal. All spaces shall be served by the sanitary  
8 sewer system of the City of Salem. Such sewer systems shall be designed  
9 and constructed according to all applicable provisions of this the Salem  
10 Revised Code and the standards and specifications on file in the office  
11 of the director of public works.

12 (q) Storm Drainage. All spaces shall be provided with adequate storm  
13 drainage and connected to the storm drainage system of the city if such  
14 system is available. Where a public street is to be dedicated or improved  
15 by the applicant, the applicant shall provide and dedicate to the city a  
16 storm drainage system in such street. Storm drainage facilities shall  
17 include suitable on-site detention facilities when deemed appropriate by  
18 the director of public works. Such facilities shall be sufficient to  
19 safely transport through the park all volumes of water generated upstream  
20 and on the site specified by the director of public works. Storm drainage  
21 shall be provided in accordance with all applicable provisions of the  
22 Salem Revised Code and the standards and specifications on file in the  
23 office of the director of public works.

24 (r) Foundation. Mobile home and accessory building foundations shall  
25 be of sufficient strength to support the loads imposed by the mobile  
26 home, based on accepted engineering design standards as approved by the

1 building official. Foundations, tie-downs, or other supports shall be  
2 provided to withstand the specified horizontal, up-lift, and overturning  
3 wind forces on a mobile home and any attached or supported structures  
4 based on accepted engineering design standards, as approved by the  
5 building official. See SRC Chapter 140 for foundation and tie-down  
6 requirements in floodplains.

7 (s) Vacation Trailers. Mobile home parks may accommodate only mobile  
8 homes and not vacation trailers except for storage. A mobile home shall  
9 not remain overnight in a mobile home park unless it is parked in a  
10 mobile home space.

11 (t) Building Height, Location, and Lot Coverage. Except as modified  
12 by this section, all buildings within a mobile home park shall comply  
13 with all provisions of the district in which the park is located as to  
14 height, location, and lot coverage.

15 (u) Building Code Requirements. All buildings within a mobile home  
16 park shall comply with SRC Chapter 56.

17 123.110. MOBILE HOME PARKS IN RM, AND RH DISTRICTS; MINIMUM  
18 REQUIREMENTS. Mobile home parks in RM, and RH districts shall meet all  
19 requirements of SRC 123.100, except subsections (a) and (b) thereof. In  
20 addition, the following minimum requirements shall be met:

21 (a) Dwelling Units Permitted. Except as otherwise provided in this  
22 subsection, only those mobile homes used as permanent residences,  
23 manufactured after June 15, 1976, which exhibit the Oregon Department of  
24 Commerce "Insignia of Compliance" indicating conformance with HUD  
25 standards shall be permitted. All such mobile homes shall be at least 12  
26 feet wide, with exterior dimensions enclosing a space of not less than

1 500 square feet. Those mobile homes sited in parks within the city limits  
2 as of June 15, 1976 that do not meet the criteria specified in this  
3 category, may be relocated in parks in the RL, RM and RH, or CO districts  
4 only with a variance granted pursuant to SRC Chapter 115.

5 (b) Minimum Area. No mobile home space shall contain less than 2,000  
6 square feet and the average area of all spaces within a mobile home park  
7 shall contain not less than 3,000 square feet.

8 (c) Play Areas. A separate play area shall be provided in all mobile  
9 home parks that accommodate children under 14 years of age unless each  
10 space has a minimum size of 4,000 square feet. Such play area shall be  
11 not less than 2,500 square feet of area with at least 100 square feet of  
12 play area provided for each mobile home space occupied by children.

13 Suitable separations or other safeguards shall be provided if the play  
14 area abuts upon a railroad, a public street, a sharp declivity, or other  
15 hazard. The play area shall be located so that no space is farther from  
16 the play area than two-thirds of the distance between the two most  
17 distant points on the park boundary.

18 123.120. STREET DEDICATION AND IMPROVEMENTS. The administrator may,  
19 as a condition of the permit, require the dedication and improvement to  
20 public works department specifications of all or any part of public  
21 streets and public access ways within or abutting the property on which a  
22 mobile home park is to be located. Such dedication and improvement shall  
23 conform to SRC 63.225 to 63.235, and 63.255 to 63.275.

1 CHAPTER 124

2 HOME OCCUPATIONS

3 124.020. STANDARDS FOR HOME OCCUPATIONS. Each home occupation shall  
4 be conducted in full compliance with each of the following conditions:

5 (a) The premises upon which the home occupation is conducted shall  
6 be the residence of a person conducting the home occupation.

7 (b) Not more than one nonresident employee, partner, or other person  
8 engaging in the conduct of the home occupation for pay or profit shall  
9 work on the subject property.

10 (c) The home occupation shall be continuously conducted in such a  
11 manner as not to create any nuisance, public or private, known at law or  
12 equity; including, but not limited to, noise, odors, vibration, fumes,  
13 smoke, fire hazard, or electronic, electrical, or electromagnetic  
14 interference.

15 (d) No sign shall be displayed on the premises except such signs as  
16 are permitted by or exempt from the Salem Sign Code for the district in  
17 which the home occupation is located.

18 (e) No accessory building used for or in connection with a home  
19 occupation shall cover more than 5 percent of the total lot area.

20 (f) The total floor area of buildings on the premises, including  
21 accessory buildings, devoted to the home occupation shall not exceed  
22 25 percent of the habitable space of the dwelling prior to establishment  
23 of the home occupation.

24 (g) No structural alterations shall be made to the dwelling which  
25 would be inconsistent with future use of the building exclusively as a  
26 dwelling.

1 (h) No alteration to or use of the premises shall be made such as to  
2 reduce the number of on-site parking spaces required for dwellings in SRC  
3 Chapter 133.

4 (i) There shall be no outside storage or display of materials,  
5 equipment, or merchandise used in or produced in connection with the home  
6 occupation.

7 (j) The home occupation shall not involve the sale of commodities  
8 and shall be limited to occupations providing services such as  
9 dressmaking, lawyer, public accountant, artist, writer, teacher,  
10 musician, home office of a physician, dentist, or other practitioner of  
11 any of the healing arts, or practices of any art or craft.

1 CHAPTER 130

2 GENERAL DEVELOPMENT STANDARDS

3 130.020. SCOPE, APPLICATION, AND CONSTRUCTION. The provisions of this  
4 chapter apply to all development in every zone unless exempted by another  
5 provision of this zoning code. The provisions of this chapter are  
6 complementary and supplementary to and not in lieu of other provisions of  
7 this zoning code. In the event of a conflict between a provision of this  
8 chapter and any more restrictive provision of this zoning code applicable  
9 to a particular development, the more restrictive provision shall apply.

10 130.100. YARDS AND SETBACKS, GENERALLY. The terms "required yard" and  
11 "setback area" are used interchangeably in this zoning code. A "required  
12 yard" is the minimum required setback area between a building and a lot  
13 line, whether or not additional open space is actually provided between  
14 the building and the lot line. The terms describing lot lines with  
15 relation to orientation of the lot (e.g., "lot line, front," "lot line,  
16 interior," etc.) are defined in SRC Chapter 111.

17 130.110. YARDS TO BE UNOBSTRUCTED. Every required yard and setback  
18 area shall be open and unobstructed by buildings or structures from the  
19 ground to the sky except for those projections and accessory structures  
20 permitted by this zoning code.

21 130.120. YARDS APPLY ONLY TO ONE BUILDING. No required yard, setback  
22 area, or driveway provided around or for any building or structure shall  
23 be considered as providing a yard or setback area space for any other  
24 building or structure, nor shall any yard, setback area, driveway, or  
25 other open space on an adjoining lot be considered as providing a yard or  
26 setback area on the lot whereon the building is to be erected.

1       130.130. YARD AREAS NOT TO BE REDUCED. No lot area shall be so  
2 reduced or diminished that the required yards or other open space shall  
3 be smaller than prescribed by this zoning code.

4       130.140. NO PARKING IN YARDS ADJACENT TO STREETS. (a) No parking  
5 loading or stroage areas for motor vehicles, utility trailers,  
6 recreational vehicles, boats, aircraft, or other similar vehicles shall  
7 be allowed within any required yard adjacent to a street.

8       (b) Driveways crossing from the lot line to a permitted parking,  
9 loading, or storage area by the shortest direct route shall be permitted  
10 within required yards adjacent to streets.

11       (c) Other yard areas may be used for parking unless otherwise  
12 prohibited by this zoning code.

13       130.150. FRONT YARD PROJECTIONS. The following front yard projections  
14 are exempt from all front yard setback provisions of this zoning code and  
15 need not be included when determining the average setback:

16       (a) Planter boxes, window bays, greenhouse windows, chimneys and  
17 flues, steps, cornices, eaves, gutters, belt courses, leaders, sills,  
18 pilasters, lintels, solar collectors, and ornamental features projecting  
19 not more than 24 inches into the required yard.

20       (b) Covered but unenclosed porches when not more than 15 feet above  
21 grade, and uncovered porches, neither of which extend more than ten feet  
22 beyond the front walls of the building nor have any floor area more than  
23 four feet above grade. In no case shall any such projection come closer  
24 than ten feet from the property line.

25       (c) Uncovered wooden decks attached to residential buildings,  
26 provided that:

1 (1) A four-foot landscaped yard is maintained between the front lot  
2 line and the deck;

3 (2) The height of the floor of the deck above grade at its point of  
4 connection to the building does not exceed 30 inches;

5 (3) The height of the floor of the deck above grade at its furthest  
6 extremity from the building does not exceed three feet; and

7 (4) The height of any guardrail or perimeter seat does not exceed 44  
8 inches above the floor of the deck at any point.

9 130.160. SIDE YARD PROJECTIONS. (a) Cornices, eaves, gutters, steps  
10 and fire escapes when not prohibited by any other Code or ordinance, may  
11 project into a required side yard not more than one-third of the width of  
12 the side yard, nor more than three feet in any case.

13 (b) Planter boxes, window bays, greenhouse windows, chimneys, flues,  
14 belt courses, leaders, sills, pilasters, lintels, solar collectors, and  
15 ornamental features may project not more than 24 inches into a required  
16 side yards.

17 (c) Uncovered decks and patios attached to the main building when  
18 not elsewhere prohibited may be extended to the side lot line when they  
19 are three feet or less above grade measured directly beneath the outside  
20 edge of the deck or patio.

21 130.170. REAR YARD PROJECTIONS. (a) Planter boxes, window boxes,  
22 greenhouse windows, steps, chimneys, flues, belt courses, leaders, sills,  
23 pilasters, lintels, gutters, solar collectors, and ornamental features,  
24 may project not more than 24 inches into a required rear yards.

25 (b) A fire escape, balcony, outside stairway, cornice, or other  
26 unenclosed, unroofed projection may project not more than five feet into



1 a required rear yard provided that no portion thereof is within six feet  
2 of any lot line.

3 (c) Uncovered porches, covered but unenclosed porches or patios not  
4 more than 15 feet above grade having no floor area more than four feet  
5 above grade and which shall not come closer than eight feet from the rear  
6 lot line, are, except for this section, exempt from all rear yard setback  
7 requirements, provided that any covered floor area shall set back at  
8 least eight feet from the rear lot line.

9 (d) No permitted projection into a required rear yard shall extend  
10 within ten feet of the centerline of an alley, or within six feet of an  
11 accessory building.

12 (e) Uncovered decks and patios attached to the main building when  
13 not elsewhere prohibited may be extended to the rear lot line provided  
14 they are four feet or less above grade measured directly beneath the  
15 outside edge of the deck or patio.

16 130.180. SPECIAL SETBACKS. (a) To afford better light, air, and  
17 vision on the public streets, and to permit the eventual widening of such  
18 streets without the result of creating nonconforming structures, no  
19 structure or paving shall be erected or placed within the special setback  
20 areas established in Table 130-1, and subsections (b) and (c) of this  
21 section. The distances prescribed for setback in Table 130-1 shall be  
22 measured at right angles to the centerline of the actual street  
23 improvement or, where there is no improvement, from the centerline of the  
24 dedicated right-of-way.

25 (b) When territory which is annexed to the City contains an  
26 extension of any street or streets listed in Table 130-1, the setback

1     therein established for those streets shall apply to such annexed  
2     extension thereof.

3         (c) A lot which abuts any street dedicated to a portion only of its  
4     required minimum width under SRC 63.235(a)(4) to (7) shall be subject to  
5     a special setback as follows:

6         (1) The director of public works shall designate the location of the  
7     centerline of the street, from which shall be established the minimum  
8     right-of-way location under SRC 63.235(a)(4) to (7).

9         (2) The minimum right-of-way lines so established shall be the  
10    cumulative setback lines for purposes of this section.

11        (d) The distances specified in Table 130-1 under the column entitled  
12    "Exclusive Setback" are minimum requirements. Where any other provision  
13    of the Salem Revised Code or other applicable law or ordinance would  
14    impose a greater setback or yard area, the distances specified in Table  
15    130-1 shall not be construed to modify or waive such greater requirements  
16    and the latter shall apply.

17        (e) The distances specified in Table 130-1 under the column entitled  
18    "Cumulative Setback" are distances to which the setback or yard  
19    requirements specified elsewhere in this zoning code shall be added. For  
20    purposes of determining the application of such other yard or setback  
21    requirements, including the requirements for landscaped yards, the line  
22    established pursuant to the "Cumulative Setback" column of Table 130-1,  
23    or under subsection (c) of this section shall also be deemed the "lot  
24    line" and the "edge of the street" as those terms are used to define  
25    specific yard and setback requirements.

26        (f) Upon the adoption or amendment of any sector plan pursuant to

1 SRC Chapter 66 the administrator shall recommend to the commission any  
2 amendments to Table 130-1 necessary to implement the intent of the sector  
3 plan, and the commission shall schedule a hearing on the proposed  
4 amendment to the text of this zoning code.

5 130.190. REMOVAL AGREEMENT AS A CONDITION FOR VARIANCE. (a) As a  
6 condition of varying any special setback line established in SRC 130.180,  
7 the owner of the subject property shall file with the city recorder a  
8 written removal agreement. The removal agreement shall be in recordable  
9 form approved by the city attorney, and shall provide that within six  
10 months after notice by the council, any structure, paving, or part  
11 thereof which extends into the special setback area shall be completely  
12 removed by the owner of the subject property at no expense to the city,  
13 and in case of default in that obligation, the city may cause such  
14 removal at the expense of the owner with all costs incurred to become a  
15 lien against such land or premises to be collected or foreclosed in the  
16 same manner as liens which are entered in the lien docket of the city.  
17 The agreement shall also provide that the owner of the affected premises  
18 shall not be entitled to any damages or compensation in consequence of  
19 the exercise of the city of its rights under the agreement. This  
20 provision shall not be construed as denying the owner of such property  
21 the right to just compensation for the unimproved value of any land taken  
22 for the widening of any street.

23 (b) The city recorder shall cause such agreement to be recorded at  
24 the office of the county clerk for the county in which the subject  
25 property is located. Notice to remove any structure, paving, or part  
26 thereof as herein provided shall not be given or directed by the council

1 except when the city or the State of Oregon proceed to widen the street  
2 in front of the premises affected by the variance, and the removal  
3 agreement may contain a stipulation to that effect.

4 130.200. HEIGHT LIMITATIONS, GENERALLY. Wherever in this zoning code  
5 there is expressed a standard for "building height" or a "height  
6 limitation" or similar expression, such standards shall apply as well to  
7 structures which are not buildings unless such structures are expressly  
8 excluded from their application. The highest point of a structure which  
9 is attached to a building shall be included in the height of the building  
10 unless exempt under SRC 130.210 or other specific provision of this  
11 zoning code. All heights specified in this zoning code are to be measured  
12 from grade as provided in the definition of "building height" in SRC  
13 Chapter 111 unless a different method of measurement is specified.

14 130.210. HEIGHT EXCEPTIONS. (a) Towers, steeples, chimneys,  
15 wind-driven electrical generating equipment, and monuments, none of which  
16 exceeds 185 feet in height, are exempt from all other height restrictions  
17 provided they do not contain any rooms, offices, or other habitable  
18 space, that the horizontal section does not exceed 625 square feet at the  
19 top of the main building; and that the sum of the horizontal section of  
20 all such projections at the height limit applicable to the building,  
21 structure, or land on which they are located does not exceed 20 percent  
22 of the horizontal area of the roof of any building on which they are  
23 situated.

24 (b) Radio, television, and microwave antennas and structures  
25 exclusively for their support are exempt from all height restrictions.

26 (c) Mechanical penthouses, equipment, and appurtenances necessary to

1 the operation or maintenance of the building or structure itself,  
2 including ventilators, plumbing and vent stacks, cooling towers, water  
3 tanks, panels or collectors for solar energy, and window washing  
4 equipment, together with enclosures for any such features are exempt from  
5 all other height restrictions provided they do not contain any offices,  
6 restrooms, storage rooms, or habitable space; provided further that the  
7 sum of the horizontal section of all such projections at the height limit  
8 applicable to the building or structure on which they are located does  
9 not exceed 60 percent of the horizontal area of the roof of the building  
10 on which they are situated; and finally provided that no such device or  
11 enclosure projects more than 15 feet above the roof, measured vertically  
12 from any point on the device or enclosure.

13 130.220. HEIGHT OF STRUCTURES WITHIN 165 FEET OF CAPITOL DISTRICT.

14 Except as provided in SRC 130.210, no portion of a building or structure  
15 outside of, but within 165 feet of, the external boundary of the PM  
16 district shall exceed a height of 70 feet.

17 130.250. LOT STANDARDS, GENERALLY. Specific standards for lot size or  
18 area, for lot dimensions, and for lot coverage are set forth in other  
19 sections of this zoning code. Where a standard for lot coverage is  
20 expressed as a percentage, such standard means the percentage of total  
21 lot area covered by buildings and by roofed but unenclosed structures,  
22 whether or not attached to buildings. Lot area covered by structures less  
23 than five feet in height and having less than 20 square feet of gross  
24 floor area (such as pet shelters, play houses, etc.) shall not be  
25 included in calculating lot coverage.

26 130.260. STREET FRONTAGE. Except for single family dwellings, all

1 uses shall be located on lots having at least 16 feet of frontage.

2 130.270. BUILDINGS TO BE ON A LOT. Every building shall be entirely  
3 situated on a separate lot, except as allowed under the Unit Ownership  
4 Law (ORS 91.400, et seq.). Where two or more separate lots are combined  
5 under single ownership to accommodate a single development, the entire  
6 combined area shall be considered as a single lot for purposes of this  
7 zoning code. Buildings which are attached at a common property line, but  
8 which otherwise meet all requirements of SRC Chapter 56 as separate  
9 buildings shall be considered as separate buildings for purposes of this  
10 section.

11 130.280. VISION CLEARANCE AREAS. The following regulations shall  
12 apply to all intersections of streets, alleys and private driveways other  
13 than in the CB district in order to provide safe visibility for vehicular  
14 and pedestrian traffic:

15 (a) There shall be a vision clearance area at all intersecting and  
16 intercepting streets and highways. Such vision clearance area shall have  
17 a minimum of 30 feet legs along each street or highway intersection.

18 (b) There shall be a vision clearance area on each side of any  
19 private driveway or alley intersecting a highway, street or alley. Such  
20 vision clearance area shall have a minimum of 10 feet legs along each  
21 street or highway intersection. The provisions of this subsection shall  
22 not apply within the RA, RS, and RD districts.

23 (c) Where, due to grade or an irregular lot shape, vision clearance  
24 areas as described on Figure 130-A would not in the opinion of the  
25 director of public works, provide for intersection visibility, he may  
26 prescribe the dimensions and conditions which will comply with the intent

1 of the vision clearance area described in this section, according to  
2 recognized traffic engineering standards.

3 (d) The vision clearance area shall not contain temporary or  
4 permanent obstructions to vision exceeding 30 inches in height above the  
5 curb level or street shoulder where there is no curb, except a supporting  
6 pillar or post not greater than 12 inches in diameter or 12 inches on the  
7 diagonal of a rectangular pillar or post; and further excepting utility  
8 poles and those posts, poles, or supporting members of street signs,  
9 street lights and traffic control signs installed as directed by the  
10 department of public works or any other public agency having jurisdiction.

11 (e) Vision clearance shall not be required at a height 7 feet or  
12 more above the curb level or 7 feet 6 inches above the shoulder of a  
13 street that does not have a curb.

14 (f) The vision clearance provisions of this section shall not be  
15 construed as waiving or altering any yard, landscaping or setback  
16 requirements that may be required by this or any other code or ordinance.

17 130.400. HILLSIDE LOTS. (a) Notwithstanding any provision of this  
18 zoning code to the contrary, hillside lots in subdivisions and  
19 partitionings receiving tentative approval on or after July 8, 1980,  
20 shall comply with the standards set forth in this section. Hillside lots  
21 in other areas may, at the option of the developer or owner, meet such  
22 standards in lieu of those specified elsewhere in this zoning code. A  
23 topographical survey of the lot shall be furnished by any person wishing  
24 to meet the standards of this section. For development of any lot in a  
25 subdivision receiving tentative plan approval after July 8, 1980, the  
26 administrator or building official may require a topographical survey

1 showing two-foot contour intervals wherever there is a question as to  
2 whether the lot is a hillside lot.

3 (b) Where the hillside lot has an average cross slope of 20 percent  
4 or more, the minimum setback between the garage or carport and the  
5 right-of-way shall be 15 feet for a driveway entering onto a 24-foot  
6 street and 17 feet for a driveway entering onto a street of greater  
7 width; provided, however, that where entry to the garage or carport is  
8 parallel to the street from which it is served, the minimum setback shall  
9 be seven feet. All other portions of structures on the lot shall have a  
10 minimum seven foot setback provided that a minimum vision clearance  
11 triangle having ten foot legs along the street and driveway is maintained.

12 (c) Grade. Natural grade shall be retained on at least 40 percent of  
13 the total lot area. Landscaping not involving substantial earth movement  
14 shall not be deemed a change in natural grade. As used in this subsection  
15 "grade" means both the slope and the elevation of the land in its natural  
16 state. No retaining wall shall exceed six feet in height above the lowest  
17 finished ground level.

18 (d) Trees. Building pads and driveway areas should be sited so as to  
19 preserve trees having a caliper of eight inches or greater measured at  
20 four feet above ground level.

21 (e) Erosion control. Temporary erosion control measures shall be  
22 taken throughout the course of development and construction, and  
23 permanent measures shall be taken thereafter to prevent erosion from  
24 foreseeable sources. All cut and fill surfaces subject to erosion shall  
25 be planted with living materials that will thrive with little or no  
26 maintenance once established. On slopes likely to be extensively



1 disturbed by later construction, an interim ground cover may be planted  
2 or other suitable temporary measures taken, to be supplemented by the  
3 permanent ground cover or shrubs and trees when the site is finally  
4 developed and landscaped. Anticipated methods of erosion control,  
5 including type and spacing of ground cover, shall be indicated on  
6 individual building permit applications. Placement of all permanent  
7 erosion control measures on a lot shall be initiated within six months of  
8 the date of occupancy of any building on the lot, and completed within  
9 one year of such occupancy. If such measures are considered ineffective,  
10 the director of public works shall prescribe alternate measures to  
11 control erosion. Upon the failure of the person responsible to institute  
12 such measures within 30 days of notice to do so, the director of public  
13 works shall obtain competitive bids and let a contract in the name of the  
14 City of Salem for the performance of such work. All costs incurred  
15 thereby shall become a lien against the property to be assessed,  
16 collected, and enforced as provided for dangerous buildings in SRC  
17 56.390(b).

18 (f) Driveways. The maximum difference in elevation between the  
19 curblineline and finished floor level of the garage or carport for driveways  
20 serving individual lots shall be on a slope of 15 percent; provided,  
21 however, the director of public works may permit a difference in  
22 elevation not exceeding a 20 percent slope provided that there is no  
23 slope exceeding 25 percent between any two points in the driveway, and  
24 that adequate vertical curves or ramps are used in the driveway to assure  
25 usability by a standard size American automobile.

26 (g) Cut and fill slopes. The fill slope shall begin no closer than

1 two feet to the edge of the curb. Cut and fill slopes shall not exceed  
2 two horizontal to one vertical, provided that the director of public  
3 works may approve slopes not exceeding one to one upon certification by a  
4 qualified engineer or geologist that the slope will remain stable under  
5 foreseeable conditions. Cut and fill areas shall comply with all the  
6 requirements of SRC Chapter 65 wherever those requirements are more  
7 restrictive than those stated in this subsection.

TABLE 130-1

## BUILDING SET BACK REQUIREMENTS CITY OF SALEM

Distances Are Calculated at Right Angles From the Center Line

			EXCLUSIVE	CUMULATIVE
	STREET	SEGMENT	SET BACKS	SETBACKS
	Airport Rd. SE	Santiam HW to State Street	50'	--
		Turner Rd. to Santiam HW	50'	--
	Aumsville Hwy. SE	S. City Limits to Cordon Rd.	--	34'
	Barnes Rd. SE	Sunnyside Rd. to Easy City Limits	--	30'
	Battle Creek Rd. SE	S. City Limits to Boone Rd.	--	34'
	Boone Rd. SE	Reed Lane to E. City Limits	--	60'
	Boone Rd. SE	Liberty Rd. S. to Reed Lane	--	30'
	Brooks Ave.	Highland to McDonald	--	41'
	Browning Ave. S & SE	Kurth Rd. to Liberty Rd.	--	30'
		Liberty Rd. S to Commercial SE	--	30'
	Brush College Rd.	W. City Limits to Wallace Rd.	--	42'
	Cascade Dr. NW	Parkway Dr. NW to Glen Creek Dr. NW	--	30'
	Center Street NE	14th to 24th Street	50'	--
		24th to East City Limits	62'	--
	Cherry Ave. NE	Pine Street to Ore. Elect. RR	--	34'
		Ore. Elect. to N. City Limits	--	42'
	Claxter Rd. NE	Hyacinth St. to W. City Limits	--	30'
	Commercial St. SE	Liberty to Vista	50'	--
		Vista to S. City Limits	80'	--
	Crestview Drive S	Hansen Ave. S. to Schurman Dr.	--	30'
	Croisan Cr. Rd. S	S. River Rd. to Madrona Ave. S	--	30'

1	Croisan Scenic Way	Existing Portions	--	34'
2	Doaks Ferry Rd. NW	Brush College to Wallace Rd.	--	42'
3	Eola Dr. NW	City Limits to Edgewater Dr.	--	42'
4	Fairgrounds Rd. NE	Tile to Silverton Rd.	55'	--
5	Fairview Ave. SE	Commercial St. to 12th Pl. SE	--	34'
6	Glen Cr. Rd. NW	W. City Limits to Wallace Rd. NW	--	34'
7	Hawthorne Ave. NE	Portland Rd. to Sunnyview Rd.,		
8	35th/34th/Hyacinth	Center St. to State St.	--	34'
9		Sunnyview Rd. to Center St.	--	42'
10	Hoyt St. S & SE	Mtn. View Dr. to Commercial St.	--	30'
11		Commercial St. to Pringle Rd.	--	34'
12	Hrubetz Rd. SE	Liberty Rd. to Jones Rd.	--	30'
13	Hyacinth St. NE	From Portland Rd. to		
14		South Pac. RR tracks	--	34'
15	Jones Rd. SE	Hrubetz Rd. to Idylwood Dr.	--	30'
16	Kingwood Dr. NW	Eola Dr. to Glen Cr. Rd.	--	30'
17	Kubler Rd. S	Croisan Creek Rd. to Skyline Rd.	62'	--
18	(Existing)			
19	Lancaster Dr. SE	Cranston St. to Cordon Dr.	--	42'
20	Liberty Rd. S	Commercial to S. City Limits	--	42'
21	Liberty St.	Superior to N. River Rd.	40'	--
22	Lone Oak Rd. SE	South City Limits to Browning Ave.	--	30'
23	Madrona Ave. S & SE	Croisan Creek Rd. to Liberty Rd.	--	30'
24		Liberty Rd. to 12th St.	--	34'
25		12th St. to 25th St.	--	42'
26	Marion St. NE	Ext. 14th St. to Center St.	--	30'

1	Market St. NE	Front St. to Lancaster Dr.	50'	--
2	McGilchrist St. SE	12th to 25th St.	40'	--
3	Mission St. SE	24th St. to Airport	As	--
4			Designed	
5		12th to 24th St.	60'	--
6		Commercial St. to 12th St.	60'	--
7	Orchard Hts. Rd. NW	West Line to DLC No. 71 on		
8		Existing Segment to Wallace Rd.	--	34'
9	Owens St. S	West City Limits to West Line of		
10		DLC No. 71	--	42'
11	Park Ave. NE	Center St. to "D" St.	--	30'
12	Portland Rd. NE	Highland to N. City Limits	60'	--
13	Pringle Rd. SE	Battle Creek to Hoyt St.	--	42'
14	Reed Lane SE	Strong Rd. to Battle Creek Rd.	--	30'
15	Salem Heights Ave. S	Sunridge Dr. to Triangle Dr.	--	30'
16	Schurman Dr. S	Crestview Dr. to S. River Rd.	--	30'
17	Silverton Rd. NE	17th to E. City Limits	--	42'
18	Skyline Rd. S	S. City Limits to Kubler Rd.	--	34'
19		Kubler Rd. to Liberty Rd.	--	42'
20	S. River Rd.	Owens St. to S. City Limits	62'	--
21	State Street	14th to 25th	50'	--
22		25th to E. City Limits	62'	--
23	Strong Rd. SE	Madrona Ave. to S. City Limits	--	30'
24	Summer St. SE	Fairview Ave. to Rural Ave.	--	30'
25	Sunnyside Rd. S	S. City Limits to Commercial	--	34'
26	Sunnyview Rd. NE	Fairgrounds Prop. to E. City Limits	--	34'

1	Tile Rd.	Fairgrounds to 17th	--	34'
2	Turner Rd.	Mission St. to S. City Limits	50'	--
3	Vista Ave. SE	Commercial St. to Pringle Rd.	--	30'
4	Wallace Rd. NW	Salem-Dallas NW to NW City Limits	62'	--
5	8th St. NW	Rosemont Ave. to Gerth Ave.	--	30'
6	12th St.	Ferry to Leslie	50'	--
7		Leslie to Cannon	50'	--
8		Cannon to Commercial	--	42'
9	17th St. SE	State St. to Silverton Rd.	--	42'
10		Oak to State	--	30'
11	22nd St. SE	McGilchrist to Mission St.	--	30'
12	25th St. SE	Mission to State	--	34'
13	45th Ave. NE	Center St. to Sunnyview	--	30'

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1 CHAPTER 131

2 ACCESSORY STRUCTURES

3 131.010. APPLICATION OF REGULATIONS. (a) The regulations set forth in  
4 SRC 131.010 to 131.090 shall apply to all residential districts and to  
5 structures in any other district developed for residential uses. Except  
6 as specifically exempted herein, the provisions of this chapter  
7 supplement and do not supersede other development standards set forth in  
8 this zoning code.

9 (b) The provisions of SRC 131.010 to 128.090 shall not be deemed to  
10 waive or modify any requirement of this zoning code for vision clearance  
11 areas, notwithstanding subsection (a) of this section.

12 (c) The provisions of SRC 131.100 to 131.120 shall apply in all  
13 districts except as otherwise provided therein.

14 131.020. REAR YARD COVERAGE BY ALL ACCESSORY STRUCTURES. The lot  
15 coverage by all accessory structures located in the required rear yard,  
16 except fences, shall total no more than 25 percent of the required rear  
17 yard area.

18 131.030. HEIGHT. The maximum height of any accessory structure other  
19 than a fence shall be nine feet at the lot line. Such maximum height may  
20 be increased one foot for each one foot of distance from the lot line to  
21 a maximum height of 15 feet.

22 131.040. YARDS ADJACENT TO STREETS. Any accessory structure, except a  
23 fence, which has any portion extending more than four feet above grade  
24 shall observe all setback requirements for yards adjacent to streets  
25 applicable to a main building.

26 131.050. SIDE YARDS, INTERIOR. Unless otherwise provided, accessory

1 structures not attached to the main building, and located in an interior  
2 side yard shall be set back at least five feet from any lot line in lieu  
3 of any other more restrictive interior side yard requirement. This  
4 section shall not apply to fences or to accessory structures having at  
5 least one wall which is an integral part of a fence.

6 131.060. REAR YARDS. Within portions of rear yards not abutting a  
7 street, an accessory structure may be placed on the property line except  
8 along an alley; all accessory structures except fences shall be set back  
9 at least one foot from the alley in lieu of any more restrictive rear  
10 yard requirements.

11 131.070. ACCESSORY STRUCTURES ATTACHED TO THE MAIN BUILDING. Covered  
12 or enclosed accessory structures which are attached to the main building,  
13 shall be considered as a portion of the main building and shall observe  
14 the same requirements as the main building.

15 131.100. LOCATION, HEIGHT, AND DENSITY OF FENCES, WALLS, AND HEDGES.  
16 The following provisions provide standards for the location, height, and  
17 density of fences, walls, and hedges in all districts for the purpose of  
18 providing light, air, privacy, and safety, and safeguarding the public  
19 welfare by preventing visual obstructions at driveway, alley, street and  
20 highway intersections.

21 (a) Swimming Pools shall be entirely enclosed by buildings, fences  
22 or walls not less than five feet in height. All fencing or walls shall be  
23 in place and approved by the building official before water is run into  
24 the pool.

25 (b) A fence, wall or hedge not more than four feet in height may be  
26 within ten feet of a property line abutting a street when that portion



1 above two feet in height is less than 25 percent opaque when viewed from  
2 any angle at a point 25 feet away from the fence, wall or hedge. Fences  
3 or walls located more than ten feet from such street property shall not  
4 exceed eight feet in height in residential districts or on residentially  
5 used property in other districts. No other fence or wall shall exceed  
6 twelve feet in height.

7 (c) Notwithstanding the provisions of subsection (b) of this  
8 section, and when an adjustment has been granted pursuant to SRC Chapter  
9 116, a fence, wall, or hedge not more than eight feet in height may be  
10 permitted within ten feet of a property line abutting a street provided  
11 that vision clearance provisions approved as conditions of the adjustment  
12 have been incorporated into the design and location of such fence, wall  
13 or hedge.

14 131.110. MEASUREMENT OF HEIGHT OF FENCES. All fences along a public  
15 right-of-way shall be measured from and along the sidewalk; or if no  
16 sidewalk exists, from and along the curb, or if no curb exists, from and  
17 along the finished shoulder grade of the right-of-way. All other fences  
18 will be measured from and along the finished grade upon which the fence  
19 is constructed.

20 131.120. USE OF HAZARDOUS MATERIALS. Fences and walls shall not be  
21 constructed of or contain any material which will do bodily harm, such as  
22 electric or barbed wire, broken glass, spikes, or any other hazardous or  
23 dangerous material, except as follows:

24 (a) Barbed wire or electrified fences enclosing livestock are  
25 permitted in any district if the fence is posted or flagged at not less  
26 than 15 foot intervals with clearly visible warnings of the hazard.

1 (b) Barbed wire is permitted more than eight feet above grade in CR,  
2 CG, industrial, and public use districts, provided that barbed wire shall  
3 not extend over a street or alley.

4 131.130. SIGHT-OBSCURING FENCES, WALLS AND HEDGES. Wherever a  
5 sight-obscurer fence, wall or hedge is required under the provisions of  
6 this zoning code, it shall conform to the provisions of this section:

7 (a) Opacity. Fences and walls, to be "sight-obscurer", shall be at  
8 least 75 percent opaque when viewed from any angle at a point 25 feet  
9 away from the fence or wall. Hedges shall be of an evergreen species  
10 which will meet and maintain year-round the same standard within three  
11 years after planting.

12 (b) Height. Fences and walls shall be not less than six feet in  
13 height. Hedges shall be of a species capable of attaining a height of at  
14 least six feet within three years after planting, given their age, height  
15 and health when planted.

16 (c) Maintenance. Fences and walls shall be structurally maintained  
17 in safe condition and be maintained opaque as required in subsection (a)  
18 of this section. Wooden materials shall be protected from rot, decay and  
19 insect infestation. Plants forming hedges shall be replaced within six  
20 months after dying or becoming diseased to the point that the opacity  
21 required in subsection (a) of this section is not met.

1 CHAPTER 132

2 LANDSCAPING

3 132.010. APPLICATION OF CHAPTER. The provisions of this chapter apply  
4 to all required landscaping under this zoning code.

5 132.020. EXISTING DEVELOPMENT. Where the construction of or addition  
6 to a structure or parking area increases the total area of the lot  
7 covered by structures, paving, or both by more than 50 percent, the  
8 entire lot shall meet the landscaping requirements of this zoning code.

9 132.030. EXISTING VEGETATION. Existing vegetation which is retained  
10 as part of the development may be included as part of the landscaping  
11 requirement unless prohibited under SRC 132.040.

12 132.040. PROHIBITED LANDSCAPING. No area required to be landscaped  
13 under any provision of this zoning code shall include any artificial  
14 trees, plants, or turf, or any carpeting designed as a visual substitute  
15 for lawn or other organic ground cover. Neither areas devoted to the  
16 cultivation of crops nor any area used for pasture shall be considered as  
17 landscaped for purposes of fulfilling any landscaping requirement under  
18 this zoning code.

19 132.050. IRRIGATION. All required landscaped areas shall include a  
20 permanently installed irrigation system unless a planting or maintenance  
21 plan not dependent on a permanent system has been approved by the parks  
22 director.

23 132.060. AGRICULTURAL AND UNDEVELOPED LAND. (a) Agricultural uses  
24 shall be exempt from all landscaping requirements of this zoning code.

25 (b) Undeveloped lots are exempt from all landscaping requirements of  
26 this zoning code. Undeveloped lots shall be maintained in compliance with

1 SRC chapters 45, 46, 47, and 48, and shall be planted, watered regularly,  
2 or otherwise maintained so as to cause a minimum of airborne dust carried  
3 off the premises.

4 132.070 PARKING LOT LANDSCAPING. Where more than 20 uncovered  
5 parking spaces are provided, an area equal to not less than five percent  
6 of the paved area of the lot shall be landscaped. The landscaping  
7 required in this section shall be within or abutting the paved area, and  
8 shall not include but shall be in addition to any required yard.

9 132.080. STREET TREE REQUIREMENTS. (a) Development adjacent to  
10 designated arterial streets shall provide street trees in accordance with  
11 the street tree plan adopted pursuant to SRC 86.115.

12 (b) Development in RA and RS districts shall provide a minimum of  
13 one street tree plus one additional street tree for every 20 feet of  
14 street frontage or fraction thereof after the first 40 feet of frontage.  
15 Street trees shall conform to the street tree plan adopted pursuant to  
16 SRC 86.115.

17 132.090. INSTALLATION AND DESIGN REQUIREMENTS. (a) All required  
18 landscaping shall be planted and installed prior to the issuance of a  
19 final occupancy certificate. The building official shall not issue any  
20 temporary occupancy certificate until the administrator has approved a  
21 written statement setting forth the reasons for delay and estimated date  
22 of completion.

23 (b) All landscaped areas shall be planted with species approved as  
24 likely to achieve, within five growing seasons, ground coverage of at  
25 least 75 percent of the area shown on the approved landscaping plan as  
26 not otherwise covered by water or inorganic landscaping features.

1        132.100. LANDSCAPING PLAN REQUIRED; APPROVAL. (a) All building permit  
2 applications for development on lots subject to landscaping requirements  
3 other than residential street trees required under SRC 132.080(b) shall  
4 include in the plans submitted therewith a landscape design plan drawn to  
5 workable scale showing all plantings by common and botanical names  
6 together with their size or expected coverage within five growing  
7 seasons, the location and type of nonliving organic ground cover, the  
8 size and configuration of other landscaping features, and an irrigation  
9 plan or maintenance plan in lieu of irrigation. The irrigation plan shall  
10 show the materials, size, location, manufacturer, and model number of all  
11 components, including backflow or anti-siphon devices, valves, and  
12 irrigation heads.

13        (b) The landscaping plan shall be reviewed by the parks director. No  
14 building permit for a development subject to this section shall be issued  
15 until a landscaping plan has been approved by the parks director.

1 CHAPTER 133

2 OFF-STREET PARKING, LOADING AND DRIVEWAYS

3 133.020. APPLICATION TO VEHICLE STORAGE AREAS. The provisions of  
4 SRC 133.200 relating to the improvement of parking areas and driveways  
5 serving them shall also apply to areas used for the storage of motor  
6 vehicles, farm and garden vehicles, earth moving and heavy construction  
7 vehicles, boats, trailers, recreational vehicles, aircraft, and similar  
8 vehicles, except that:

9 (a) Requirements for size and marking of parking areas and spaces;  
10 vehicle maneuvering areas; and wheel barriers shall not apply.

11 (b) The provisions of this chapter shall not apply to areas used  
12 exclusively for the storage of such vehicles in an IG zone, or where  
13 otherwise specifically exempted under the provisions of this zoning code.

14 133.030. PARKING AND LOADING AREAS REQUIRED. (a) Off-street parking  
15 areas and off-street loading areas meeting the applicable requirements of  
16 this chapter shall be provided and maintained:

17 (1) For each proposed separate use in any new building or structure  
18 erected.

19 (2) For additional seating capacity, floor area, guest rooms, or  
20 dwelling units added to any existing building or structure.

21 (3) When the use of the building or structure or portion thereof as  
22 set forth in Table 133-1 or 133-2 is changed, in the changed use would  
23 require additional parking areas and off-street loading areas under the  
24 provisions of this ordinance.

25 (b) Where a building or structure is added to, or a portion thereof  
26 changed in use such that additional parking or loading is required, only

1 so many additional spaces as would be required under SRC 133.100 and  
2 133.180 for the area added or changed in use need be provided.  
3 Nevertheless, if the building as used prior to the addition or change of  
4 use did not have the number of spaces required by SRC 133.100 and  
5 133.180, and such deficiency was not lawfully nonconforming, parking for  
6 the entire building or use shall be provided as required by SRC 133.100  
7 and 133.180.

8 (c) When additional parking or loading area is required or, in fact,  
9 added to an existing nonconforming parking or loading area, the entire  
10 parking and loading area shall be improved as provided in SRC 133.200,  
11 and landscaped setbacks from streets shall be provided as required in  
12 this zoning code.

13 133.040. DIMINUTION OF PARKING AREA PROHIBITED; EXCEPTION. Off-street  
14 parking and loading areas which existed on (the effective date of this  
15 ordinance) or which are provided as required by this chapter shall be  
16 maintained, or equivalent parking and loading areas provided; except that  
17 if amendments to this zoning code reduce the number of required  
18 off-street parking or loading spaces, an affected use may diminish its  
19 parking and loading area to the new requirements.

20 133.050. LOCATION. (a) Off-street parking and loading areas shall be  
21 provided on the same lot with the main building or use except that:

22 (1) In any R district, automobile parking areas for dwellings and  
23 other uses permitted in a residential district may be located on another  
24 lot if such lot is within 200 feet of the lot containing the main  
25 building, structure, or use.

26 (2) In any other district, except the CB district, the parking area

1 may be located off the site of the main building or use if it is within  
2 500 feet of such site.

3 (3) In the CB district, customer off-street parking may be provided  
4 no more than 800 feet from the site of the main building; and employee  
5 off-street parking may be provided no more than 2,000 feet from the site  
6 of the main building.

7 (b) Off-street parking is incident to the use which it serves. As  
8 such, it shall be located in a zoning district appropriate to that use,  
9 or where a public parking area is a specific permitted use.

10 133.060. FRACTIONAL MEASUREMENTS. When calculations for determining  
11 the number of required off-street parking or loading spaces result in a  
12 requirement of fractional space, any fraction of a space less than  
13 one-half shall be disregarded, and a fraction of one-half or greater  
14 shall be counted as one full space.

15 133.070. OWNERSHIP OF PARKING AND LOADING AREAS. Except as provided  
16 for joint use parking in SRC 133.130, the land to be provided for  
17 off-street parking and loading areas, including driveways, aisles, and  
18 maneuvering areas, shall either:

19 (a) Be owned in fee title by the owner of the property served by the  
20 parking;

21 (b) Be subject of a permanent and irrevocable easement appurtenant  
22 to the property served by the parking;

23 (c) For uses other than dwellings, be leased for a minimum term of  
24 five years, said lease agreement to have the approval of the city  
25 attorney, provided that upon expiration without renewal for an additional  
26 term of at least five years, or termination of the lease, the parking



1 requirements of this zoning code shall otherwise be fully met within 30  
2 days or the use discontinued until such requirements are met;

3 (d) For uses other than dwellings, be provided by the lease or  
4 rental of the required number and location of parking or loading spaces  
5 in an off-street parking facility established pursuant to ORS 223.805 to  
6 223.845, provided that upon termination of such lease or rental, the  
7 parking requirements of this zoning code shall otherwise be fully met  
8 within 30 days or the use discontinued until such requirements are met.

9 133.100. OFF-STREET VEHICLE PARKING REQUIREMENTS. (a) Except as  
10 otherwise specifically provided in this zoning code, off-street parking  
11 spaces shall be provided in amounts not less than those set forth in  
12 Table 133-1.

13 (b) For any proposed use not shown on Table 133-1, the administrator  
14 shall determine the parking space requirement for the most nearly similar  
15 use listed in Table 133-1 with regard to traffic generation, and render  
16 such determination as an adjustment pursuant to SRC Chapter 116.

17 (c) The provisions of this section shall not apply within the  
18 boundaries of the Downtown Parking District created by SRC 7.010.

19 133.120. PARKING FOR HILLSIDE LOTS. (a) There shall be two on-site  
20 parking spaces per dwelling unit for hillside lots as provided in  
21 subsection (c) of this section. These spaces may be either covered or  
22 uncovered, and may be provided in tandem (one behind the other).

23 (b) There shall be one guest parking space in addition to those  
24 required in subsection (a) of this section provided per dwelling unit for  
25 hillside lots as provided in subsection (c) of this section. These spaces  
26 shall be located within 300 feet of the hillside lot containing the

1 dwelling unit, and may be satisfied by on-street parking. No person shall  
2 be deemed to have acquired or been granted a property right in public  
3 street parking by virtue of reliance thereon to satisfy the provisions of  
4 this subsection.

5 (c) The provisions of this section shall apply in lieu of all  
6 conflicting standards which would otherwise be applicable to hillside  
7 lots if the hillside lot is either:

8 (1) Part of a subdivision or partitioning receiving tentative  
9 approval on or after July 8, 1980; or

10 (2) Is a hillside lot to which the standards set forth in SRC  
11 130.400 have been voluntarily applied as provided in that section.

12 133.130. JOINT USE OF PARKING AREAS. The hearings officer may  
13 authorize the joint use of parking areas by the following uses or  
14 activities as a conditional use in every district under the following  
15 conditions ("daytime" and "nighttime" uses are classified in SRC 133.140):

16 (a) Up to 50 percent of the off-street parking spaces required by  
17 this chapter for a theater, bowling alley, dance hall, eating or drinking  
18 establishment may be satisfied by the off-street parking spaces provided  
19 by daytime uses.

20 (b) Up to 50 percent of the off-street parking spaces required by  
21 this chapter for any daytime use may be satisfied by the parking spaces  
22 provided for nighttime or Sunday uses.

23 (c) Up to 100 percent of the parking spaces required by this chapter  
24 for a church or for an auditorium incidental to a public or private  
25 school may be satisfied by the off-street parking spaces provided by  
26 daytime uses.

1 (d) All jointly used spaces shall be located with relation to all  
2 uses relying on such spaces within the applicable distance set forth in  
3 SRC 133.050.

4 (e) The hearings officer must find that there is no substantial  
5 conflict in the principal operating hours of the buildings or uses for  
6 which joint use of off-street parking facilities is proposed.

7 (f) A properly drawn legal instrument executed by the parties  
8 concerned for joint use of off-street parking facilities, approved as to  
9 form and manner of execution by the city attorney, shall be filed with  
10 the administrator. Joint use parking privilege shall continue in effect  
11 only so long as such an instrument, binding on all parties, remains in  
12 force. If such instrument becomes legally ineffective, then parking shall  
13 be provided as otherwise required in this zoning code within 60 days.

14 133.140. CLASSIFICATION OF USES FOR PURPOSES OF JOINT USE PARKING.

15 (a) The following uses are considered as daytime uses for purposes of SRC  
16 133.130: banks, business offices, retail stores, personal service shops,  
17 household equipment or furniture shops, clothing or shoe repair or  
18 service shops, manufacturing or wholesale buildings, and other similar  
19 primarily daytime uses as determined by the hearings officer.

20 (b) The following uses are considered as night-time or Sunday uses  
21 for purposes of SRC 133.130: auditoriums incidental to a public or  
22 private school, churches, bowling alleys, dance halls, theaters, drinking  
23 and eating establishments, and other similar primarily nighttime uses as  
24 determined by the hearings officer.

25 133.150. SATISFACTION OF OFF-STREET PARKING REQUIREMENTS THROUGH  
26 ALTERNATE MODES OF TRANSPORTATION. Notwithstanding any other provision of

1 this code, off-street parking requirements for nonresidential uses may be  
2 satisfied by implementation of a plan whereby the owner or any lessee  
3 will provide for or will increase the use of alternate modes of  
4 transportation and thereby decrease the need for off-street parking. Such  
5 a plan shall be first approved by the commission as a specific  
6 conditional use as provided in SRC Chapter 118. Final approval by the  
7 commission shall be conditioned upon full, operational implementation of  
8 the plan, including any required payments, within such period as the  
9 commission may prescribe.

10 133.160. SMALL CAR PARKING. (a) Small car parking spaces may satisfy  
11 up to 65 percent of the spaces required by SRC 133.100. This percentage  
12 shall increase by five percent on January 1, 1984, and by an additional  
13 five percent on the first day of each succeeding year thereafter, up to a  
14 maximum of 75 percent. The commission shall annually review the five  
15 percent increase prior to the month of November.

16 (b) A small car parking space shall not be less than eight feet in  
17 width and 15 feet in length when measured at right angles, with the  
18 exception of spaces having a side abutting a wall or post, in which case  
19 the space shall not be less than eight feet six inches in width.

20 (c) Each small car space shall be striped on all four sides by a  
21 four inch painted line, except those sides which are adjacent to the edge  
22 of the paved area, or are adjacent to a wall or curb.

23 (d) Small car parking areas shall be signed as "Small Car Parking  
24 Only." Such signs shall be prominently displayed within or immediately  
25 adjacent to each small car parking space or clearly indicated area of two  
26 or more such spaces, and shall be composed of letters not less than four

1 inches in height.

2 (e) Aisles serving small car spaces only shall have a minimum width  
3 of 22 feet. Aisles serving both small and standard car spaces shall have  
4 a minimum width of 24 feet.

5 133.170. CONSTRUCTION OF PARKING FACILITY -- NOTIFICATION TO DEQ.

6 Prior to the construction of any vehicle parking facility for the use of  
7 50 or more motor vehicles, or which shall consist of two or more levels,  
8 notification shall be made by the developer to the State of Oregon  
9 Department of Environmental Quality.

10 133.180. OFF-STREET LOADING. (a) Except as otherwise specifically  
11 provided in this zoning code, off-street loading shall be provided in  
12 amounts not less than those set forth in Table 133-2.

13 (b) A parking area meeting the requirements of this chapter may also  
14 be used for loading when the use does not require a delivery vehicle  
15 which exceeds a maximum combined vehicle and load rating of 8,000 pounds,  
16 and when the parking area is within 25 feet of the building or use which  
17 it serves.

18 133.200. PARKING AND LOADING AREA DEVELOPMENT REQUIREMENTS. All  
19 parking and loading areas except those for single family dwellings shall  
20 be developed and maintained as follows:

21 (a) Location on site. Required yards adjacent to a street shall not  
22 be used for such areas unless otherwise specifically permitted in this  
23 zoning code. Side and rear yards which are not adjacent to a street may  
24 be used for such areas when developed and maintained as required in this  
25 zoning code.

26 (b) Surfacing. Except as provided in SRC 133.220, or as an approved

1 conditional use, all parking and loading areas shall be paved with  
2 asphalt, concrete or other hard surfacing approved by the director of  
3 public works, and shall be adequately designed, graded, and drained to  
4 the approval of the director of public works.

5 (c) Bumper guards or wheel barriers. Bumper guards or wheel barriers  
6 shall be so installed that no portion of a vehicle will project into a  
7 public right-of-way or over adjoining property. The area beyond the wheel  
8 barriers or bumper guards shall be paved or covered with evergreen ground  
9 cover.

10 (d) Size of parking spaces and maneuvering areas. The parking area,  
11 each parking space and all maneuvering areas shall be of sufficient size  
12 and all curves and corners of sufficient radius as determined by the  
13 director of public works to permit the safe operation of a standard size  
14 automobile subject to the following additional minimum requirements:

15 (1) Parking and loading space and maneuvering area size shall be as  
16 provided in Table 133-3.

17 (2) Maximum 10 percent grade for parking areas and 15 percent for  
18 ramps without the specific approval of the director of public works.

19 (3) Directional signs and pavement marking shall be used to control  
20 vehicle movement in the parking area.

21 (e) Access. All parking areas shall be served with either separate  
22 ingress and egress driveways or with an adequate turnaround which is  
23 always available and usable.

24 (f) Lighting. All outdoor lighting shall be so designed as not to  
25 shine or reflect into any adjacent residentially zoned or used property,  
26 and shall not cast a glare onto moving vehicles on any public street.

1 (g) Landscaping. Landscaping shall be provided as required in  
2 SRC 132.070.

3 (h) Underground parking. Notwithstanding any other provision of this  
4 zoning code, parking areas in all districts other than RA and RS may be  
5 located underground beneath required yards and setbacks provided that no  
6 portion of the structure enclosing the parking area projects into the  
7 required yard or setback area, and that all required yards beneath which  
8 parking is located are landscaped as provided in SRC Chapter 132.

9 (i) Plan approval. Plans at a workable scale shall be submitted to  
10 the director of public works at the time of application for a building  
11 permit; or, if no building permit is required, at the time of application  
12 for a driveway permit; or, if no such permit is required, prior to  
13 commencing any paving or use of the parking or loading area. No such work  
14 or use shall commence prior to approval by the director of public works  
15 of the plans required in this subsection.

16 133.210. DRIVEWAY DEVELOPMENT STANDARDS. All driveways shall conform  
17 to the following development standards:

18 (a) Grade. Except as provided for hillside lots in SRC 130.400, the  
19 grade of driveways shall not exceed 12 percent;

20 (b) Surfacing. The surface of driveways shall be of hard surface  
21 material meeting the standards of the director of public works;

22 (c) Drainage. All driveways shall be well drained and the provisions  
23 for drainage shall be approved by the director of public works.

24 (d) Street access. The entries and exits of driveways on a public  
25 street shall conform to the provisions of SRC Chapter 80 as well as the  
26 specific provisions of this zoning code.

1 (e) Width of driveways. Driveways, other than those which are an  
2 integral part of a parking, loading or vehicle storage area and not  
3 simply a means of access to such area, shall not exceed the maximum width  
4 specified for driveway access to a street in SRC 80.060 to 80.080.  
5 Minimum driveway widths are specified in Table 133-4. Where the driveway  
6 street access permitted under SRC 80.060 to 80.090 is less than the  
7 minimum driveway width specified in Table 133-4, the width specified in  
8 SRC Chapter 80 shall be maintained at the property line, and widened to  
9 that specified in Table 133-4 within five feet inside the property line.

10 (f) "No Parking" signs. Where a driveway is an integral part of a  
11 parking, loading or vehicle storage area and not simply a means of access  
12 to such area, one "no parking" sign for every 60 feet of length of such  
13 driveway shall be erected, but in no event shall less than two such signs  
14 be erected.

15 (g) Turnarounds. If a driveway serving more than two parking or  
16 loading spaces serving a use other than a single family dwelling has only  
17 one point of access to a public street, or does not loop to a single  
18 street access, a turnaround area approved by the director of public works  
19 shall be provided.

20 (h) The provisions of this section shall be construed as  
21 supplementary to and not a modification or waiver of any other applicable  
22 provision of law, ordinance or administrative regulation.

23 133.220. ADJUSTMENT FOR TEMPORARY AND SEASONAL GRAVEL SURFACED  
24 PARKING AND LOADING AREAS. (a) As used in this section, "seasonal" means  
25 limited to a period of no more than six months in any twelve month  
26 period, but related to a unique or an annually occurring event or



1 condition; and "temporary" means limited to a fixed maximum term not to  
2 exceed five years, and related to a condition or need which is expected  
3 to cease within that fixed term.

4 (b) The administrator may grant an adjustment for the use of a  
5 gravel surfaced parking or loading area on either a seasonal or temporary  
6 basis upon being satisfied that the seasonal or temporary need cannot be  
7 otherwise reasonably and economically met; the use will be, in fact,  
8 seasonal or temporary; and each of the following conditions is or will be  
9 met by the applicant:

10 (1) A seasonal permit shall be granted for only that period, not to  
11 exceed six months in any twelve month period, as is necessary to meet a  
12 genuine need for gravel parking, and may be renewed annually upon a new  
13 adjustment application;

14 (2) At the conclusion of the seasonal permit the area used for  
15 parking and not paved in accordance with SRC 133.200 will be closed to  
16 vehicle access by a physical barrier;

17 (3) A temporary permit shall be granted for only that period, not to  
18 exceed one year and annually renewable for no more than four additional  
19 years, which is necessary to meet a genuine need for gravel parking;

20 (4) Gravel parking and loading areas shall be improved with a  
21 minimum of four inches of base rock covered by a minimum of two inches of  
22 three-quarter inch or smaller crushed rock as a levelling course;

23 (5) No gravel parking or loading area shall be permitted within 500  
24 feet of any R district or within the CB district;

25 (6) Gravel parking and loading areas shall be screened from all  
26 adjacent uses by a sightobscuring fence, wall, or hedge;

1 (7) Wheel barriers of cement concrete, asphalt, wood, or other  
2 materials approved by the director of public works shall be provided to  
3 designate and protect each parking space;

4 (8) Parking lot signing approved by the director of public works  
5 shall be provided;

6 (9) No gravel parking area shall exceed 15,000 square feet; provided  
7 that any more restrictive area requirement established by state or  
8 federal law or administrative regulation as applicable shall be met; and

9 (10) A landscaped area at least five feet in depth, which may include  
10 the required screening, shall be provided along the perimeter of each  
11 gravel parking area.

TABLE 133-1

## MINIMUM PARKING SPACE REQUIREMENTS

<u>USE (Standard Industrial Classification)</u>	<u>Minimum No. of Spaces</u>
1. Dwelling Units:	
A. Building containing no more than three dwelling units, except two family shared housing	Two spaces per dwelling unit
B. Two family shared housing	Three parking spaces per dwelling
C. Multifamily dwelling containing four or more dwelling units	One and one-half spaces per dwelling unit
D. Multifamily dwelling containing four or more dwelling units inside the CSDP area	One space per dwelling unit
E. Low Income Elderly Housing	One space per four dwelling units
F. Retirement Centers	One space per two dwelling units
2. SIC Division A: Agriculture, Forestry and Fishing (SIC 01, 02, 07, 08, 09) except:	Five spaces when retail sales are involved
A. Veterinary Services (SRC 074)	One space per 400 square feet of gross floor area
Animal Services, Except Veterinary (SIC 075)	
3. SIC Division B. Mining: (SIC 10, 11, 12, 13, and 14)	The greater of the following:

1	Division C. Construction: (SRC 15,	(1) .75 spaces per
2	16 and 17)	employee (see SRC
3		chapter 111 for
4		definition of
5		"employee")
6	Division D. Manufacturing: (SIC 20,	(2-a) 0-49,999 square
7	21, 22, 23, 24, 25, 26, 27, 28, 29,	feet of gross floor
8	30, 31, 32, 33, 34, 35, 36, 37, 38,	area - one space per
9	39)	5,000 square feet
10		(2-b) 50,000-99,999
11	Division E. Transportation,	square feet of gross
12	Communications, Electric, Gas and	floor area - one
13	Sanitary Services (SIC 40, 41, 42,	space per 10,000
14	43, 44, 45, 46, 47, 48 and 49)	square feet
15	except:	(2-c) 100,000 or greater
16		square feet of gross
17		floor area - one
18		space per 15,000
19		square feet
20	A. Water Transportation Services,	One space per boat berth
21	not elsewhere classified -	or docking space
22	Marinas Only (SIC 4469)	
23	4. SIC Division F. Wholesale (SIC 50 and 51)	One space per 1,500
24		square feet gross floor
25		area
26	5. Building Materials, Hardware, Garden	One space per 900 square

1	Supply and Mobile Home Dealers (SIC 58);	feet of gross floor area
2	Automotive Dealers and Gasoline Service	
3	Stations (SIC 55); Furniture, Home	
4	Furnishings and Equipment Stores (SIC 57)	
5	6. General Merchandise Stores (SIC 53);	One space per 200 square
6	Food Stores (SIC 54); Apparel and	feet of gross floor area
7	Accessory Stores (SIC 56); Miscellaneous	
8	Retail (SIC 59)	
9	7. Eating and Drinking Places (SIC 58)	One space per 250 square
10		feet of gross floor area
11	8. Banking (SIC 60)	One space per 500 square
12		feet of gross floor area
13	9. Credit Agencies other than Banks (SIC 61);	One space per 350 square
14	Security and Comodity Brokers, Dealers,	feet of gross floor area
15	Exchanges and Services (SIC 62); Insurance	
16	(SIC 63); Insurance Agents, Brokers, and	
17	Service (SIC 64); Real Estate (SIC 65),	
18	Combinations of Real Estate, Insurance,	
19	Loans, Law Offices (SIC 66); Holding and	
20	other Investment Offices (SIC 67)	
21	Business Services (SIC 73);	
22	Miscellaneous Repair Services (SIC 76)	
23	Legal Services (SIC 81)	
24	Corresponding Schools and Vocational	
25	Schools (SIC 824); Schools and Educational	
26	Services not elsewhere classified (SIC	

1	829)	
2	Social Services (SIC 83)	
3	Miscellaneous Services (SIC 89)	
4	10. Hotels, Rooming Houses, Camps and other	One space per guest room
5	Transient Lodging Places (SIC 70)	or suite
6	11. Personal Services (SIC 72) except:	One space per 350 square
7		feet of gross floor area
8	A. Laundry, Cleaning and Garment	One space per 1,000
9	Services (SIC 721)	square feet of gross
10		floor area
11	B. Funeral Service and Crematories	One space per five seats
12	(SIC 726)	or 10 feet of bench
13		length in chapels
14	12. Automobile Repair, Services and	One space per 900 square
15	Garages (SIC 75)	feet of gross floor area
16	13. Motion Picture (SIC 78) except:	One space per 350 square
17		feet of gross floor area
18	A. Motion Picture Theaters (SIC 783)	One space per five seats
19		or 10 feet of bench
20		length
21	14. Amusement and Recreation Services,	One space per 100 square
22	Except Motion Pictures (SIC 79)	feet of gross floor area
23	except:	
24	A. Commercial Sports (SIC 794)	One space per five seats
25		or 10 feet of bench
26		length or 25 square feet

1		of floor area of assembly
2		space
3	B. Golf Courses, Private or Public	Four spaces per tee
4	C. Tennis Courts, Racquetball Courts,	Three spaces per court
5	or Handball Courts	plus one space per 10
6		feet of bench length or
7		five seats plus one
8		bicycle rack space per
9		court
10	D. Amusement Parks (SIC 7996)	Set by special public
11		hearing by Planning
12		Commission
13	15. Health Services (SIC 80) except:	One space per 350 square
14		feet of gross floor area
15	A. Nursing and Personal Care Facilities	One space per three beds
16	(SIC 805)	
17	B. Hospitals (SIC 806)	One and one-half spaces
18		per bed
19	16. Elementary Schools (SIC 821)	Two spaces per classroom
20	17. Secondary Schools (SIC 821)	One space per six
21		students for which the
22		school is designed to
23		accommodate
24	18. Colleges, Universities, Professional	One space per four
25	Schools and Junior Colleges (SIC 822)	students for which the
26		school is designed to

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- accommodate
19. Libraries and Information Centers  
(SIC 823) One space per 400 square feet of gross floor area
20. Museums, Art Galleries, Botanical and Zoological Gardens One space per 400 square feet of gross floor area
21. Membership Organizations (SIC 86)  
except: One space per 350 square feet of gross floor area
- A. Religious Organizations (SIC 866) One space per five seats or 10 feet of bench length
22. SIC Division J. Public Administration  
(SIC 91, 92, 93, 94, 95, 96, and 97) One space per 500 square feet of gross floor area
- except:
- A. Correctional Institutions (SIC 9223) One space per 2,000 square feet of gross floor area
23. For any uses not listed above, the parking space requirement shall be determined as provided in SRC 133.100(b)



TABLE 133-2

## MINIMUM LOADING SPACE REQUIREMENTS

Use	MINIMUM NO. OF SPACES	MINIMUM SIZE OF SPACE		
		WIDTH	LENGTH	HEIGHT
(1) Multifamily Dwellings:				
UNITS				
0-49	0			
50-99	1	12 ft.	19 ft.	12 ft.
100-199	2	12 ft.	19 ft.	12 ft.
200 and over	3	12 ft.	19 ft.	12 ft.
If a recreational or service building is provided, at least one loading space is required to be located in conjunction with the recreational or service building.				
(2) For buildings used entirely for office occupancy:				
Gross Square Footage				
<u>of Floor Area</u>				
Under 5,000	0			
5,000-59,999	1	12 ft.	19 ft.	12 ft.
60,000-249,999	2	12 ft.	19 ft.	12 ft.
For each additional 100,000 square feet or any portion thereof over 250,000 square feet, one additional loading space.				
(3) Commercial, nonoffice; public and semipublic				
Gross Square Footage				
<u>of Floor Area</u>				
Under 5,000	0			
5,000-59,999	1	12 ft.	30 ft.	14 ft.

1           60,000-249,999                               2           12 ft. 30 ft. 14 ft.  
2           For each additional 100,000 square feet or any portion thereof over  
3           250,000 square feet, an additional loading space.

4       (4) Industrial

5           Gross Square Footage  
6           of Floor Area

7           Under 5,000	0	
8           5,000-99,999	1	12 ft. 40 ft. 14 ft.
9           100,000-239,999	3	12 ft. 40 ft. 14 ft.
10          240,000-319,999	5	12 ft. 40 ft. 14 ft.
11          320,000-399,999	6	12 ft. 40 ft. 14 ft.
12          400,000-489,999	7	12 ft. 40 ft. 14 ft.
13          490,000-579,999	8	12 ft. 40 ft. 14 ft.
14          580,000-669,999	9	12 ft. 40 ft. 14 ft.
15          670,000-759,999	10	12 ft. 40 ft. 14 ft.

16          For each additional 100,000 square feet or any portion thereof over  
17          760,000 square feet, an additional loading space.

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TABLE 133-3

Center to Center Width  
of Two-Row Bin With  
Access Road Between  
Overlap

Parking	Stall	Stall	to Curb	Aisle	Curb	Front of	Front
Angle	Stall	(19'-Long		Width	Length	Stall to	of Stall -
(Degree)	Width	Stall)				Front of	Front of
a	b	c	d	e	f <sup>1</sup>	f <sup>2</sup>	
0°	8'0"	8.0	12.0	22.0	28.0	-	
20°	*8'6"	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	29.2	42.8	33.4	
30°	*8'6"	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°	*8'6"	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°	*8'6"	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	

1	50°	*8'6"	20.0	15.5	11.1	55.5	50.0
2		9'0"	20.4	15.0	11.7	55.8	50.0
3		9'6"	20.7	15.0	12.4	56.4	50.3
4		10'9"	21.0	15.0	13.1	57.0	50.6
5	60°	*8'6"	20.7	18.5	9.8	59.9	55.6
6		9'0"	21.0	18.0	10.4	60.0	55.7
7		9'6"	21.2	18.0	11.0	60.4	55.6
8		10'0"	21.5	18.0	11.5	61.0	56.0
9	70°	*8'6"	20.8	19.5	9.0	61.1	58.2
10		9'0"	21.0	19.0	9.6	61.0	57.9
11		9'6"	21.2	18.5	10.1	60.9	57.7
12		10'0"	21.2	18.0	10.6	60.4	57.0
13	80°	9'0"	20.3	24.0	9.1	64.3	62.7
14		9'6"	20.4	24.0	9.6	64.4	62.7
15		10'0"	20.5	24.0	10.2	65.0	63.3
16	90°	9'0"	19.0	24.0	9.0	62.0	-
17		9'6"	19.0	24.0	9.5	62.0	-
18		10'0"	19.0	24.0	10.0	62.0	-

For two-way circulation the minimum aisle width shall be 20 feet,  
adequate ingress, egress and turnaround space shall be provided.

No portion of a parking space or aisle shall be located in a required  
landscaped yard.

\*8'6" stall width shall apply only within parking structures of two or  
more stories.

TABLE 133-3, Continued

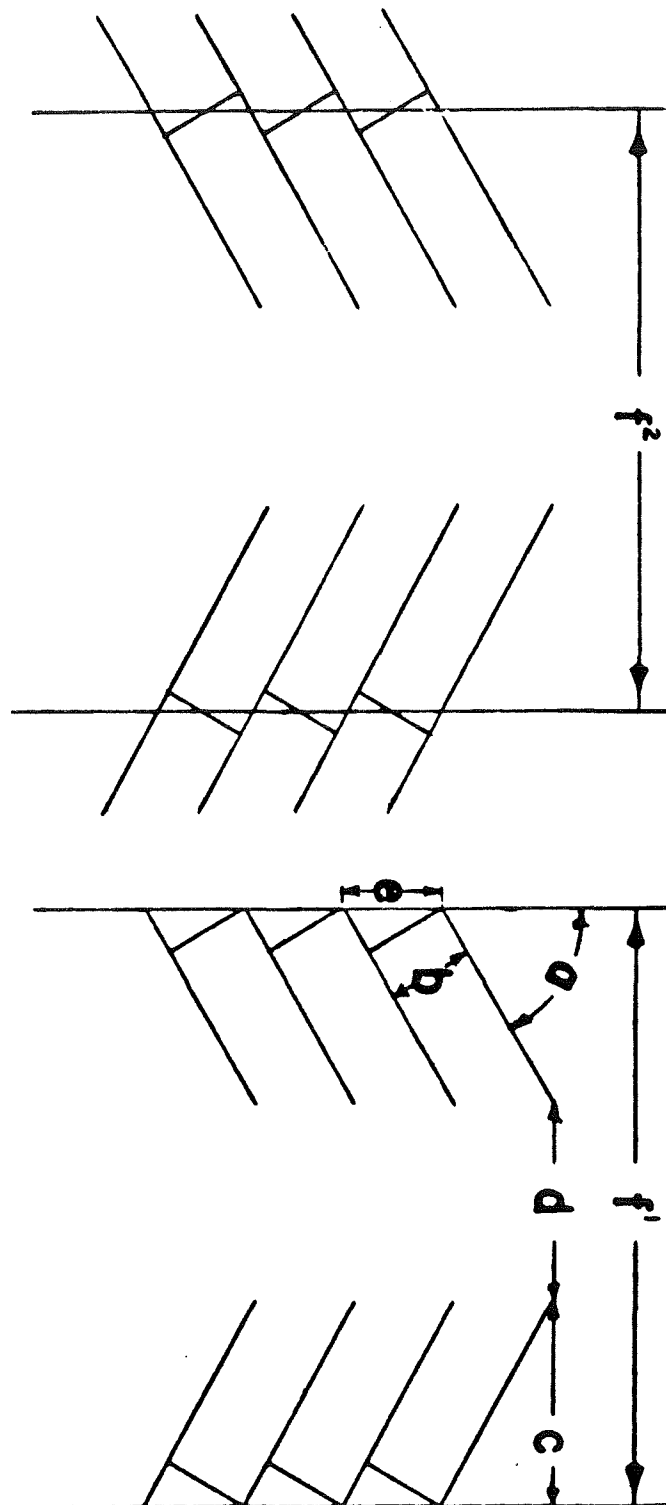


TABLE 133-4

MINIMUM DRIVEWAY WIDTHS<sup>1</sup>

<u>Type of Use and Parking Served</u>	<u>Minimum Width</u>
Dwellings:	
One parking space	10 feet
Two parking spaces	16 feet
Three or more parking spaces	22 feet
All other uses:	
One-way driveway, no parking in driveway <sup>2</sup>	12 feet <sup>3</sup>
Two-way driveway, no parking in driveway	22 feet <sup>3</sup>
Additional width for any side of any driveway where parking is allowed	8 feet <sup>4</sup>

<sup>1</sup>See SRC 80.060 to 80.090 for maximum driveway widths, based upon property frontage, and measured outside the property line.

<sup>2</sup>One-way driveways shall be clearly marked or signed as approved by the director of public works.

<sup>3</sup>Curves and corners shall have a minimum inside radius of 25 feet at the curb or pavement edge.

<sup>4</sup>Curves and corners shall have a minimum inside radius of 35 feet at the curb or pavement edge.

CHAPTER 140

FLOOD PLAIN OVERLAY ZONES

140.010. INTENT AND PURPOSE. It is the intent and purpose of the provisions of this chapter:

(a) To regulate land uses within areas subject to inundation by flood waters;

(b) To preserve, conserve, and maintain the capability of the floodplain to convey flood water discharge;

(c) To minimize the danger from floods to public health;

(d) To reduce the financial burden placed upon public bodies and private parties by frequent and periodic flooding;

(e) To carry out goals and policies of the comprehensive plan;

(f) To permit and encourage the retention of open spaces and conservation of areas subject to flooding;

(g) To insure that existing and reconstructed floodways and waterways maintain flood carrying capacity and contain flood waters, reduce potential safety hazards to persons and property, maintain a natural appearance, allow maintenance by adjoining owners or the public as appropriate, and insure access to the waterway from adjoining property; and

(h) To comply with the municipal regulation requirements of the Federal Insurance Agency, U.S. Department of Housing and Urban Development so as to qualify the City of Salem for participation in the national flood insurance program.

140.020. DEFINITIONS. As used in this chapter, except where the context otherwise requires:

1 (a) "Area of shallow flooding" means a designated "AO" or "AH" zone  
2 on the Flood Insurance Rate Map (FIRM), and designated as a part of the  
3 floodway fringe on the FIRM and the official zoning map.

4 (b) "Base flood" means the flood having a one percent chance of  
5 being equalled or exceeded in any given year.

6 (c) "Change of use" means making different use of the land or water  
7 than that which existed on June 15, 1979. "Change of use" includes a  
8 change which requires construction, alterations of the land, water or  
9 other areas outside of existing buildings or structures, and which  
10 substantially alters or affects the land or water. An existing open  
11 storage area shall be considered to be the same as a building. "Change of  
12 use" does not include:

13 (1) A change of use of a building or other structure which does not  
14 substantially alter or affect the land or water upon which it is situated.

15 (2) The completion of a structure for which valid permit has been  
16 issued and under which permit substantial construction has been  
17 undertaken by June 15, 1979.

18 (3) The sale of property.

19 (4) Landscaping.

20 (5) Construction of driveways.

21 (6) Minor modifications of existing structures for which no building  
22 permit is required.

23 (7) The construction or placement of such subsidiary structures or  
24 facilities as are usual and necessary to the use and enjoyment of  
25 existing improvements, except such structures or facilities as are  
26 specifically prohibited or regulated by this chapter.



1 (d) "Develop" means to bring about growth or availability; to  
2 construct, alter, or place a structure; to conduct a mining, landfill, or  
3 excavation operation; to make a physical change in the use or appearance  
4 of land; to divide land into parcels; or to create or terminate rights of  
5 access.

6 (e) "Flood" or "Flooding" means a general and temporary condition of  
7 partial or complete inundation of normally dry land areas from the  
8 overflow of inland waters or the unusual and rapid accumulation of runoff  
9 of surface waters from any source.

10 (f) "Flood Insurance rate map" (FIRM) means the official map on  
11 which the Federal Insurance Administration, United States Department of  
12 Housing and Urban Development, has delineated both the areas of special  
13 flood hazards and the risk premium zones applicable to the community, and  
14 includes the accompanying floodway and floodway fringe boundary maps  
15 accompanying the FIRM as a part of the flood insurance study. The said  
16 map and amendments are hereby adopted as a part of this chapter, and a  
17 copy thereof shall be kept on file in the office of the city recorder.

18 (g) "Flood insurance study" means the official report provided by  
19 the Federal Insurance Administration that includes flood profiles, the  
20 Flood Boundary - Floodway Map, and the water surface elevation of the  
21 base flood. The said study is hereby adopted as a part of this chapter,  
22 and a copy thereof shall be kept on file in the office of the city  
23 recorder.

24 (h) "Floodplain" means any land or water area which is designated as  
25 one percent flood probability in the most recent version of the FIRM,  
26 including the floodway, floodway fringe, and areas of shallow flooding;

1 and also those areas designated on the official zoning map as Interim  
2 Flood Hazards Areas (FH overlay zones).

3 (i) "Floodway" means the channel of a river or other waterway and  
4 the adjacent land areas that must be reserved in order to discharge the  
5 waters of a base flood as delineated on the FIRM or within FH zones and  
6 designated as floodway by the director of public works pursuant to SRC  
7 140.110.

8 (j) "Floodway fringe" means the area of the floodplain lying outside  
9 of the floodway as delineated on the FIRM or within FH zones, and  
10 designated as floodway fringe by the director of public works pursuant to  
11 SRC 140.110.

12 (k) "Floodproofing" means any combination of structural or  
13 nonstructural provisions, changes or adjustments to structures, land or  
14 waterway for the reduction or elimination of flood damage to real estate  
15 or improved real property, water and sanitary facilities, structures, and  
16 their contents during a base flood.

17 (l) "Intensification" means any additions which increase or expand  
18 the area or amount of an existing use, or the level of activity; or any  
19 remodeling of the exterior of a structure not excluded below when it will  
20 substantially alter the appearance of the structure. "Intensification"  
21 does not include:

22 (1) Completion of a structure for which a valid permit has been  
23 issued and under which permit substantial construction has been  
24 undertaken prior to June 15, 1979.

25 (2) Maintenance and repair usual and necessary for the continuance  
26 of an existing use.

1 (3) Reasonable emergency procedures necessary for the safety and  
2 protection of property.

3 (4) Seasonal increases in gravel mining operations.

4 (m) "Interim flood hazard area" means an area of special flood  
5 hazard designated on the official zoning map as an FH zone, but not  
6 designated on the FIRM. The Interim Flood Hazard Area is established on a  
7 waterway which does not have flood water surface elevations and floodway  
8 and floodway fringe boundaries established through a Flood Insurance  
9 Study. It is an approximation of the floodplain. Minimally the Interim  
10 Flood Hazard Area shall include the area which would be designated as the  
11 floodway and floodway fringe if such an engineering study were done.

12 (n) "Obstruction" means any dam, wall, wharf, embankment, levee,  
13 dike, pile, abutment, projection, excavation, channel rectification,  
14 bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse,  
15 fill, structure, or matter in, along, across, or projecting into any  
16 channel, waterway, or floodplain which may impede, retard, or change the  
17 direction of the flow of water, either in itself or by catching or  
18 collecting debris carried by such water, or that is placed where the flow  
19 of water might carry the same downstream to the damage of life or  
20 property.

21 (o) "Waterway" means any perennial river, stream, or creek within  
22 the City of Salem.

23 (p) "Waterway centerline" means a line one-half the distance between  
24 the edges of the low flow channel of the waterway.

25 140.050. COMPLIANCE. No person shall make, cause, suffer, or permit  
26 any intensification, change of use, or development within any floodplain

1 without full compliance with the terms of this chapter and all other  
2 applicable provisions of the Salem Revised Code.

3 140.060. RESERVATION OF POWERS. Nothing in this chapter shall be  
4 deemed either to limit or repeal any powers relating to the prevention or  
5 control of flooding and its effects granted under state statutes or city  
6 ordinances.

7 140.070. WARNING AND DISCLAIMER OF LIABILITY. The degree of flood  
8 protection required by this chapter is considered reasonable for  
9 regulatory purposes and is based on scientific and engineering  
10 considerations. Larger floods can and will occur on rare occasions. Flood  
11 heights may be increased by natural or nonnatural causes. This chapter  
12 does not imply that land outside the areas of special flood hazards or  
13 uses permitted within such areas will be free from flooding or flood  
14 damages. Nothing in this chapter shall create any liability on the part  
15 of the City of Salem, any officer, employee or agent thereof, or the  
16 Federal Insurance Administration, for any flood damages that result from  
17 reliance on this chapter or any administrative action lawfully taken  
18 thereunder.

19 140.080. ESTABLISHMENT OF FLOODPLAIN OVERLAY ZONE. All floodplains  
20 are divided into the following districts as shown on the official zoning  
21 map:

- 22 (a) FW (Floodway)
- 23 (b) FF (Floodway Fringe)
- 24 (c) FH (Interim Flood Hazard Area)

25 140.090. USES IN FLOODWAY. (a) Except as prohibited in subsection (b)  
26 of this section, all uses of land permitted in the underlying zone shall

1 be permitted in the FW (Floodway) overlay zone with a floodplain  
2 development permit, except the following, which need not have a permit:

3 (1) The propagation or cutting of timber.

4 (2) Uses to protect, conserve, enhance, and maintain public  
5 recreational, scenic, and natural uses on public lands such as unenclosed  
6 picnic facilities, viewpoints, trails, and campsite facilities.

7 (3) On scenic easements acquired under ORS 390.332, the maintenance  
8 authorized by that statute and ORS 390.368.

9 (4) Addition or modification by public utilities of existing utility  
10 lines, wires, fixtures, equipment, circuits, appliances, and conductors.

11 (5) Flood emergency procedures.

12 (6) Signs, markers, aids, etc., placed by a public agency to serve  
13 the public.

14 (7) Residential accessory uses such as lawns, gardens, parking  
15 areas, driveways, and play areas.

16 (8) Landscaping.

17 (9) Storage of material, equipment, or vehicles associated with uses  
18 permitted within residential zones providing that the said storage is not  
19 subject to damage by floods and is firmly anchored to prevent flotation,  
20 or can be readily removed from the area within the limited time available  
21 after flood warning.

22 (10) Driveways, parking lots, and other paved areas.

23 (11) Minor repairs or alterations to an existing structure for which  
24 no building permit is required.

25 (12) Gravel extraction and storage of gravel as allowed under permits  
26 required by state or federal law, and as permitted by this Code.

1 (13) Customary dredging and channel maintenance, excluding deposition  
2 of spoils, as allowed by permits required by state or federal law.

3 (14) Agriculture.

4 (b) The following uses are prohibited in the FW (Floodway) overlay  
5 zone, and within 15 feet of the waterway centerline, or within ten feet  
6 of a recognizable bank, whichever is greater:

7 (1) Storage of toxic, flammable, or explosive materials.

8 (2) Sanitary landfill, disposal sites and junkyards.

9 (3) Construction or placement of fences.

10 (4) Cemeteries.

11 (5) Any structure or modification of land, whether or not enumerated  
12 in subsection (a) of this section, which will have the effect of raising  
13 the base flood elevation to any degree.

14 (6) Construction or placement of any permanent or temporary  
15 structures such as, but not limited to, homes, apartments, mobile homes,  
16 commercial buildings, and industrial buildings.

17 EXCEPTIONS: The following structures are permitted within the FW  
18 (Floodway) zone notwithstanding paragraph (6) of this subsection if the  
19 structure incorporates floodproofing measures as approved in conjunction  
20 with a floodplain development permit, and does not raise the base flood  
21 elevation to any degree:

22 (A) Modification, alteration, or major repair to an existing  
23 structure.

24 (B) Docks and piers. The size and shape of a dock or pier shall be  
25 limited to that required for the intended use.

26 (C) Public recreational facilities on public land, including, but

not limited to restrooms, raised seating, and public performance stages.

(D) Bridges if that portion of the bridge span lying between the haunches or the vertical pier faces is three feet above the base flood elevation.

(E) Structures used for gravel sorting and crushing.

(F) Public utility or communication towers.

140.100. USES IN FLOODWAY FRINGE. Within any FF (Floodway Fringe) overlay zone any of the following uses are permitted upon obtaining a floodplain development permit, and compliance with the restrictions imposed in this section:

(a) Any use permitted in the FW (Floodway) overlay zone, subject to all other applicable provisions of the Salem Revised Code.

(b) Structures, including mobile homes, as allowed in an underlying residential zone, if:

(1) The lowest floor elevation, including a basement, is no less than one foot above the elevation of a base flood, unless base flood elevation data are not available, in which case the structure shall be elevated as provided in SRC 140.120.

(2) The structure is anchored to prevent flotation, collapse, or lateral movement as provided in SRC 140.130.

(3) The structure is located no closer than 15 feet to the waterway centerline, or ten feet to the top of a recognizable bank, whichever is greater, except that this provision shall not apply to the Willamette River floodplain.

(4) The structure is designed according to standards approved by the building official as minimizing flood damage and rendering the structure

1 and its utility equipment reasonably resistant to flood damage.

2 (c) All other buildings and structures not provided for in  
3 subsection (b) of this section, as allowed in the underlying use  
4 district, if:

5 (1) The lowest floor, including a basement, is elevated one foot  
6 above the base flood level; or, where base flood data are not available,  
7 is elevated as provided in SRC 140.120 and is anchored as provided in SRC  
8 140.130; or is floodproofed to be watertight up to one foot above the  
9 base flood elevation or elevation provided in SRC 140.120 as applicable,  
10 and anchored as provided in SRC 140.130; or the structure is floodproofed  
11 by means of a dike or levee which does not increase the base flood  
12 elevation at any point by more than one foot; and

13 (2) The structure is located no closer than 15 feet to the waterway  
14 centerline, or ten feet to the top of a recognizable bank, whichever is  
15 greater, except that this provision shall not apply to the Willamette  
16 River floodplain.

17 (3) The structure is designed according to standards approved by the  
18 building official as minimizing flood damage and rendering the structure  
19 and its utility equipment reasonably resistant to flood damage.

20 (d) All uses of land permitted in the underlying zone which comply  
21 with subsections (a), (b), and (c) of this section.

22 140.110. USES IN INTERIM FLOOD HAZARD AREAS. (a) Any person  
23 proposing an intensification, development, or change of use for which a  
24 floodplain development permit would be required were the land within an  
25 FW (Floodway) or FF (Floodway Fringe) overlay zone, shall make  
26 application for a floodplain development permit which shall be referred



1 by the administrator to the director of public works for a determination  
2 of whether such property should be classified as in a floodway or  
3 floodway fringe. In making such determination the director of public  
4 works shall take into account the elevation and topography of the land,  
5 historical base flood elevation data if available, the results of other  
6 competent engineering studies of the effects of flooding on the area in  
7 question, and other hydraulic and geologic factors relevant to an  
8 engineering determination of base flood characteristics of the specific  
9 property.

10 (b) Once the director of public works has determined floodway and  
11 floodway fringe locations, uses shall be permitted in the floodway as  
12 provided in SRC 140.090, and uses shall be permitted in the floodway  
13 fringe as provided in SRC 140.100.

14 140.120. ELEVATION IN AREAS OF SHALLOW FLOODING. Within any area of  
15 shallow flooding where base flood elevation data are not available, but  
16 where flood depths are given on the FIRM, elevation as required by SRC  
17 140.100 shall be no less than one foot plus the flood depth number  
18 specified on the FIRM above the crown of the nearest roadway, or above  
19 finished grade at the building site, as determined by the building  
20 official.

21 140.130. PERFORMANCE STANDARDS AND SPECIFICATIONS FOR FLOOD HAZARD  
22 PROTECTION. Where anchoring or floodproofing are required by this  
23 chapter, the following standards shall apply:

24 (a) Anchoring: New structures, and substantial improvements to  
25 existing structures shall be anchored to prevent flotation, collapse, or  
26 lateral movement of the structure; and, if the structure is mobile home,

1 it shall have over-the-top and frame ties to ground anchors as follows:

2 (1) Over-the-top ties at each of the four corners of the mobile  
3 home, with two additional ties per side at intermediate locations (mobile  
4 homes less than 50 feet long shall require only one additional tie per  
5 side);

6 (2) Frame ties at each corner of the mobile home with five  
7 additional ties per side at intermediate locations (mobile homes less  
8 than 50 feet long shall require only four additional ties per side);

9 (3) All components of the anchoring system must be capable of  
10 carrying a force of 4,800 pounds; and

11 (4) Any additions to the mobile home must be similarly anchored.

12 (5) An alternative method of anchoring may involve a system designed  
13 to withstand a wind force of 90 miles per hour or greater. The applicant  
14 shall furnish the building official with an engineer's certification or  
15 other acceptable proof that this alternative standard has been met.

16 (b) Floodproofing. New structures and substantial improvements to  
17 existing structures shall meet the following performance standards:

18 (1) Within the limits of the structure required to be floodproofed,  
19 it shall be watertight with walls substantially impermeable to the  
20 passage of water;

21 (2) Structural components within the limits required to be  
22 floodproofed shall be capable of resisting hydrostatic and hydrodynamic  
23 loads and the effects of buoyancy; and

24 (3) The applicant shall furnish the building official with an  
25 engineer's certification that these standards have been met.

26 140.140. GENERAL FLOOD PROTECTION STANDARDS. In addition to any other

1 requirement or standard specified elsewhere in the Salem Revised Code,  
2 all intensification, development, and change of use within a floodplain  
3 shall comply with the following general standards:

4 (a) Utilities;

5 (1) All new and replacement water supply systems shall be designed  
6 to minimize or eliminate infiltration of flood waters into the system.

7 (2) New and replacement sanitary sewage systems shall be designed to  
8 minimize or eliminate infiltration of flood waters into the systems and  
9 discharge from the systems into flood waters.

10 (3) On-site waste disposal systems shall be located to avoid  
11 impairment to them or contamination from them during flooding.

12 (b) Mobile home sites: For new mobile home parks and mobile home  
13 subdivisions; for expansions to existing mobile home parks and mobile  
14 home subdivisions; for existing mobile home parks and mobile home  
15 subdivisions where the cost of repair, reconstruction, or improvement of  
16 the streets, utilities, and stands equals or exceeds 50 percent of the  
17 value of the streets, utilities, and stands before the repair,  
18 reconstruction, or improvement has commenced; and for mobile homes not  
19 placed in a mobile home park or mobile home subdivision as permitted by  
20 law or ordinance:

21 (1) Stands or lots shall be elevated on compacted fill, pilings, or  
22 other approved methods so that the lowest floor or the mobile home will  
23 be at least one foot above the base flood elevation; or, where base flood  
24 elevation data are not available, elevated as provided in SRC 140.120.

25 (2) Adequate surface drainage and access for a hauler shall be  
26 provided.

1 (3) If the mobile home is to be elevated on pilings;

2 (A) Lots shall be large enough to permit steps;

3 (B) Piling foundations shall be placed in stable soil no more than  
4 ten feet apart; and

5 (C) Reinforcement shall be provided for pilings more than six feet  
6 above grade.

7 (c) Landscaping: Where intensification, development or change of use  
8 requires a floodplain development permit, the property upon which the  
9 activity will take place shall have the floodway, other than the  
10 Willamette River, on that property landscaped and maintained according to  
11 the following standards:

12 (1) All vegetation that would adversely affect the flood carrying  
13 and containment capacity of the floodway shall be removed.

14 (2) Any vegetation planted or permitted to grow within the floodway  
15 shall be compatible with the standards set forth in this chapter.

16 (3) Vegetation shall be planted or permitted to grow as necessary to  
17 stabilize the floodway slope and minimize erosion.

18 (d) Obstructions: Every property owner having land within a floodway  
19 other than the Willamette River shall maintain the floodway free of all  
20 natural and nonnatural obstructions not permitted by this chapter.

21 140.150. NATIVE VEGETATION. Vegetative ground cover and trees from  
22 the low water mark to the top of the bank shall be preserved, conserved,  
23 and maintained according to the following provisions:

24 (a) Riparian vegetation removed during development shall be replaced  
25 with native vegetation which shall be compatible with and enhance the  
26 riparian environment.

1 (b) Plans for removal and replacement of riparian vegetation shall  
2 be submitted and approved by the planning administrator prior to any  
3 excavation, grading, or construction.

4 140.160. INTERPRETATION OF BOUNDARIES. (a) The base flood elevation  
5 data furnished by the Flood Insurance Study is fixed and shall not be  
6 appealed, interpreted or otherwise reexamined except under procedures  
7 established by the Federal Insurance Administration. The FIRM, however,  
8 is drawn to 1":800' scale, and is based upon contour maps showing ground  
9 elevation at ten foot intervals, For these reasons the boundaries shown  
10 on the FIRM are subject to interpretation based upon more detailed  
11 topographic data. Where an applicant questions the precise location of  
12 the boundary, the director of public works shall make an interpretation  
13 thereof based upon such data furnished by the applicant as the director  
14 finds to be persuasive.

15 (b) Any person aggrieved by the decision of the director of public  
16 works may appeal such decision to the hearings officer by filing written  
17 notice of appeal with the administrator within ten days of the date of  
18 the decision. The appellant shall furnish the administrator with a list  
19 of all property owners within the notification area prepared by a title  
20 insurance company. Notification, hearing and further proceedings shall  
21 proceed as provided in SRC Chapter 114 for appeals from administrative  
22 adjustments.

23 140.170. VARIANCES, GENERALLY. (a) Variances from the strict  
24 application of the terms of this chapter may be granted by the hearings  
25 officer pursuant to SRC Chapter 115, subject to the restrictions  
26 contained in this section and 140.180. Except as provided in SRC 140.180,

1 variances shall be granted only upon the conditions set forth in  
2 subsection (b) of this section. No variance shall be granted unless the  
3 hearings officers is satisfied that the variance is the absolute minimum  
4 necessary, considering the flood hazard, to afford relief from a hardship  
5 affecting use and development of land which would be worked by strict  
6 application of the provisions of this chapter. The larger the size of the  
7 lot on which the variance is requested, the greater is the burden on the  
8 applicant to justify the need for a variance. No variance shall be  
9 granted in the FW (Floodway) overlay zone which would have the effect of  
10 producing any increase in base flood elevation.

11 (b) No variance shall be granted except upon the following findings:

12 (1) Minimal danger exists that materials may be swept onto other  
13 lands to the injury of others;

14 (2) Minimal danger exists to life and property due to flooding or  
15 erosion damage;

16 (3) The proposed facility and its contents have minimal  
17 susceptibility to flood damage, and the individual owner would be  
18 minimally affected by such damage;

19 (4) The services provided by the proposed facility are critical to  
20 the community;

21 (5) The use or facility requires a waterfront location;

22 (6) Alternative locations free from the possibility of flooding or  
23 erosion damage are not available for the proposed use.

24 (7) Safe access is available to the property in times of flood for  
25 ordinary and emergency vehicles;

26 (8) Negligible increase would result in the expected heights,

1 velocity, duration, rate of rise, or sediment transport of the flood  
2 waters at the site; and

3 (9) Minimal costs would result in the provision of governmental  
4 services during and after flood conditions, including maintenance and  
5 repair of public utilities and facilities such as sewer, gas, electrical  
6 and water systems, and streets and bridges.

7 140.180. VARIANCES FOR HISTORIC BUILDINGS. Variances may be  
8 considered for the reconstruction, rehabilitation, or restoration of  
9 structures listed on the National Register of Historic Places or  
10 designated as historically or architecturally significant buildings as  
11 provided in SRC 118.320, without regard to any of the conditions and  
12 findings required in SRC 140.170 except those set forth in paragraphs  
13 (1), (2), (7), and (9) of subsection (b) of that section.

14 140.190. FLOODPLAIN DEVELOPMENT PERMIT APPLICATION. Every application  
15 for a floodplain development permit required by this chapter shall:

16 (a) Identify and describe the work to be covered by the permit;

17 (b) Describe the land on which the proposed work is to be done, by  
18 lot, block, tract, house and street address, or by some similar  
19 description that will readily identify and definitely locate the proposed  
20 work;

21 (c) Indicate the use or occupancy for which the proposed work in  
22 intended;

23 (d) Be accompanied by plans and specifications for any work for  
24 which performance or specification standards are specified in this  
25 chapter, including a site plan map which shows all existing riparian  
26 vegetation, what vegetation is proposed to be removed, and what types of  
27

1 native vegetation will be used to replace that which is being removed;

2 (e) Be accompanied by an engineer's certification or other proof of  
3 compliance as elsewhere specified in this chapter;

4 EXCEPTION: Where the work to be performed under a floodplain  
5 development permit requires a building permit pursuant to the Uniform  
6 Building Code as adopted in SRC Chapter 56, plans and specifications need  
7 not be separately submitted, but both permit applications may be  
8 accompanied by one set of plans. Engineering certification or other proof  
9 of compliance shall not be required if the plans and specifications bear  
10 the stamp and certification of a registered professional engineer.

11 (f) If the permit is for work in an FH (Interim Flood Hazard)  
12 overlay zone, include a topographical map showing elevations of the  
13 property in two foot contours;

14 (g) Show the actual elevation (in relation to mean sea level) of the  
15 lowest habitable floor (including a basement) of all new or substantially  
16 improved structures, and whether or not the structure contains a basement;

17 (h) Submit base flood elevation data as reasonably may be required  
18 by the director of public works;

19 (i) Be accompanied by proof that all necessary permits, licenses,  
20 and registrations have been obtained from all local, state, or federal  
21 authorities requiring permits for the proposed work; and

22 (j) Give or be accompanied by such other information as reasonably  
23 may be required by the building official.

24 140.200. PERMIT REVIEW; RECORDS TO BE KEPT. (a) The building official  
25 shall review all floodplain development permit applications to determine  
26 whether the standards for protection of buildings and structures



1 specified in this chapter have been met, and shall refer the application  
2 to the director of public works for a determination as to whether all  
3 site, waterway and floodway development standards specified in this  
4 chapter have been met.

5 (b) In conducting such review, where base flood elevation data have  
6 not been provided by the Federal Insurance Administration, then the  
7 building official and director of public works shall obtain, review, and  
8 reasonably utilize any base flood elevation data available from a state,  
9 federal, or other authoritative source.

10 (c) The building official shall review each application to determine  
11 whether all necessary permits, licenses and registrations have been  
12 obtained from all local, state, or federal authorities requiring permits  
13 for the proposed work.

14 (d) The building official shall obtain and record with the file for  
15 the property subject of the permit the following information where  
16 available:

17 (1) Base flood elevation data;

18 (2) The actual elevation (in relation to mean sea level) of the  
19 lowest habitable floor (including basement) of all new or substantially  
20 improved structures, and whether or not the structure contains a basement:

21 (3) The engineering certifications required by this chapter; and

22 (4) Evidence of the notifications required by SRC 140.150(g).

23 (e) The building official, administrator, and director of public  
24 works shall maintain for public inspection all records pertaining to the  
25 provisions of this chapter.

26 140.210. SUSPENSION OR REVOCATION OF PERMIT; APPEAL. (a) The building

1 official may, in writing, suspend or revoke a permit issued under the  
2 provisions of this chapter whenever it appears that:

3 (1) The permit was issued in error, and the applicant was not, in  
4 fact, on the basis of the application, entitled to the permit;

5 (2) The permit was issued on the basis of incorrect, incomplete, or  
6 misleading information supplied by the applicant;

7 (3) The work authorized by the permit is in violation of any  
8 applicable law or ordinance, including any provision requiring the  
9 applicant to obtain a license, registration, or additional permit; or

10 (4) The work being done under the permit is not in accordance with  
11 the approved plans, or is beyond the scope of work authorized by the  
12 permit.

13 (b) Any person whose permit has been suspended or revoked pursuant  
14 to this section may appeal such action to the community development board  
15 of appeals as provided in SRC 4.404 to 4.070.

16 140.220. SCOPE OF WORK AUTHORIZED BY PERMIT. (a) The issuance of a  
17 permit under the provisions of this chapter shall be held to authorize  
18 work only in accordance with the provisions of this chapter, the approved  
19 plans, and work necessarily implied therefrom.

20 (b) The issuance of such a permit shall not be construed to be a  
21 permit for or approval of any violation of the provisions of this chapter  
22 or any other applicable law or ordinance. The issuance of a permit based  
23 on submitted plans shall not thereafter prevent the building official  
24 from requiring the correction of errors or apparent violations contained  
25 therein, or from preventing operations being carried on thereunder when  
26 in violation of any applicable law or ordinance.

1       140.230. FAILURE TO MAINTAIN SITE OR CONDITIONS. (a) The holder of a  
2 floodplain development permit shall continuously maintain the completed  
3 work within the terms and conditions set forth in this chapter and the  
4 permit. All owners and occupants, during the period of their ownership or  
5 occupancy, shall be jointly and severally liable for proper maintenance  
6 as herein prescribed.

7       (b) In the event of failure to maintain premises as provided in  
8 subsection (a) of this section, the building official shall cause to be  
9 served upon the person or persons responsible a notice to correct the  
10 inadequate maintenance. Upon the failure of the persons responsible to  
11 comply with such notice within the time specified therein, to be no less  
12 than 15 days, the building official may file with the council a petition  
13 to have the maintenance performed as provided in subsection (c) of this  
14 section, and the cost thereof assessed as a lien against the property.  
15 Upon filing of the petition, the city recorder shall set the petition for  
16 prompt public hearing, and cause notice thereof to be served by certified  
17 mail upon the owner of the premises. At the hearing any person entitled  
18 to notice shall be accorded an opportunity to show cause why the work  
19 should not be performed as provided in subsection (c) of this section and  
20 the cost thereof assessed as a lien against the property.

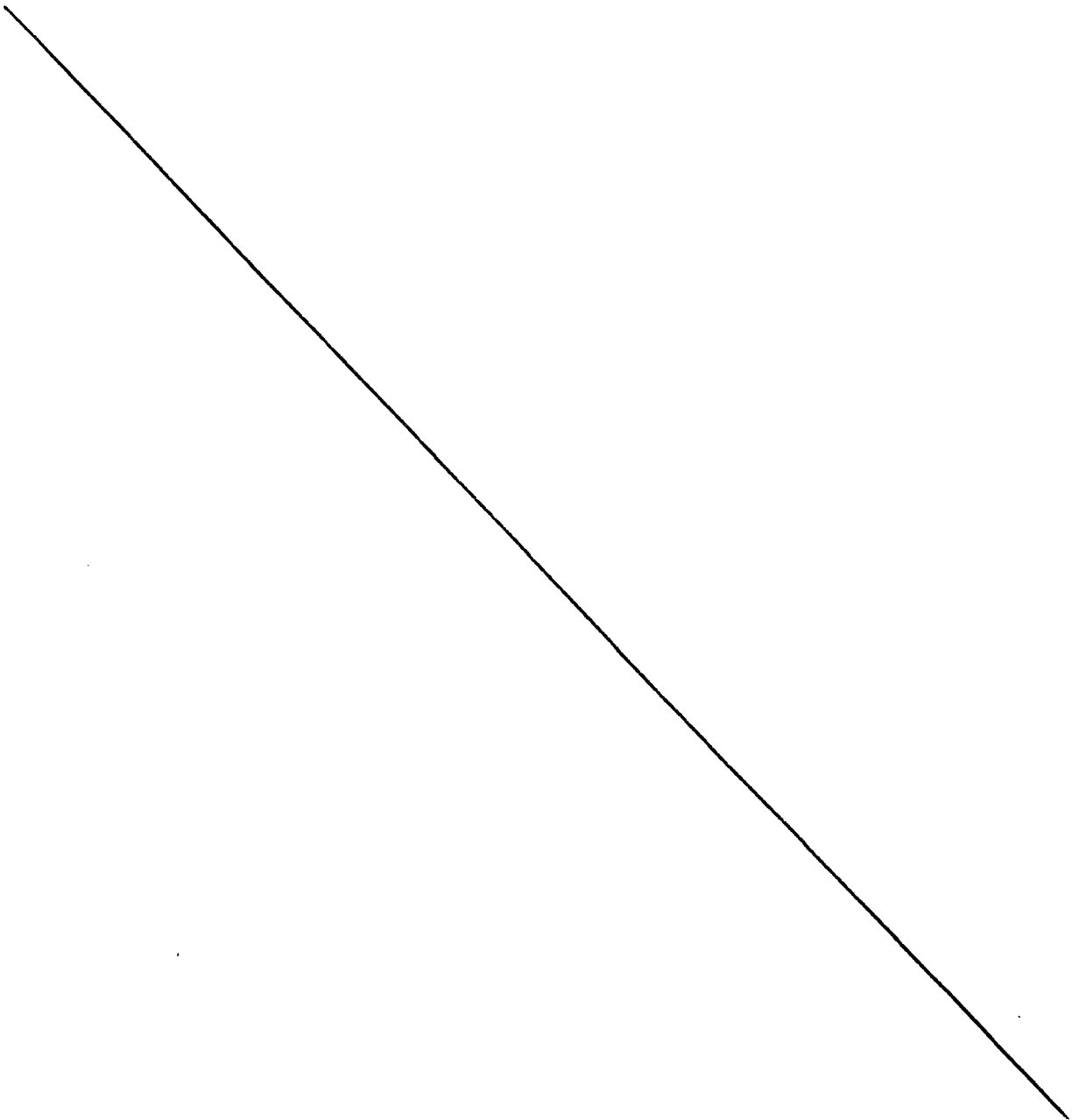
21       (c) If the council is satisfied that the required maintenance must  
22 be performed for the protection of the public health, safety, and welfare  
23 it shall, by resolution, direct the building official to arrange for the  
24 maintenance to be performed by city forces or by private contract let  
25 through competitive bid, whichever is estimated by the building official  
26 to be the least costly and most expedient. Upon completion of the work

1 the building official shall certify to the council the costs thereof and  
2 the council shall ascertain and determine the cost of the work, and  
3 assess the same against the property upon which the maintenance was  
4 performed. Such assessment shall be declared by an ordinance and it shall  
5 be entered in the docket of city liens and shall thereupon be and become  
6 a lien against the property and the creation of the lien and the  
7 collection and enforcement of the cost shall all be done and performed in  
8 substantially the same manner as in the case of the cost of street  
9 improvements, but irregularities or informalities in the procedure shall  
10 be disregarded. Any assessment levied pursuant to this chapter shall be  
11 due and payable in ten days after the same has been entered in the lien  
12 docket. Notice of the assessment shall be given to the owner or owners of  
13 the property in the same manner as notice of street assessments is given.

14 140.240. AMENDMENTS TO FLOODPLAIN BOUNDARIES. Amendments adopted by  
15 the Federal Insurance Administration to the FIRM shall be automatically  
16 incorporated onto the official zoning map without further action. Upon  
17 receiving notice of the final adoption of a study by any state or federal  
18 agency or other authoritative body setting forth base flood elevation  
19 data, the director of public works shall reduce that data to map  
20 boundaries for incorporation on the official zoning map and present them  
21 to the council in the form of an ordinance to be drafted by the city  
22 attorney. The council shall set the ordinance for public hearing, and  
23 shall proceed as expeditiously as possible consistent with applicable law  
24 and council rules to a final consideration of the ordinance. Such an  
25 ordinance shall be considered and acted upon by council only, and need  
26 not be referred to the commission for its recommendation. The matter

1 shall otherwise proceed as provided in SRC Chapter 114 for  
2 council-initiated legislative zone changes.

3 140.250. BIENNIAL REVIEW OF FIRM. At least every two years the  
4 commission shall review the Flood Insurance Rate Map (FIRM) and may  
5 recommend to the Federal Insurance Administration any changes it deems  
6 appropriate.



1 CHAPTER 141

2 WILLAMETTE GREENWAY

3 141.010. INTENT AND PURPOSE. The intent and purpose of the provisions  
4 of this chapter are:

5 (a) To protect and enhance the natural, scenic, recreational,  
6 historical, and economic resources of the Willamette River corridor;

7 (b) To implement the goals and policies of the comprehensive plan,  
8 the Greenway Plan, and Goal 15 of the Land Conservation and Development  
9 Commission Statewide Land Planning Goals;

10 (c) To establish standards and requirements for the use of lands  
11 within the Willamette River Greenway of Salem;

12 (d) To provide for the review of any intensification of use, change  
13 of use, or development of properties located within the Willamette River  
14 Greenway of Salem;

15 (e) To allow for use and development consistent with the underlying  
16 land use zoning while preserving, protecting, and enhancing the scenic  
17 qualities of the river and the riparian environment;

18 (f) To allow and encourage a variety of recreational developments  
19 and types of public access to and along the river while preserving,  
20 protecting, and enhancing the scenic qualities of the river and the  
21 riparian environment;

22 (g) To insure that land use and activities which make use of the  
23 riparian environment are limited to moderate impact on that environment,  
24 and do not endanger it;

25 (h) To insure that the intensification, development, or change of  
26 use is in keeping with the function of the Greenway Plan, and preserves

1 and enhances the scenic qualities or economic function of the river, the  
2 site, and adjacent riparian lands; and

3 (i) To insure that the proposed development is in harmony with  
4 existing and proposed adjoining land uses.

5 141.020. DEFINITIONS. As used in this chapter, except where the  
6 context otherwise requires:

7 (a) "Change of use" means making a different use of the land or  
8 water than that which existed on December 6, 1975. Change of use includes  
9 a change which requires construction, alterations of the land, water, or  
10 other areas outside of existing buildings or structures and which  
11 substantially alters or affects the land or water. An existing open  
12 storage area shall be considered to be the same as a building. "Change of  
13 use" does not include:

14 (1) A change of use of a building or other structure which does not  
15 substantially alter or affect the land or water upon which it is situated;

16 (2) The completion of a structure for which a valid permit has been  
17 issued as of December 6, 1975, and under which permit substantial  
18 construction has been undertaken by July 1, 1976;

19 (3) The sale of property;

20 (4) Landscaping;

21 (5) Construction of driveways;

22 (6) Modifications of existing structures; or

23 (7) The construction or placement of such accessory structures or  
24 facilities are as usual and necessary to the use and enjoyment of  
25 existing improvements, as permitted by this chapter.

26 (b) "Develop" means to bring about growth or availability; to

1 construct, alter, or place a structure; to conduct a mining, landfill, or  
2 excavation operation; to make a physical change in the use or appearance  
3 of land; to divide land into parcels; or to create or terminate rights of  
4 access.

5 (c) "Greenway" means all land within the Greenway Boundary adopted  
6 and as provided for in SRC 141.040.

7 (d) "Greenway plan" is that plan adopted in SRC 64.230.

8 (e) "Intensification" means any additions which increase or expand  
9 the area or amount of an existing use, or the level of activity; or any  
10 remodeling of the exterior of a structure not excluded below when it will  
11 substantially alter the appearance of the structure. "Intensification"  
12 does not include:

13 (1) Completion of a structure for which a valid permit has been  
14 issued as of December 6, 1975, and under which permit substantial  
15 construction has been undertaken by July 1, 1976;

16 (2) Maintenance and repair, usual and necessary for the continuance  
17 of an existing use;

18 (3) Reasonable emergency procedures necessary for the safety or  
19 protection of property; or

20 (4) Seasonal increases in gravel operations.

21 (f) "Ordinary low water mark" means the waterline of the Willamette  
22 River assuming a river height of 109.99 feet above mean sea level as  
23 measured at the Salem River Gauge maintained by the U.S. Department of  
24 the Interior near the Center Street Bridge in Salem, Oregon. The river  
25 elevation must be adjusted, based upon the grade of the river, by adding  
26 one foot for each one-half mile upstream from the gauge, and subtracting



1 one foot for each one-half mile downstream from the gauge, pro-rating  
2 fractions of miles accordingly.

3 (g) "River-oriented use" means those uses and activities which would  
4 benefit by a Willamette River overlook and by a geographic relationship  
5 in proximity to the river.

6 (h) "Sky exposure plane" means a plane sloping at 45 degrees upward  
7 and away from the river from a point 30 feet above the top of the bank,  
8 and extending to a point 15 feet in horizontal distance inward from the  
9 top of the bank or until it intersects the horizontal plane of the height  
10 limitation in the underlying zone, whichever is closer to the river.

11 (i) "Top of the bank" means the line established by a survey  
12 entitled "Top of Bank Survey - Willamette River - City of Salem" to be  
13 made by the director of public works and kept on file in the office of  
14 the city recorder, or an interim line established by private survey made  
15 pursuant to SRC 141.320.

16 (j) "Water-dependent use" means a use or activity which can be  
17 carried out only on, in, or adjacent to water areas because the use  
18 requires access to the water body for water-borne transportation,  
19 recreation, energy production, or source of water.

20 (k) "Water-related use" means a use which is not directly dependent  
21 upon access to a water body, but which provides goods or services that  
22 are directly associated with water-dependent land or waterway use. Except  
23 as necessary for water-dependent or water-related uses or facilities,  
24 residences and parking lots, spoil and dump sites, roads and highways,  
25 restaurants, businesses, factories, and trailer parks are not generally  
26 considered dependent on or related to water location needs.

1 (1) "Willamette River" includes the Willamette Slough.

2 141.040. ESTABLISHMENT OF WILLAMETTE RIVER GREENWAY OVERLAY ZONES.

3 (a) The Willamette River Greenway in Salem is divided into the following  
4 districts as shown on the official zoning map:

5 (1) WD (Willamette River Greenway Development) district;

6 (2) WR (Willamette River Greenway Public Recreation) district.

7 (b) The Willamette River Greenway Boundary is intended as a  
8 compatibility review boundary, and is particularly described in the  
9 Greenway Plan.

10 141.050. USES IN WILLAMETTE RIVER GREENWAY DEVELOPMENT DISTRICT. Any  
11 use permitted in the underlying zone shall be permitted in the WD  
12 (Willamette River Greenway Development) district with a Greenway  
13 Development Permit as required by this chapter.

14 141.060. USES IN WILLAMETTE RIVER GREENWAY PUBLIC RECREATION  
15 DISTRICT. Within the WR (Willamette River Greenway Public Recreation)  
16 district only those uses permitted in a PP district shall be permitted.  
17 Such uses shall be developed in conformity to the Greenway Plan.  
18 Structures within the WR district shall comply with the setback  
19 requirements of SRC 141.240.

20 141.070. GREENWAY DEVELOPMENT PERMIT REQUIRED. Within the WD  
21 (Willamette River Greenway Development) district, it shall be unlawful  
22 for any person to make, cause, suffer, or permit any intensification,  
23 change of use, or development without a Greenway Development Permit  
24 approved by the commission.

25 141.080. EXCEPTIONS TO GREENWAY PERMIT REQUIREMENT. A Greenway  
26 Development Permit shall not be required for the following:

1 (a) On scenic easements acquired under ORS 390.332, the maintenance  
2 authorized by that statute and ORS 390.368.

3 (b) Addition or modification by public utilities of existing utility  
4 lines, wires, fixtures, equipment, circuits, appliances, and conductors.

5 (c) Flood emergency procedures and the maintenance and repair of  
6 existing flood control facilities.

7 (d) Signs, markers, aids, etc., placed by a public agency to serve  
8 the public.

9 (e) Residential accessory uses such as lawns, gardens, and play  
10 areas.

11 (f) Landscaping in accord with applicable provisions of this chapter.

12 (g) Storage of material or equipment associated with uses permitted  
13 outright within RA (Residential Agricultural) and RS (Single Family  
14 Residential) zones providing that the said storage complies with  
15 applicable provisions of this zoning code.

16 (h) Minor repairs or alterations to an existing structure for which  
17 no building permit is required.

18 (i) Seasonal increases in gravel operations, subject to any  
19 conditions imposed by law, ordinance, or specific conditional use  
20 approval.

21 141.090. ISSUANCE OF PERMIT. An application for a Greenway  
22 Development Permit shall be processed as a specific conditional use under  
23 SRC Chapter 118.

24 141.100. CONDITIONS UPON DEVELOPMENT. In addition to all standards  
25 and requirements specified in the underlying zone, any applicable flood  
26 plain zone, and elsewhere in this zoning code, all intensification,

1 development, and change of use within the WD (Willamette River Greenway  
2 Development) district overlay zone shall comply with the conditions  
3 imposed as part of the Greenway Development Permit and with the  
4 applicable standards and requirements of this chapter.

5 141.110. ADDITIONAL CONDITIONS. Where necessary to insure that the  
6 location, scale, and design of buildings are compatible with the riparian  
7 environment, and that the proposed intensification, development, or  
8 change of use complies with the Greenway Plan and the purposes set forth  
9 in SRC 141.010, the commission may impose any additional conditions it  
10 deems appropriate, including a building setback wherever necessary to  
11 preserve and enhance the natural, scenic, historic, and recreational  
12 qualities of the Willamette River Greenway.

13 141.120. VARIANCES. (a) The commission may vary any of the provisions  
14 of SRC 141.200 to 141.300 upon a finding that the proposed development,  
15 intensification, or change of use complies with the intent and purpose  
16 specified in SRC 141.010 and the Greenway Plan, that the variance is  
17 necessary to reasonably carry out the proposal, and that the variance  
18 would not adversely affect the public health, safety, or welfare.

19 (b) Variances must be requested as part of the application and  
20 considered at the public hearing.

21 141.200. GENERAL DEVELOPMENT REQUIREMENTS. (a) Except as provided  
22 under the exception in this subsection, existing predominant  
23 topographical features of the bank line and escarpment shall be preserved  
24 and maintained.

25 EXCEPTION: Disturbance necessary for the construction or  
26 establishment of a water-related, water-dependent, or river-oriented use;

1 and measures necessary to reduce existing or potential bank and  
2 escarpment erosion, landslides, or flood hazard conditions.

3 (b) Stability of the development, intensification, or change of use  
4 shall be assured considering the stress imposed on the bank and land area  
5 between the low water mark of the river and the top of the bank.

6 (c) The hydraulic and flood carrying capacity of the river, and the  
7 hydraulic effect of the river on the bank shall be considered in the  
8 design of the proposed intensification, development, or change of use,  
9 and steps taken to insure minimal adverse effect by and upon the proposal.

10 (d) As a condition of development, intensification, or change of use  
11 in land areas between the top of the bank and the low water mark of the  
12 river (including lower terrace, beach, and river edge) the applicant  
13 shall establish to the satisfaction of the commission that steps have  
14 been taken to minimize the impact of the proposal on the riparian  
15 environment. The commission may require the applicant to submit a further  
16 study to determine whether such impact is acceptable.

17 (e) The applicant shall submit the certification of a registered  
18 professional engineer that the standards specified in subsection (b) and  
19 (c) of this section have been met. Where necessary to properly evaluate a  
20 proposal the commission may require the applicant to furnish further  
21 studies such as a soils survey and analysis, a foundation study, or a  
22 hydrologic study performed by competent professionals.

23 141.210. NATIVE VEGETATION. Vegetative ground cover and trees upon  
24 the site shall be preserved, conserved, and maintained according to the  
25 following provisions:

26 (a) Riparian vegetation removed during development shall be replaced

1 with indigenous vegetation which shall be compatible with and enhance the  
2 riparian environment.

3 (b) Vegetation required under subsection (a) of this section shall  
4 be nursery grown stock and may include grass.

5 (c) Trees of eight inch or greater caliper measured at a height of  
6 four feet shall not be removed between the top of a bank and the river's  
7 edge except as follows:

8 (1) Where necessary as approved by the commission to accommodate a  
9 water-related, water-dependent, or river-oriented use; or

10 (2) Where the tree is determined by the parks director to be  
11 hazardous.

12 (d) Plans for removal and replacement of riparian vegetation shall  
13 be submitted to the planning administrator and approved prior to any  
14 excavation, grading, or construction.

15 141.220. LANDSCAPING. In addition to any landscaping requirements in  
16 the underlying zone, the following provisions shall apply:

17 (a) All areas of the site within the WD (Willamette River Greenway  
18 Development) district shall be landscaped except the following:

19 (1) Areas covered by a structure, parking and driveways, or other  
20 permitted use; and

21 (2) Areas subject to SRC 141.210.

22 (b) Landscaped areas required by subsection (a) of this section  
23 shall be continuously maintained, irrigated with permanent facilities  
24 sufficient to maintain the plant material, and covered by living plant  
25 material capable of attaining 90 percent ground coverage within three  
26 years.

1 (c) The living plant material shall be compatible with and enhance  
2 the riparian environment, shall be nursery grown stock, and may include  
3 grass.

4 141.230. STRUCTURES. All buildings and structures, including  
5 supporting members, and all exterior mechanical equipment shall be  
6 screened, colored, or surfaced so as to blend with the riparian  
7 environment. Colors shall be natural earth or leaf tones. Surfaces shall  
8 be nonreflective. Screening shall be sight-obscuring and shall blend with  
9 the riparian environment.

10 141.240. SETBACK. (a) Structures, excepting structures used for  
11 water-dependent and water-related uses, shall be set back a minimum of 30  
12 feet from all points along the line of ordinary low water mark of the  
13 Willamette River, subject to any further applicable restrictions  
14 contained in SRC Chapter 140.

15 (b) Utility service lines, cables, and other pipe lines shall be  
16 placed underground within all required setback areas, and in the area  
17 between the top of the bank and the river.

18 (c) Projections shall be allowed into the setback area as provided  
19 in SRC 130.170, provided that no portion of a structure having usable  
20 floor space such as balconies and decks shall extend into the setback  
21 area established under subsection (a) of this section. As used in SRC  
22 130.170 as applied to this subsection, "required rear yard" means the  
23 required setback area established by this section, and "property line",  
24 "lot line" and "rear lot line" include the setback line so established.

25 141.250. HEIGHT. Except as provided in subsections (a) and (b) of  
26 this section, the maximum height of all main and accessory structures of

1 which any portion is located within the WD district shall be below the  
2 sky exposure plane; provided, however, that no structure shall exceed the  
3 height limitations of the underlying zone. The provisions of SRC 130.210  
4 shall not apply to the height limitations set by this section.

5 (a) The following features shall be exempt; provided that the sum of  
6 the horizontal areas of all features listed in this subsection shall not  
7 exceed 20 percent of the horizontal area of the roof above which they are  
8 situated; and provided further that the sum of the horizontal areas of  
9 all such features located within the first ten feet of depth of the  
10 building as measured from the wall of the building adjacent to the top of  
11 the bank shall not exceed 20 percent of the horizontal area of the roof  
12 in such first 10 feet of depth. The limitations provided herein may be  
13 increased to 30 percent if the projections are protected from view from  
14 the river by unroofed sight-obscuring screening meeting the requirements  
15 of SRC 141.230:

16 (1) Mechanical equipment and appurtenances necessary to the  
17 operation or maintenance of the building or structure itself, including  
18 chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks,  
19 panels or devices for the collection of solar or wind energy, and window  
20 washing equipment, together with visual screening for any such features.  
21 No projection subject of this exemption shall exceed 15 feet in height  
22 above that portion of the top of the structure on which it is located;

23 (2) Elevator, stair, and mechanical penthouses, fire towers,  
24 skylights, and dormer windows. No projection subject to this exemption  
25 shall exceed 15 feet in height above the top of the structure on which it  
26 is located.



1 (3) Stage and scenery lofts; and

2 (4) Ornamental and symbolic features of public and religious  
3 buildings and structures, including towers, spires, cupolas, belfries,  
4 and domes, where such features do not enclose habitable space.

5 (b) The following features shall be exempt, without regard to their  
6 horizontal area:

7 (1) Railings, parapets, and catwalks, with a maximum height of four  
8 feet above that portion of the top of the structure on which they are  
9 located;

10 (2) Open railings, catwalks, and fire escapes required by law,  
11 wherever situated;

12 (3) Unroofed recreation facilities with open fencing, including  
13 tennis and basketball courts at roof level, swimming pools with a maximum  
14 height of four feet, and play equipment with a maximum height of ten feet  
15 above that portion of the top of the structure on which they are located;

16 (4) Unenclosed seating areas limited to tables, chairs and benches,  
17 and related wind screens, lattices, and sunshades with a maximum height  
18 of ten feet above that portion of the top of the structure on which they  
19 are located;

20 (5) Landscaping, with a maximum height of ten feet above that  
21 portion of the structure on which it is located for all features other  
22 than living plant materials;

23 (6) Short-term parking of passenger automobiles, without additional  
24 structures or equipment other than trellises or similar overhead  
25 screening with a maximum height of ten feet above that portion of the top  
26 of the structure on which it is located, and parapets or guardrails as  
27

1 required by law. Parking areas shall be visually screened as provided in  
2 SRC 141.230.

3 (7) Flag poles and flags, clothes poles and clothes lines, and  
4 weather vanes.

5 (8) Radio and television antennae except parabolic dish antennae  
6 more than three feet in diameter, provided that such exempt antennae and  
7 their supporting structures projecting above the height limitation do not  
8 enclose any habitable space;

9 (9) Signs, light standards, and similar devices, with a maximum  
10 height of 15 feet above that portion of the top of the structure on which  
11 they are located, provided that signs are screened as provided in SRC  
12 141.230;

13 (10) Cranes, scaffolding, and batch plants erected temporarily at  
14 active construction sites; and

15 (11) Equipment necessary for the operation of industrial plants,  
16 transportation facilities, public utilities, and government installations  
17 where otherwise permitted by this zoning code.

18 141.260. SIGNS AND GRAPHICS. In addition to compliance with all other  
19 applicable ordinance provisions relating to signs and graphics, no sign  
20 or graphic display shall have a display surface oriented toward or  
21 visible from the Willamette River.

22 141.270. LIGHTING. (a) Lighting on the site of an intensification,  
23 development, or change of use, where the light is visible from the river,  
24 shall not flash and not be focused or oriented onto the surface of the  
25 river.

26 (b) Maximum aggregate intensity of all lighting falling on the river

1 surface shall not exceed one-tenth foot-candle for any square foot of  
2 river surface.

3 (c) No red or green lights shall be visible from the river.

4 (d) Notwithstanding any of the provisions of this section, lighting  
5 provided for public or private walkways shall be that necessary for  
6 safety.

7 141.280. PARKING AND UNENCLOSED STORAGE AREAS. (a) Parking, loading,  
8 and unenclosed storage areas located within the WD (Willamette River  
9 Greenway Development) district shall be screened from the river and from  
10 all adjacent properties.

11 (b) Parking, loading, and unenclosed storage areas located outside  
12 of but adjacent to the WD (Willamette River Greenway Development)  
13 district shall be screened from such district.

14 (c) Screening required by this section shall be in the form of a  
15 sight-obscuring berm or hedge at least six feet in height, except that a  
16 hedge may, when planted, be no less than three feet high and capable of  
17 attaining a height of at least six feet within three years of the date of  
18 planting.

19 141.290. OPEN VISTAS. (a) Whenever right-of-way is vacated wholly or  
20 partly within the WD (Willamette River Greenway Development) district to  
21 accommodate an intensification, development, or change of use, the city  
22 shall retain or the owner shall grant to the city a scenic easement or  
23 other equivalent perpetual property use restriction for the entire width  
24 or 30 feet, whichever is lesser, and the entire length of the vacated  
25 right-of-way.

26 (b) In lieu of the provisions of subsection (a) of this section the  
27

1 developer may substitute an area of comparable size and dimension under  
2 like restriction provided such alternative area accords a comparable or  
3 better view of the river from public streets in and adjacent to the site,  
4 and is approved by the planning commission.

5 (c) Use of property so restricted shall be limited to walkways,  
6 bicycle paths, and berms or landscaped areas meeting the standards set  
7 forth in subsection (d) of this section.

8 (d) Within an area seven and one-half feet on either side of the  
9 centerline of the open vista area, landscaping and berms shall not exceed  
10 three feet in height.

11 141.300. PUBLIC ACCESS. Where practical, public access shall be  
12 provided to and along the river by appropriate legal means approved by  
13 the city attorney.

14 141.310. SURVEYED BOUNDARY. Prior to any excavation, grading, or  
15 construction the applicant shall submit to the administrator a survey map  
16 certified by a licensed surveyor showing the Greenway Development  
17 District boundary and its relationship to the site and survey monuments  
18 thereon.

19 141.320. INTERIM SURVEY REQUIRED. (a) Prior to completion and filing  
20 of a survey by the director of public works establishing the top of the  
21 bank, applicants for a greenway development permit shall obtain from a  
22 licensed land surveyor a survey to be approved by the director of public  
23 works, establishing the top of the bank adjacent to the Willamette River.  
24 Such survey shall be filed with the administrator prior to issuance of  
25 the Greenway Development Permit, and shall:

26 (1) Be referenced to public street right-of-way boundaries, or other  
27

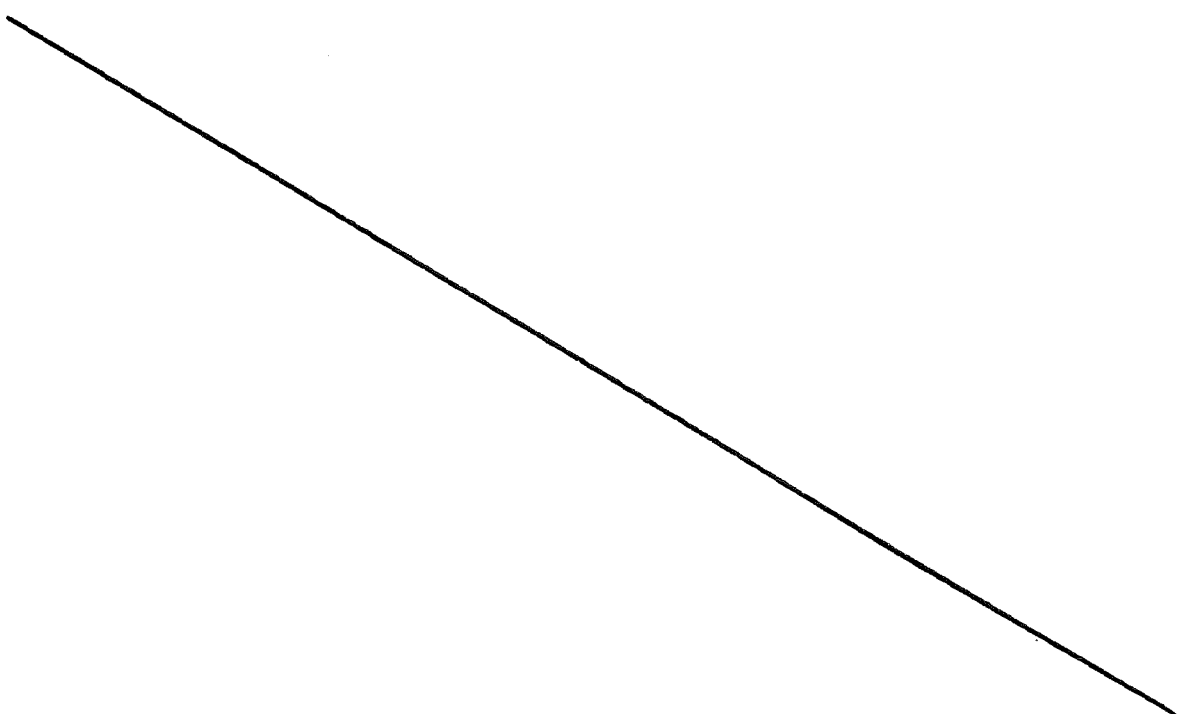
1 legally described monuments approved by the director of public works;

2 (2) Establish a line, which may meander, which is within two feet of  
3 the points from which the level of the property on the inland side of the  
4 river bank slopes sharply downward to meet the river channel and floodway;

5 (3) Exclude small outcroppings and indentations having less than  
6 five feet of frontage along the river bank;

7 (4) Not necessarily be monumented with iron pipes or other markers  
8 at every change of angle or chord intersection, but be monumented with  
9 one inch iron pipes, 24 inches in length at the points of intersection  
10 with property lines.

11 (b) The provisions of this section shall not apply where the  
12 building official is satisfied that the structure shown on the plans  
13 submitted for a building permit application is clearly below the height  
14 limitations specified in SRC 141.250 with respect to the sky exposure  
15 plane.



CHAPTER 145

RA - RESIDENTIAL AGRICULTURE

145.010. CLASSIFICATION OF USES. Some permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis following a use designation indicates that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter.

145.020. PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the RA district and to all such uses, generally, are permitted in the RA district:

(a) One single family dwelling, other than a mobile home, per lot;

(b) One duplex on a corner lot of 7,000 square feet or more;

(c) Mobile home parks developed pursuant to SRC Chapter 123.

(d) The following agricultural and related uses:

(1) Agricultural production - crops (01);

(2) Retail sales area for agricultural products, provided that the sales area is no greater than 1,000 square feet; that one off-street parking space for each 200 square feet of sales area is provided in addition to all other applicable parking requirements; that the retail use is conducted only between dawn and sunset and only for a continuous

1 period of no more than seven months per calendar year beginning no  
2 earlier than April 1; and that any sign erected in connection with the  
3 retail use complies with the Salem Sign Code and is not in any way  
4 artificially illuminated or electrically operated;

5 (3) Raising of livestock, poultry, and other animals and fowl by  
6 residents of the premises for their own private, noncommercial use;

7 (4) Private stables and barns;

8 (5) Timber tracts (081), forest nurseries and tree seed gathering  
9 and extracting (082);

10 (e) Playgrounds and parks.

11 (f) Public buildings and structures such as libraries and fire  
12 stations.

13 (g) Rights-of-way for:

14 (1) Electric service lines;

15 (2) Gas mains, oil and gas transmission lines;

16 (3) Communication lines;

17 (4) Water lines;

18 (5) Sewer lines.

19 (h) Public utility structures and buildings such as pump stations,  
20 reservoirs, radiomicrowave relay stations, telephone substations, and  
21 electric substations.

22 (i) Accessory uses and structures such as:

23 (1) Customary residential accessory buildings and structures for  
24 private use of the property and its occupants;

25 (2) A private garage or parking area;

26 (3) Storage for a commercial vehicle, maximum of one per dwelling

1 unit;

2 (4) Sleeping quarters for domestic employees of the resident of the  
3 main building;

4 (5) Guest houses and guest quarters not in the main building if such  
5 quarters are and remain dependent upon the main building for either  
6 kitchen or bathroom facilities or both, and the guest facilities are used  
7 for temporary lodging and not as a place of residence;

8 (6) Swimming pools for private use;

9 (7) Home occupations;

10 (8) The taking of boarders or leasing of rooms by a resident family,  
11 providing the total number of boarders and roomers does not exceed two in  
12 any dwelling unit.

13 (j) Transitional Uses. Where the side of a lot abuts property other  
14 than a street or alley in any C or I district, and the entire lot is  
15 within 165 feet of the C or I district:

16 (1) One duplex on a lot of 7,000 square feet or more;

17 (2) Public automobile parking areas when developed as provided in  
18 SRC Chapter 133.

19 145.030. SPECIAL USES. (a) The following uses, when restricted.  
20 developed and conducted as required in SRC Chapter 119, are permitted in  
21 the RA district:

22 (1) Veterinary Services for Animal Specialties (0742).

23 (2) Funeral service and crematories (726).

24 (3) Public golf courses (7992)

25 (4) Membership sports and recreation clubs (7997) having golf  
26 courses.



1 (5) Nursing and personal care facilities (805).

2 (6) Elementary and secondary schools (821).

3 (7) Child day care services (835).

4 (8) Residential care facilities (836).

5 (9) Religious organizations (866).

6 (10) Boat and recreational vehicle storage area.

7 (11) Zero side yard dwellings.

8 (12) Two family shared housing.

9 (b) In lieu of establishing any use listed in subsection (a) of this  
10 section as a special use under SRC Chapter 119, the developer may elect  
11 to apply for conditional use approval pursuant to SRC Chapter 117. See  
12 SRC 119.010.

13 145.040. CONDITIONAL USES. The following uses, with conditional use  
14 approval as provided in SRC Chapter 117 or 118, as applicable, are  
15 permitted in the RA district:

16 (a) Those uses listed in SRC 145.030, at the developer's option, as  
17 provided in subsection (b) of that section.

18 (b) Agricultural production, livestock (02).

19 (c) Veterinary services for livestock, except animal specialties  
20 (0741).

21 (d) Animal services, except veterinary (075).

22 (e) Landscape and horticultural services (078).

23 (f) Crude petroleum and natural gas extraction (131).

24 (g) Electrical services (491)

25 (h) Gas production and distribution (492).

26 (i) Water supply (494).

27

28

- 1       (j) Livestock, wholesale and auction (5154).
- 2       (k) Camps and trailering parks (703).
- 3       (l) Beauty shops (723).
- 4       (m) Barber shops (724).
- 5       (n) Arboreta, botanical, and zoological gardens (842).
- 6       (o) Civic, social, and fraternal organizations (864).
- 7       (p) Commercial radio and television transmitters and antennae.
- 8       (q) Community or neighborhood club buildings, including swimming
- 9 pools and similar recreation facilities, when operated by a non-profit
- 10 community club.
- 11       (r) Riding clubs and riding stables.
- 12       (s) Historically or architecturally significant buildings, as
- 13 specific conditional uses under SRC Chapter 118.

14       145.050. PROHIBITED USES. Within an RA district, no building,

15 structure, or land shall be used, erected, structurally altered, or

16 enlarged for any use not permitted under SRC 145.020 to 145.040, except

17 as provided in SRC 113.090(c).

18       145.060. HEIGHT. (a) Within an RA district dwellings erected,

19 altered, or enlarged shall not exceed 35 feet in height.

20       (b) Heights of accessory structures shall meet the requirements of

21 SRC Chapter 131.

22       (c) No other building or structure erected, altered, or enlarged

23 shall exceed a height of 70 feet. Any building exceeding 35 feet in

24 height shall set back from every lot line one foot for each foot of

25 height in excess of 35 feet, unless a greater yard or setback requirement

26 would apply.

1           145.070. LOT AREA AND DIMENSIONS. Within an RA district:

2           (a) Lot Area. The minimum lot area requirement for single family  
3 dwellings is 4,000 square feet. All other uses shall occupy lots of 6,000  
4 square feet or more except those uses specified in SRC 145.020(f) or as  
5 otherwise specifically provided in this zoning code.

6           (b) Lot Dimension, Single Family Dwellings. Each single family  
7 dwelling shall be located on a lot having a minimum width of 40 feet and  
8 an average lot depth between the front and rear lot lines of not less  
9 than 70 feet and not more than 300 percent of the average width between  
10 the side lot lines. Minimum lot area requirements shall also be met.

11           (c) Lot Dimension, Other Uses. The minimum lot depth requirement for  
12 all uses other than single family dwellings is 80 feet, and the minimum  
13 lot width requirement is 60 feet, providing the minimum lot area is met.

14           (d) See SRC 130.260 for street frontage requirements.

15           145.080. FRONT YARDS AND YARDS ADJACENT TO STREETS. Within an RA  
16 district:

17           (a) Along the full extent of each front lot line and lot line  
18 adjacent to a street, there shall be a required yard 12 feet in depth:  
19 provided, however, that any corner lot having one single family dwelling  
20 shall have a required yard of 12 feet along the front lot line and ten  
21 feet along the side lot line adjacent to the street.

22           (b) Less than 20 feet from the street right-of-way no more than two  
23 adjacent lots shall have the same setback from the right-of-way for the  
24 main building. Less than 20 feet from the street right-of-way setbacks  
25 for main buildings shall vary at least four feet in depth between  
26 adjacent lots. A single family dwelling having a side yard adjacent to a

1 street shall not be considered as affecting or affected by setbacks of  
2 adjacent buildings under this subsection.

3 (c) Notwithstanding the provisions of subsections (a) and (b) of  
4 this section, there shall be a required front yard of 20 feet from the  
5 right-of-way of a designated arterial or collector street and a required  
6 rear yard of 14 feet from the right-of-way of a designated arterial or  
7 collector street.

8 (d) Setbacks for accessory structures shall meet the requirements of  
9 SRC 131.040.

10 (e) Zero side yard development shall meet the requirements of SRC  
11 119.650.

12 (f) Notwithstanding any other provisions of this section, garages or  
13 carports having a vehicle entrance facing a street shall be set back at  
14 least 20 feet from the furthest from the street of the following lines:

- 15 (1) The right-of-way line;  
16 (2) The outside curbline; or  
17 (3) The edge of the sidewalk furthest from the street.

18 145.090. INTERIOR SIDE YARDS. Within an RA district:

19 (a) Each lot occupied by a single family dwelling and having an  
20 interior side lot line shall have a required side yard three feet in  
21 depth along that side lot line between the yards required under SRC  
22 145.080 and 145.100.

23 (b) Each lot not subject to subsection (a) of this section, and  
24 having an interior side lot line shall have required interior side yards  
25 whose depth is as follows:

- 26 (1) Five feet for any portion of a building not more than 15 feet in  
27

1 height; and

2 (2) Six feet for any portion of a building greater than 15 feet in  
3 height.

4 (c) Setbacks for accessory structures shall meet the requirements of  
5 SRC 131.050.

6 (d) Zero side yard development shall meet the requirements of SRC  
7 119.550.

8 145.100. INTERIOR REAR YARDS. Within an RA district:

9 (a) Each lot having an interior rear lot line shall have a required  
10 interior rear yard whose depth along the full extent of the rear lot line  
11 is as follows:

12 (1) Fourteen feet for any single family dwelling and for any portion  
13 of any other building not more than 15 feet in height; and

14 (2) Twenty feet for any portion of a building greater than 15 feet  
15 in height other than a single family dwelling.

16 (b) Setbacks for accessory structures shall meet the requirements of  
17 SRC 131.060.

18 145.110. LOT COVERAGE. Within an RA district: no single family  
19 dwelling, including attached accessory structures, shall occupy more than  
20 60 percent of the lot area. No main building other than a single family  
21 dwelling shall occupy more than 30 percent of the lot area, except where  
22 an accessory building is attached to the dwelling unit or main building,  
23 in which case 35 percent of the lot area may be occupied by such main  
24 building.

25 145.120. DRIVEWAYS FOR DWELLINGS. Driveways serving garages for  
26 dwellings shall, within 20 feet of the line specified in subsection (f)

1 of SRC 145.080, contain no area where a paved rectangle at least seven  
2 and one-half feet by twenty feet is not available for the parking of a  
3 vehicle.

4 145.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
5 use and development standards may be found in the following chapters:

6	Planned Unit Developments	SRC Chapter 121
7	Increased Residential Density	SRC Chapter 122
8	Mobile Home Parks	SRC Chapter 123
9	Home Occupations	SRC Chapter 124
10	Lot Development Standards	SRC Chapter 130
11	Accessory Structures	SRC Chapter 131
12	Landscaping	SRC Chapter 132
13	Off-street Parking, Loading, and Driveways	SRC Chapter 133
14	Flood Plain Overlay Zones	SRC Chapter 140
15	Willamette Greenway Overlay Zones	SRC Chapter 141

CHAPTER 146

RS - SINGLE FAMILY RESIDENTIAL

146.010. CLASSIFICATION OF USES. Some permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis following a use designation indicates that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter.

146.020. PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the RS district and to all such uses, generally, are permitted in the RS district:

(a) One single family dwelling, other than a mobile home, per lot;

(b) One duplex on a corner lot of 7,000 square feet or more;

(c) Mobile home parks developed pursuant to SRC Chapter 123.

(d) Mobile homes in mobile home subdivisions of not less than three acres designated for exclusive mobile home development on the tentative plan and final plat filed and recorded pursuant to SRC Chapter 63.

(e) Planned Unit Developments approved under SRC Chapter 121.

(f) The following agricultural uses:

(1) Agricultural production - crops (01) with no retail sales area;

(2) Timber tracts (081), forest nurseries and tree seed gathering

1 and extracting (082);

2 (g) Playgrounds and parks.

3 (h) Public buildings and structures, such as libraries and fire  
4 stations.

5 (i) Rights-of-way for:

6 (1) Electric service lines;

7 (2) Gas mains, oil and gas transmission lines;

8 (3) Communications lines;

9 (4) Water lines; and

10 (5) Sewer lines.

11 (j) Public utility structures and buildings such as pump stations  
12 and reservoirs, radiomicrowave relay stations, telephone substations, and  
13 electric substations.

14 (k) Accessory uses and structures such as:

15 (1) Customary residential accessory buildings and structures for  
16 private use of the property and its occupants.

17 (2) A private garage or parking area;

18 (3) Storage for not more than one commercial vehicle per dwelling  
19 unit.

20 (4) Sleeping quarters for domestic employees of the resident of the  
21 main building;

22 (5) Guest houses and guest quarters not in the main building  
23 provided such houses and quarters are and remain dependent upon the main  
24 building for either kitchen or bathroom facilities, or both, and the  
25 guest facilities are used for temporary lodging and not as a place of  
26 residence;



1 (6) Swimming pools for private use;

2 (7) Home occupations;

3 (8) The taking of boarders or leasing of rooms by a resident family,  
4 providing the total number of boarders and roomers does not exceed two in  
5 any dwelling unit;

6 (1) The following transitional Uses. Where the side of a lot abuts  
7 property other than a street or alley in any C or I district, and the  
8 entire lot is within 165 feet of the C or I district:

9 (1) One duplex on a lot of 7,000 square feet or more;

10 (2) Community or neighborhood club buildings, including swimming  
11 pools and similar recreation facilities, when operated by a nonprofit  
12 community club.

13 146.030. SPECIAL USES. (a) The following uses, when restricted,  
14 developed and conducted as required in SRC Chapter 119, are permitted in  
15 the RS district:

16 (1) Funeral service and crematories (726).

17 (2) Public golf courses (7992).

18 (3) Membership sports and recreation clubs (7997) having golf  
19 courses.

20 (4) Nursing and personal care facilities (805).

21 (5) Elementary and secondary schools (821).

22 (6) Child day care services (835).

23 (7) Residential care facilities (836).

24 (8) Religious organizations (866).

25 (9) Boat and recreational vehicle storage area.

26 (10) Zero side yard dwellings.

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1 (11) Two family shared housing.

2 (b) In lieu of establishing any use listed in subsection (a) of this  
3 section as a special use under SRC Chapter 119, the developer may elect  
4 to apply for conditional use approval pursuant to SRC Chapter 117. See  
5 SRC 119.010.

6 146.040. CONDITIONAL USES. The following uses, with conditional use  
7 approval as provided in SRC Chapter 117 or 118, as applicable, are  
8 permitted in the RS district:

9 (a) Those uses listed in SRC 146.030, at the developer's option, as  
10 provided in subsection (b) of that section.

11 (b) Crude petroleum and natural gas extraction (131).

12 (c) Electric services (491).

13 (d) Gas production and distribution (492).

14 (e) Water supply (494).

15 (d) Beauty Shops (723).

16 (e) Barber shops (724).

17 (f) Civic, social, and fraternal organizations (864).

18 (g) Community or neighborhood club buildings, including swimming  
19 pools and similar recreation facilities, when operated by a nonprofit  
20 community club.

21 (h) Historically or architecturally significant buildings as  
22 specific conditional uses under SRC Chapter 118.

23 146.050. PROHIBITED USES. Within any RS district, no building,  
24 structure, or land shall be used, erected, structurally altered, or  
25 enlarged for any use not permitted under SRC 146.020 to 146.040, except  
26 as provided in SRC 113.090(c).

1           146.060. HEIGHT. Within an RS district:

2           (a) Dwellings erected, altered, or enlarged shall not exceed 35 feet  
3           in height.

4           (b) Heights of accessory structures shall meet the requirements of  
5           SRC Chapter 131.

6           (c) No other building or structure erected, altered, or enlarged  
7           shall exceed a height of 70 feet. Any building exceeding 35 feet in  
8           height shall set back from every lot line one foot for each foot of  
9           height in excess of 35 feet, unless a greater yard and setback  
10          requirement would apply.

11          146.070. LOT AREA AND DIMENSIONS. Within an RS district:

12          (a) Lot Area. The minimum lot area requirement for single family  
13          dwellings is 4,000 square feet. All other uses shall occupy lots of 6,000  
14          square feet or more except those uses specified in SRC 146.020(f) or as  
15          otherwise specifically provided in this zoning code.

16          (b) Lot Dimensions, Single Family. Each single family dwelling shall  
17          be located on a lot having a minimum width of 40 feet and an average lot  
18          depth between the front and rear lot lines of not less than 70 feet and  
19          not more than 300 percent of the average width between the side lot  
20          lines. Minimum lot area requirements shall also be met.

21          (c) Lot Dimension, Other Uses. The minimum lot depth requirement for  
22          all uses other than single family dwellings is 80 feet, and the minimum  
23          lot width requirement is 40 feet, providing the minimum lot area is met.

24          (c) See SRC 130.260 for street frontage requirements.

25          146.080. FRONT YARDS AND YARDS ADJACENT TO STREETS. Within an RS  
26          district:

1 (a) Along the full extent of each front lot line and lot line  
2 adjacent to a street, there shall be a required yard 12 feet in depth;  
3 provided, however, that any corner lot having one single family dwelling  
4 shall have a required yard of 12 feet along the front lot line and ten  
5 feet along the side lot line adjacent to the street.

6 (b) Less than 20 feet from the street right-of-way no more than two  
7 adjacent lots shall have the same setback from the right-of-way for the  
8 main building. Less than 20 feet from the street right-of-way setbacks  
9 for main buildings shall vary at least four feet in depth between  
10 adjacent lots. A single family dwelling having a side yard adjacent to a  
11 street shall not be considered as affecting or affected by setbacks of  
12 adjacent buildings under this subsection.

13 (c) Notwithstanding the provisions of subsections (a) and (b) of  
14 this section, there shall be a required front yard of 20 feet from the  
15 right-of-way of a designated arterial or collector street, and a required  
16 rear yard of 14 feet from the right-of-way of a designated arterial or  
17 collector street.

18 (d) Setbacks for accessory structures shall be subject to the  
19 requirements of SRC 131.040.

20 (e) Zero side yard development shall meet the requirements of SRC  
21 119.650.

22 (f) Notwithstanding any other provisions of this section, garages or  
23 carports having a vehicle entrance facing a street shall be set back at  
24 least 20 feet from the furthest from the street of the following lines:

25 (1) The right-of-way line;

26 (2) The outside curbline; or

1 (3) The edge of the sidewalk furthest from the street.

2 146.090. INTERIOR SIDE YARDS. Within an RS district:

3 (a) Each lot occupied by a single family dwelling and having an  
4 interior side lot line shall have a required side yard three feet in  
5 depth along that side lot line between the yards required under  
6 SRC 146.080 and 146.100..

7 (b) Each lot not subject to subsection (a) of this section, and  
8 having interior side lot line shall have required interior side yards  
9 whose depth is as follows:

10 (1) Five feet for any portion of a building not more than 15 feet in  
11 height; and

12 (2) Six feet for any portion of a building greater than 15 feet in  
13 height.

14 (c) Setbacks for accessory structures shall meet the requirements of  
15 SRC 131.050.

16 (d) Zero side yard development shall meet the requirements of SRC  
17 119.550.

18 146.100. INTERIOR REAR YARDS. Within an RS district:

19 (a) Each lot having an interior rear lot line shall have a required  
20 interior rear yard whose depth along the full extent of the rear lot line  
21 is as follows:

22 (1) Fourteen feet for any single family dwelling and for any portion  
23 of any other building not more than 15 feet in height; and

24 (2) Twenty feet for any portion of a building greater than 15 feet  
25 in height other than a single family dwelling.

26 (b) Setbacks for accessory structures shall meet the requirements of

1 SRC 131.060.

2 146.110. LOT COVERAGE. Within an RS district: no single family  
3 dwelling, including attached accessory structures, shall occupy more than  
4 60 percent of the lot area. No main building other than a single family  
5 dwelling shall occupy more than 30 percent of the lot area, except where  
6 an accessory building is attached to the dwelling unit or main building,  
7 in which case 35 percent of the lot area may be occupied by such dwelling  
8 unit or main building.

9 146.120. DRIVEWAYS FOR DWELLINGS. Driveways serving garages for  
10 dwellings shall, within 20 feet of the line specified in subsection (f)  
11 of SRC 146.080, contain no area where a paved rectangle at least seven  
12 and one-half feet by twenty feet is not available for the parking of a  
13 vehicle.

14 146.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
15 use and development standards may be found in the following chapters:

16	Planned Unit Developments	SRC Chapter 121
17	Increased Residential Density	SRC Chapter 122
18	Mobile Home Parks	SRC Chapter 123
19	Home Occupations	SRC Chapter 124
20	Lot Development Standards	SRC Chapter 130
21	Accessory Structures	SRC Chapter 131
22	Landscaping	SRC Chapter 132
23	Off-street Parking, Loading, and Driveways	SRC Chapter 133
24	Flood Plain Overlay Zones	SRC Chapter 140
25	Willamette Greenway Overlay Zones	SRC Chapter 141

CHAPTER 147

RD - DUPLEX RESIDENTIAL

147.010. CLASSIFICATION OF USES. Some permitted, **special**, and conditional uses are classified with reference to the **Standard Industrial Classification (SIC) Manual**. (See SRC 113.090.) Numbers in parenthesis following a use designation indicates that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter.

147.020. PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the RD district and to all such uses, generally, are permitted in the RD district:

(a) One single family dwelling or duplex, other than a mobile home, per lot;

(b) The following agricultural uses:

(1) Agricultural production - crops (01) with no retail sales area;

(2) Timber tracts (081), forest nurseries and tree seed gathering and extracting (082);

(c) Playgrounds and parks;

(d) Public buildings and structures, such as libraries and fire stations;

(e) Rights-of-way for:

- 1 (1) Electric service lines;
- 2 (2) Gas mains, oil and gas transmission lines;
- 3 (3) Communications lines;
- 4 (4) Water lines; and
- 5 (5) Sewer lines.
- 6 (f) Public utility structures and buildings such as pump stations
- 7 and reservoirs, radiomicrowave relay stations, telephone substations, and
- 8 electric substations.
- 9 (g) Accessory uses and structures such as:
- 10 (1) Customary residential accessory buildings and structures for
- 11 private use of the property and its occupants;
- 12 (2) A private garage or parking area;
- 13 (3) Storage for not more than one commercial vehicle per dwelling
- 14 unit.
- 15 (4) Sleeping quarters for domestic employees of the resident of the
- 16 main building;
- 17 (5) Guest houses and guest quarters not in the main building if such
- 18 houses and quarters are and remain dependent upon the main building for
- 19 either kitchen or bathroom facilities or both, and the guest facilities
- 20 are used for temporary lodging and not as a place of residence;
- 21 (6) Swimming pools for private use;
- 22 (7) Home occupations;
- 23 (8) The taking of boarders or leasing of rooms by a resident family,
- 24 providing the total number of boarders and roomers does not exceed two in
- 25 any dwelling unit;

26 147.030. SPECIAL USES. (a) The following uses, when restricted,

27

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1 developed and conducted as required in SRC Chapter 119, are permitted in  
2 the RD district:

3 (1) Nursing and personal care facilities (805).

4 (2) Child day care services (835).

5 (3) Residential care facilities (836).

6 (b) In lieu of establishing any use listed in subsection (2) of this  
7 section as a special use under SRC Chapter 119, the developer may elect  
8 to apply for conditional use approval pursuant to SRC Chapter 117. See  
9 SRC 119.010.

10 147.040. CONDITIONAL USES. The following uses, with conditional  
11 use approval as provided in SRC Chapter 117 or 118, as applicable, are  
12 permitted in the RD district:

13 (a) Those uses listed in SRC 147.030, at the developer's option, as  
14 provided in subsection (b) of that section.

15 (b) Crude petroleum and natural gas extraction (131).

16 (c) Electric services (491).

17 (d) Gas production and distribution (492).

18 (e) Water supply (494).

19 (f) Membership sports and recreation clubs (7997).

20 147.050. PROHIBITED USES. Within any RD district, no building,  
21 structure, or land shall be used, erected, structurally altered, or  
22 enlarged for any use not permitted under SRC 147.020 to 147.040, except  
23 as provided in SRC 113.090(c).

24 147.060. HEIGHT. The height requirements of SRC 146.060 shall apply  
25 in the RD district.

26 147.070. LOT AREA AND DIMENSIONS. The lot area and dimension

1 requirements of SRC 146.070 shall apply in the RD district.

2 147.080. YARDS, SETBACKS, AND DRIVEWAYS. The yard and setback  
3 requirements of SRC 146.080 to 146.100, and the driveway requirements of  
4 SRC 146.120 shall apply in the RD district.

5 147.110. LOT COVERAGE. The lot coverage requirements of SRC 146.110  
6 shall apply in the RD district.

7 147.200. ZONE CHANGE RESTRICTION. Notwithstanding any other provision  
8 of this code, no zone change to RD shall ever be made.

9 147.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
10 use and development standards may be found in the following chapters:

11	Planned Unit Developments	SRC Chapter 121
12	Increased Residential Density	SRC Chapter 122
13	Mobile Home Parks	SRC Chapter 123
14	Home Occupations	SRC Chapter 124
15	Lot Development Standards	SRC Chapter 130
16	Accessory Structures	SRC Chapter 131
17	Landscaping	SRC Chapter 132
18	Off-street Parking, Loading, and Driveways	SRC Chapter 133
19	Flood Plain Overlay Zones	SRC Chapter 140
20	Willamette Greenway Overlay Zones	SRC Chapter 141

CHAPTER 148

RM - MULTIPLE FAMILY RESIDENTIAL

148.010. CLASSIFICATION OF USES. Some permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis following a use designation indicates that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter.

148.020. PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the RM district and to all such uses, generally, are permitted in the RM district:

(a) One single family dwelling or duplex, other than a mobile home, per lot;

(b) Mobile home parks developed pursuant to SRC Chapter 123;

(c) Mobile homes in mobile home subdivisions of not less than three acres designated for exclusive mobile home development on the tentative plan and final plat filed and recorded pursuant to SRC Chapter 63;

(d) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, duplexes, condominiums, and hotels;

- 1 (e) Residential care (836);
- 2 (f) Planned Unit Developments approved under SRC Chapter 121.
- 3 (g) The following agricultural uses:
- 4 (1) Agricultural production - crops (01) with no retail sales area;
- 5 (2) Timber tracts (081), forest nurseries and tree seed gathering
- 6 and extracting (082);
- 7 (h) Playgrounds and parks.
- 8 (i) Public buildings and structures, such as libraries, fire
- 9 stations.
- 10 (j) Rights-of-way for:
- 11 (1) Electric service lines;
- 12 (2) Gas mains, oil and gas transmission lines;
- 13 (3) Communications and CATV lines;
- 14 (4) Water lines;
- 15 (5) Sewer lines.
- 16 (k) Public utility structures and buildings such as pump stations,
- 17 reservoirs, radiomicrowave relay stations, telephone substations, and
- 18 electric substations.
- 19 (1) Accessory uses and structures such as:
- 20 (1) Customary residential accessory buildings and structures for
- 21 private use of the property and its occupants;
- 22 (2) Storage for not more than one commercial vehicle per dwelling
- 23 unit;
- 24 (3) Sleeping quarters for domestic employees of the resident of the
- 25 main building;
- 26
- 27
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- 1 (4) Guest houses and guest quarters not in the main building;  
2 (5) Swimming pools for the use of residents and guests only;  
3 (6) Home occupations;  
4 (7) The taking of boarders or leasing of rooms by a resident family,  
5 providing the total number of boarders and roomers does not exceed two in  
6 any dwelling unit;

7 (8) A private garage or parking area.

8 (m) Community or neighborhood club buildings, including swimming  
9 pools and similar recreation facilities, when operated by a nonprofit  
10 community club..

11 (n) Accessory retail and service uses: An apartment house or lodging  
12 house having more than 25 dwelling units or guest rooms may have therein  
13 a newsstand, barber shop, beauty parlor, food shop, and dining rooms when  
14 conducted and entered only from within the building.

15 (o) Transitional Uses: Where the side of a lot abuts property other  
16 than a street or alley in any C or I district, and the entire lot is  
17 within 165 feet of the C or I district:

18 (1) Public parking areas when developed as provided in SRC Chapter  
19 133.

20 148.030. SPECIAL USES. (a) The following uses, when restricted,  
21 developed and conducted as required in SRC Chapter 119, are permitted in  
22 the RM district:

23 (1) Membership sports and recreation clubs (7997) having golf  
24 courses.

25 (2) Funeral service and crematories (726); and cemetery subdividers

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1 and developers (6553).

2 (3) Nursing and personal care facilities (805).

3 (4) Elementary and secondary schools (821);

4 (5) Child day care services (835);

5 (6) Religious organizations (866);

6 (7) Boat and recreational vehicle storage area;

7 (8) Zero side yard dwellings.

8 (b) In lieu of establishing any use listed in subsection (a) of this  
9 section as a special use under SRC Chapter 119, the developer may elect  
10 to apply for conditional use approval pursuant to SRC Chapter 117. See  
11 SRC 119.010.

12 148.040. CONDITIONAL USES. The following uses, with conditional use  
13 approval as provided in SRC Chapter 117 or 118, as applicable, are  
14 permitted in the RM district:

15 (a) Those uses listed in SRC 148.030, at the developer's option, as  
16 provided in subsection (b) of that section.

17 (b) Crude petroleum and natural gas extraction (131).

18 (c) Electric services (491).

19 (d) Gas production and distribution (492).

20 (e) Water supply (494).

21 (f) Beauty shop (723).

22 (g) Barber shop (724).

23 (h) Membership sports and recreation clubs (7997).

24 (i) Civic, social, and fraternal organizations (864).

25 (j) Swimming pools opened to the public, with or without charge.

1 (k) Historically or architecturally significant buildings as  
2 specified conditional uses under SRC Chapter 118.

3 148.050. PROHIBITED USES. Within any RM district, no building,  
4 structure, or land shall be used, erected, structurally altered, or  
5 enlarged for any use not permitted under SRC 148.020 to 148.040, except  
6 as provided in SRC 113.090(c).

7 148.060. HEIGHT. Within an RM district:

8 (a) Dwellings and court apartments shall meet the requirements for  
9 height of dwellings set forth in SRC 146.060. Apartment houses, lodging  
10 houses, and hotels, including residential care facilities (836) and  
11 nursing and personal care facilities (805), erected, altered, or enlarged  
12 shall not exceed 50 feet in height. No other building or structure  
13 erected, altered, or enlarged shall exceed a height of 70 feet.

14 (b) Heights of accessory structures shall meet the requirements of  
15 SRC Chapter 131.

16 (c) Any building or structure exceeding 35 feet in height shall set  
17 back from every lot line one foot for each foot of height in excess of 35  
18 feet, unless a greater yard or setback requirement would apply. See SRC  
19 148.080 for a different and concurrently applicable ratio of height to  
20 setback for determining yard requirements.

21 148.070. LOT AREA AND DIMENSIONS. Within an RM district:

22 (a) Lot Area, Dwelling. The minimum lot area requirement for single  
23 family dwellings and for single family dwellings converted to duplexes is  
24 4,000 square feet. The minimum lot area requirement for duplexes is 7,000  
25 square feet.

26 (b) Lot Area, Multifamily. The minimum lot area requirement for

multiple family residential uses shall be 5,000 square feet, plus additional lot area computed as follows:

(1) For the first through fifth dwelling unit:

(A) For each dwelling unit with one or less bedrooms - 750 square feet.

(B) For each dwelling unit with two bedrooms - 1,000 square feet.

(C) For each dwelling unit with three or more bedrooms - 1,200 square feet.

(2) For the sixth dwelling unit and each succeeding dwelling unit, the following additional lot area shall be required:

(A) For each dwelling unit with two or less bedrooms: One story - 1,250 square feet; two or more stories - 1,000 square feet.

(B) For each dwelling unit with three or more bedrooms: 1,700 square feet.

(c) Lot Area, Other Uses. The minimum lot area for all other uses except those specified in SRC 148.020(f) is 6,000 square feet unless otherwise specifically provided in this zoning code.

(d) Lot Dimension, Dwellings. The minimum lot dimensions for dwellings shall be as required under SRC 146.070 for the type of dwelling; provided that single family dwellings converted to duplexes shall be considered single family dwellings for the purpose of determining such requirements.

(e) Lot Dimension, Other Uses. The minimum lot depth requirement is 80 feet, and the minimum lot width requirement is 40 feet, providing the minimum lot area is met.



1 (f) See SRC 130.260 for street frontage requirements.

2 148.080. FRONT YARDS AND YARDS ADJACENT TO STREETS. Within an RM  
3 district:

4 (a) Dwellings. Yard requirements for dwellings shall be as required  
5 under SRC 146.080 for the type of dwelling; provided that single family  
6 dwellings converted to duplexes shall be considered single family  
7 dwellings for the purpose of determining such requirements.

8 (b) Other Uses. Along the full extent of each front lot line and lot  
9 line adjacent to a street, there shall be a required yard one foot in  
10 depth for each one and one-half feet of building height, but in no event  
11 less than 12 nor more than 20 feet in depth.

12 (c) Accessory Structures. Setbacks for accessory structures shall  
13 meet the requirements of SRC 131.040.

14 (d) Zero Side Yard. Zero side yard development shall meet the  
15 requirements of SRC 119.650.

16 148.090. INTERIOR SIDE YARDS. (a) Dwellings. Yard requirements for  
17 dwellings shall be as required under SRC 146.090 for the type of  
18 dwelling; provided that single family dwellings converted to duplexes  
19 shall be considered single family dwellings for the purpose of  
20 determining such requirements.

21 (b) Other Uses. Each lot having an interior side lot line shall have  
22 required interior side yard along each interior side lot line between the  
23 yards required under SRC 148.080 and 148.100. Depth of such required side  
24 yards shall be:

25 (1) Six feet for any portion of a building not more than 15 feet in  
26

1 height; and

2 (2) Seven feet for any portion of a building greater than 15 feet in  
3 height.

4 (c) Accessory Structures. Setbacks for accessory structures shall  
5 meet the requirements of SRC 131.050.

6 (d) Zero Side Yard. Zero side yard development shall meet the  
7 requirements of SRC 119.650.

8 148.100. INTERIOR REAR YARDS. Within an RM district:

9 (a) Dwellings. Yard requirements for dwellings shall be as required  
10 under SRC 146.100 for the type of dwelling; provided that single family  
11 dwellings converted to duplexes shall be considered single family  
12 dwellings for the purpose of determining such requirements.

13 (b) Other Uses. Each lot having an interior rear lot line shall have  
14 a required interior rear yard whose depth along the full extent of the  
15 rear lot line is as follows:

16 (1) Six feet for any portion of a building not more than 15 feet in  
17 height; and

18 (2) Seven feet for any portion of a building greater than 15 feet in  
19 height.

20 (c) Accessory Structures. Setbacks for accessory structures shall  
21 meet the requirements of SRC 131.060.

22 148.110. LOT COVERAGE. Within an RM district no single family  
23 dwelling or single family dwelling converted to a duplex, together with  
24 any attached accessory structures, shall occupy more than 60 percent of  
25 the total lot area. No other main building, or group of main buildings  
26

shall occupy more than 40 percent of the lot area. Total lot coverage by all buildings including accessory buildings shall not be more than 50 percent of the lot area, except as provided for single family dwelling and duplex conversions.

148.120. DRIVEWAYS FOR DWELLINGS. Driveways serving garages for dwellings shall, within 20 feet of the line specified in subsection (f) of SRC 146.080, contain no area where a paved rectangle at least seven and one-half feet by twenty feet is not available for the parking of a vehicle.

148.130. LANDSCAPING. Within an RM district all required yards shall be landscaped as provided in SRC Chapter 132.

148.140. STORAGE. Within an RM district open outdoor storage shall be screened from view from the street and adjacent properties by a sight obscuring fence, wall, or hedge.

148.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative use and development standards may be found in the following chapters:

Planned Unit Developments	SRC Chapter 121
Increased Residential Density	SRC Chapter 122
Mobile Home Parks	SRC Chapter 123
Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133

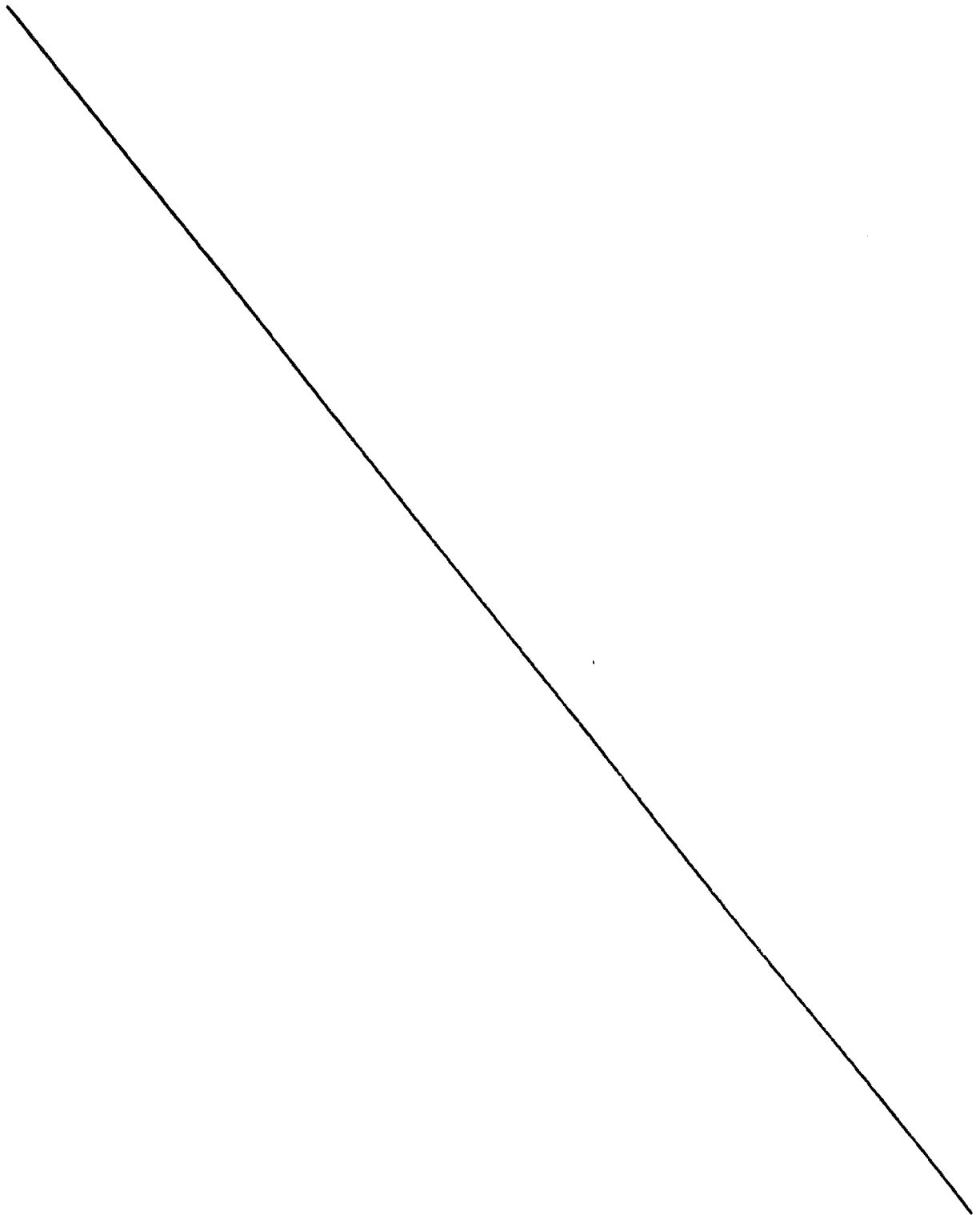
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Flood Plain Overlay Zones

SRC Chapter 140

Willamette Greenway Overlay Zones

SRC Chapter 141



1 CHAPTER 149

2 RH - MULTIPLE FAMILY HIGH-RISE

3 RESIDENTIAL

4 149.010. CLASSIFICATION OF USES. Some permitted, **special**, and  
5 conditional uses are classified with reference to the Standard Industrial  
6 Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis  
7 following a use designation indicates that the use is listed and  
8 described under that number in the SIC. Where particular activities  
9 otherwise included under an SIC category are excluded from the permitted,  
10 special, or conditional use, those particular activities are listed,  
11 preceded by the words "BUT EXCLUDING" following the more general category  
12 from which they are excluded. Particular activities thus excluded may or  
13 may not be listed in other sections of this chapter.

14 149.020. PERMITTED USES. The following uses, when developed under the  
15 general development standards in this zoning code applicable to the RH  
16 district and to all such uses, generally, are permitted in the RH  
17 district:

- 18 (a) One duplex on a lot of 7,000 square feet or more;  
19 (b) Unlimited number of dwelling units and guest rooms in apartment  
20 houses, court apartments, lodging houses, condominiums, and hotels;  
21 (c) Residential care (836);  
22 (d) Planned Unit Developments approved under SRC Chapter 121.  
23 (e) The following agricultural uses:  
24 (1) Agricultural production - crops (01) with no retail sales area;  
25 (2) Timber tracts (081), forest nurseries and **tree seed gathering**

1 and extracting (082);

2 (f) Playgrounds, parks.

3 (g) Public buildings and structures, such as libraries, fire  
4 stations.

5 (h) Rights-of-way for:

6 (1) Electric service lines;

7 (2) Gas mains, oil and gas transmission lines;

8 (3) Communications and CATV lines;

9 (4) Water lines;

10 (5) Sewer lines.

11 (i) Public utility structures and buildings such as pump stations,  
12 reservoirs, radiomicrowave relay stations, telephone substations, and  
13 electric substations;

14 (j) Accessory uses and structures such as:

15 (1) Customary residential accessory buildings and structures for  
16 private use of the property and its occupants;

17 (2) Storage for not more than one commercial vehicle per dwelling  
18 unit;

19 (3) Sleeping quarters for domestic employees of the resident of the  
20 main building;

21 (4) Guest houses and guest quarters not in the main building;

22 (5) Home occupations;

23 (6) The taking of boarders or leasing of rooms by a resident family,  
24 providing the total number of boarders and roomers does not exceed two in  
25 any dwelling unit;

1 (7) A private garage or parking area.

2 (k) Swimming pools, whether or not open to the public for a fee;

3 (l) Community or neighborhood clubs.

4 (m) Civic, social, and fraternal organizations (864).

5 (n) Transitional Uses: Where the side of a lot abuts property other  
6 than a street or alley in any C or I district, and the entire lot is  
7 within 165 feet of the C or I district:

8 (1) Public parking areas when developed as provided in SRC Chapter  
9 133.

10 149.030. SPECIAL USES. (a) The following uses, when restricted,  
11 developed and conducted as required in SRC Chapter 119, are permitted in  
12 the RH district:

13 (1) Nursing and personal care facilities (805);

14 (2) Elementary and secondary schools (821);

15 (3) Child day care services (835);

16 (4) Religious organizations (866);

17 (5) Mixed use buildings.

18 (b) In lieu of establishing any use listed in subsection (a) of this  
19 section as a special use under SRC Chapter 119, the developer may elect  
20 to apply for conditional use approval pursuant to SRC Chapter 117. See  
21 SRC 119.010.

22 149.040. CONDITIONAL USES. The following uses, with conditional use  
23 approval as provided in SRC Chapter 117 or 118, as applicable, are  
24 permitted in the RH district:

25 (a) Those uses listed in SRC 149.030, at the developer's option, as

provided in subsection (b) of that section.

(b) Crude petroleum and natural gas extraction (131).

(c) Electric services (491).

(d) Gas production and distribution (492).

(e) Water supply (494).

(f) Beauty shop (723).

(g) Barber shop (724).

(h) Membership sports and recreation clubs (7997).

(i) Single family dwellings.

(j) Historically or architecturally significant buildings as specific conditional uses under SRC Chapter 118.

149.050. PROHIBITED USES. Within any RH district, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 149.020 to 149.040, except as provided in SRC 113.090(c).

149.060. FRONT YARDS AND YARDS ADJACENT TO STREETS. Within an RH District:

(a) Each lot outside the CSDP Area shall have a required yard 12 feet in depth along the full extent of each front lot line and each lot line adjacent to a street.

(b) Within the CSDP Area there are no required front yards or yards adjacent to streets.

(c) Accessory structures, whether or not within the CSDP Area, shall meet the setback requirements of SRC 131.040.

149.070. INTERIOR SIDE YARDS. Within an RH District:

(a) Each lot having an interior side lot line shall have a required



1 interior side yard along each interior side lot line between the yards  
2 required under SRC 149.060 and 149.080. Depth of such required yards  
3 shall be:

4 (1) Six feet for any portion of a building not more than 15 feet in  
5 height;

6 (2) Seven feet for any portion of a building greater than 15 but not  
7 more than 35 feet in height; and

8 (3) For buildings or structures exceeding 35 feet in height the  
9 minimum required interior side yard depth shall be seven feet plus three  
10 feet for each ten feet of additional height or fraction thereof, but need  
11 not exceed 20 feet in depth.

12 (b) Setbacks for accessory structures shall meet the requirements of  
13 SRC 131.050.

14 149.080. INTERIOR REAR YARDS. Within an RH district:

15 (a) Each lot having an interior rear lot line shall have a required  
16 interior rear yard whose depth along the full extent of the rear lot line  
17 is as follows:

18 (1) Six feet for any portion of a building not more than 15 feet in  
19 height;

20 (2) Seven feet for any portion of a building greater than 15 but not  
21 more than 35 feet in height; and

22 (3) For buildings or structures exceeding 35 feet in height the  
23 minimum required depth shall be seven feet plus four feet for each 10  
24 feet of additional height or fraction thereof, but need not exceed 20  
25 feet in depth.

1 (b) Setbacks for accessory structures shall meet the requirements of  
2 SRC 131.060.

3 149.090. LANDSCAPING. Within an RH district all required yards shall  
4 be landscaped as provided in SRC Chapter 132.

5 149.100. STORAGE. Within an RH district Open outdoor storage shall be  
6 screened from view from the street and adjacent properties by a sight  
7 obscuring fence, wall, or hedge.

8 149.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
9 use and development standards may be found in the following chapters:

10	Planned Unit Developments	SRC Chapter 121
11	Lot Development Standards	SRC Chapter 130
12	Accessory Structures	SRC Chapter 131
13	Landscaping	SRC Chapter 132
14	Off-street Parking, Loading, and Driveways	SRC Chapter 133
15	Flood Plain Overlay Zones	SRC Chapter 140
16	Willamette Greenway Overlay Zones	SRC Chapter 141

CHAPTER 150

CO-COMMERCIAL OFFICE

150.010. CLASSIFICATION OF USES. Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis following a use designation indicate that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded. Particular activities thus excluded may or may not be listed in other sections of this chapter.

150.020. PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the CO district and to all such uses, generally, are permitted in the CO district:

(a) RESIDENTIAL:

(1) One single family dwelling or duplex, other than a mobile home, per lot;

(2) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, lodging houses, condominiums, and hotels;

(3) One dwelling unit for each business use on the lot;

(4) Residential care (836);

(b) AGRICULTURE AND FORESTRY:

(1) Agricultural production - crops (01);

(2) Retail sales area for agricultural products, provided that th

1 sales area is no greater than 1,000 square feet; that one off-street  
2 parking space for each 200 square feet of sales area is provided in  
3 addition to all other applicable parking requirements; that the retail  
4 use is conducted only between dawn and sunset and only for a continuous  
5 period of no more than seven months per calendar year beginning no  
6 earlier than April 1; and that any sign erected in connection with the  
7 retail use complies with the Salem Sign Code and is not in any way  
8 artificially illuminated or electrically operated;

9 (3) Landscape counselling and planning (0781);

10 (4) Timber tracts (081);

11 (5) Forestry services (085);

12 (c) RETAIL TRADE:

13 (1) News dealers and newsstands (5994).

14 (d) FINANCE, INSURANCE, AND REAL ESTATE:

15 (1) Banking (60);

16 (2) Credit agencies other than banks (61);

17 (3) Security and commodity brokers, dealers, exchanges and services  
18 (62);

19 (4) Insurance (63);

20 (5) Insurance agents, brokers and service (64);

21 (6) Real estate (65);

22 (7) Combination of real estate, insurance, loans, law offices (66);

23 and

24 (8) Holding, and other investment companies (67).

25 (e) SERVICES:

26 (1) Beauty shop (723);

- (2) Barber Shop (724);
- (3) Funeral service and crematories (726);
- (4) Consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collection agencies (732);
- (5) Direct mail advertising services (7331);
- (6) Stenographic services; and reproduction services, not elsewhere classified (7339);
- (7) News syndicates (735);
- (8) Personnel supply services (736);
- (9) Computer and data processing services (737);
- (10) Management, consulting, and public relations (7392);
- (11) Detective agencies and protective services (7393);
- (12) Commercial testing laboratories (7397);
- (13) Business services, not elsewhere classified - where not more than 20 percent of the gross floor area is devoted to retail sales or display (7399);
- (14) Parking lot when developed as prescribed in SRC Chapter 133 (7523);
- (15) Offices of physicians (801);
- (16) Offices of dentists (802);
- (17) Offices of osteopathic physicians (803);
- (18) Offices of other health practitioners (804);
- (19) Medical and dental laboratories (807);
- (20) Outpatient care facilities (808);
- (21) Legal Services (81);
- (22) Correspondence schools and vocational schools (824);

- 1 (23) Schools and educational services, not elsewhere classified (829);
- 2 (24) Individual and family services (832);
- 3 (25) Social services, not elsewhere classified (839);
- 4 (26) Business associations (861);
- 5 (27) Professional membership organizations (862);
- 6 (28) Labor unions and similar labor organizations (863);
- 7 (29) Civic, social, and fraternal organizations (864);
- 8 (30) Political organizations (865);
- 9 (31) Miscellaneous services (89).
- 10 (f) PUBLIC ADMINISTRATION:
- 11 (1) Executive offices (911);
- 12 (2) Executive and legislative combined (913);
- 13 (3) Fire protection (9224);
- 14 (4) Finance, taxation, and monetary policy (93);
- 15 (5) Administration of human resources programs (94);
- 16 (6) Administration of environmental quality and housing programs
- 17 (95);
- 18 (7) Administration of economic programs (96);
- 19 (8) National security and international affairs (97).
- 20 (g) OTHER USES:
- 21 (1) Community or neighborhood clubs;
- 22 (2) Swimming pools, whether or not open to the public for a fee;
- 23 (3) Playgrounds, parks;
- 24 (4) Public buildings and structures, such as libraries, fire
- 25 stations;
- 26 (5) Right-of-way for electric service lines, gas mains,

1 communications and CATV lines, water lines sewer lines; and

2 (6) Public utility structures and buildings such as pump stations,  
3 reservoirs, radiomicrowave relay stations, telephone substations, and  
4 electric substations.

5 (g) ACCESSORY USES AND STRUCTURES;

6 (1) Customary residential accessory buildings and structures for  
7 private use of the property and its occupants;

8 (2) A garage or parking area serving the main building or use;

9 (3) Storage for commercial vehicles used in connection with any use  
10 listed in subsections (d) to (f) of this section, or kept by the occupant  
11 of a dwelling unit with a maximum of one commercial vehicle per dwelling  
12 unit;

13 (4) Sleeping quarters for domestic employees of the resident of the  
14 main building;

15 (5) Guest houses and guest quarters not in the main building  
16 provided such houses and quarters are and remain dependent upon the main  
17 building for either kitchen or bathroom facilities or both, and the guest  
18 facilities are used for temporary lodging and not as a place of residence;

19 (6) Home occupations; and

20 (7) The taking of boarders or leasing of rooms by a resident family,  
21 providing the total number of boarders and roomers does not exceed two in  
22 any dwelling unit.

23 (8) Eating places (5812) in buildings devoted principally to uses  
24 otherwise permitted as main uses under SRC 150.020 to 150.040; provided  
25 that the entrance to the eating place is within the building and not  
26 directly from the outside, that the only sign advertising the eating

1 place visible from outside the building is a non-illuminated window or  
2 wall sign not more than two square feet in area, and that not more than  
3 25 percent of the floor area of a one story building and not more than 50  
4 percent of the floor area of a building over one story is occupied by the  
5 eating place.

6 150.030. SPECIAL USES. (a) The following uses, when restricted,  
7 developed and conducted as required in SRC Chapter 119, are permitted in  
8 the CO district:

- 9 (1) Veterinary services for animal specialties (0742);  
10 (2) Public golf courses (7992); and Membership sports and recreation  
11 clubs (7997) having golf courses;  
12 (3) Nursing and personal care facilities (805);  
13 (4) Child day care services (835);  
14 (5) Religious organizations (866);  
15 (6) Boat and recreational vehicle storage area;  
16 (7) Zero side yard dwellings.

17 150.040. CONDITIONAL USES. The following uses, with conditional use  
18 approval as provided in SRC Chapter 117 or 118, as applicable, are  
19 permitted in the CO district:

20 (a) Those uses listed in SRC 150.030, at the developer's option, as  
21 provided in subsection (b) of that section.

22 (b) Farm labor and management services (076).

23 (c) Crude petroleum and natural gas extraction (131).

24 (d) Telephone communication (wire or radio) (481).

25 (e) Telegraph communication (wire or radio) (482).

26 (f) Radio and Television Broadcasting (483).



- 1 (g) Electric services (491).
- 2 (h) Gas production and distribution (492).
- 3 (i) Water supply (494).
- 4 (j) Historically or architecturally significant buildings as
- 5 specific conditional uses under SRC Chapter 118.

6 150.050. PROHIBITED USES. Within any CO district, no building,  
7 structure, or land shall be used, erected, structurally altered, or  
8 enlarged for any use not permitted under SRC 150.020 to 150.040, except  
9 as provided in SRC 113.090(c).

10 150.060. HEIGHT. Within a CO district:

11 (a) Dwellings. Dwellings and court apartments erected, altered, or  
12 enlarged shall not exceed 35 feet in height.

13 (b) Multifamily. Apartment houses and lodging houses erected,  
14 altered, or enlarged shall not exceed 50 feet in height.

15 (c) Other Uses. All other buildings and structures erected, altered,  
16 or enlarged may be built to a height of 70 feet provided any such  
17 building sets back from every lot line one foot for each foot of height  
18 in excess of 35 feet, unless a greater yard or setback requirement would  
19 apply.

20 150.070. LOT AREA AND DIMENSIONS. Within a CO district:

21 (a) Single Family. The minimum lot area requirement for single  
22 family dwellings and single family dwellings converted to duplexes is  
23 4,000 square feet. Each such use shall be located on a lot having a  
24 minimum width of 40 feet and an average lot depth between the front and  
25 rear lot lines of not less than 70 feet and not more than 300 percent of  
26 the average width between the side lot lines.

1 (b) Lot Area, Other Residential. The minimum lot area requirement  
2 for duplexes not subject to subsection (a) of this section, and for  
3 multiple family residential uses shall be 5,000 square feet plus  
4 additional lot area computed as follows:

5 (1) For the first through fifth dwelling unit:

6 (A) For each dwelling unit with one or less bedrooms - 750 square  
7 feet.

8 (B) For each dwelling unit with two bedrooms - 1,000 square feet.

9 (C) For each dwelling unit with three or more bedrooms - 1,200  
10 square feet.

11 (2) For the sixth dwelling unit and each succeeding dwelling unit,  
12 the following additional lot area shall be required:

13 (A) For each dwelling unit with two or less bedrooms: One story -  
14 1,250 square feet; two or more stories - 1,000 square feet.

15 (B) For each dwelling unit with three or more bedrooms: 1,700 square  
16 feet.

17 (c) Lot Area, Nonresidential. The minimum lot area for all other  
18 uses except those specified in SRC 150.020(g) is 6,000 square feet unless  
19 otherwise specifically provided in this zoning code.

20 (d) Lot Dimensions, Duplex and Multifamily. For those uses specified  
21 in subsection (b) of this section, the minimum lot depth requirement is  
22 80 feet and the minimum lot width requirement is 40 feet, providing the  
23 minimum lot area is met.

24 (e) See SRC 130.260 for street frontage requirements.

25 150.080. YARDS ADJACENT TO STREETS. Within a CO district:

26 (a) Along the full extent of each front lot line and lot line

1 adjacent to a street there shall be a required yard one foot in depth for  
2 each one and one-half feet of building height, but in no event less than  
3 12 nor more than 20 feet in depth.

4 (b) Setbacks for accessory structures shall be the same as for main  
5 buildings under this section, except that setbacks for accessory  
6 structures serving dwelling units shall be as provided in SRC 131.040.

7 150.090. INTERIOR SIDE AND REAR YARDS. Within a CO district:

8 (a) Along the full extent of each interior rear lot line there shall  
9 be a required yard of the following depth:

10 (1) Five feet for any portion of a building not more than 15 feet in  
11 height; and

12 (2) Ten feet for any portion of a building greater than 15 feet in  
13 height.

14 (b) Along each interior side lot line, between the yards required in  
15 SRC 150.080 and subsection (a) of this section, there shall be a required  
16 yard of the same depth specified in subsection (a) of this section.

17 (c) Notwithstanding the provisions of subsections (a) and (b) of  
18 this section, where a rear lot line is the boundary of an alley, a  
19 building or structure may be built with walls on the property line. Any  
20 building wall not contiguous with the property line shall be set back as  
21 provided in subsection (a) of this section.

22 (d) Setbacks for accessory structures shall be the same as for main  
23 buildings under this section, except that setbacks for accessory  
24 structures serving dwelling units shall be as provided in SRC 131.040.

25 150.100. LOT COVERAGE. Within a CO district total lot coverage shall  
26 not exceed 60 percent.

150.110. LANDSCAPING. (a) All required yards in a CO district shall be landscaped, and the following minimum landscaped area shall be provided for all residential uses:

- (1) For each dwelling unit with one or less bedrooms - 300 square feet;
- (2) For each dwelling unit with two bedrooms - 400 square feet;
- (3) For each dwelling unit with three bedrooms - 500 square feet; and
- (4) For each dwelling unit with more than three bedrooms - 500 square feet plus 100 square feet for each bedroom over the third in each unit.

(b) Landscaping in required yards may be used to satisfy the requirements of subsection (a) of this section.

(c) All required landscaping shall meet the requirements of SRC Chapter 132.

150.120. OPEN STORAGE AREA. Within a CO district outdoor storage of materials and equipment is prohibited except in conjunction with residential uses where the storage is screened from adjacent streets and properties by a sight-obscuring fence, wall, or hedge.

150.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative use and development standards may be found in the following chapters:

Home Occupations	SRC Chapter 124
Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133

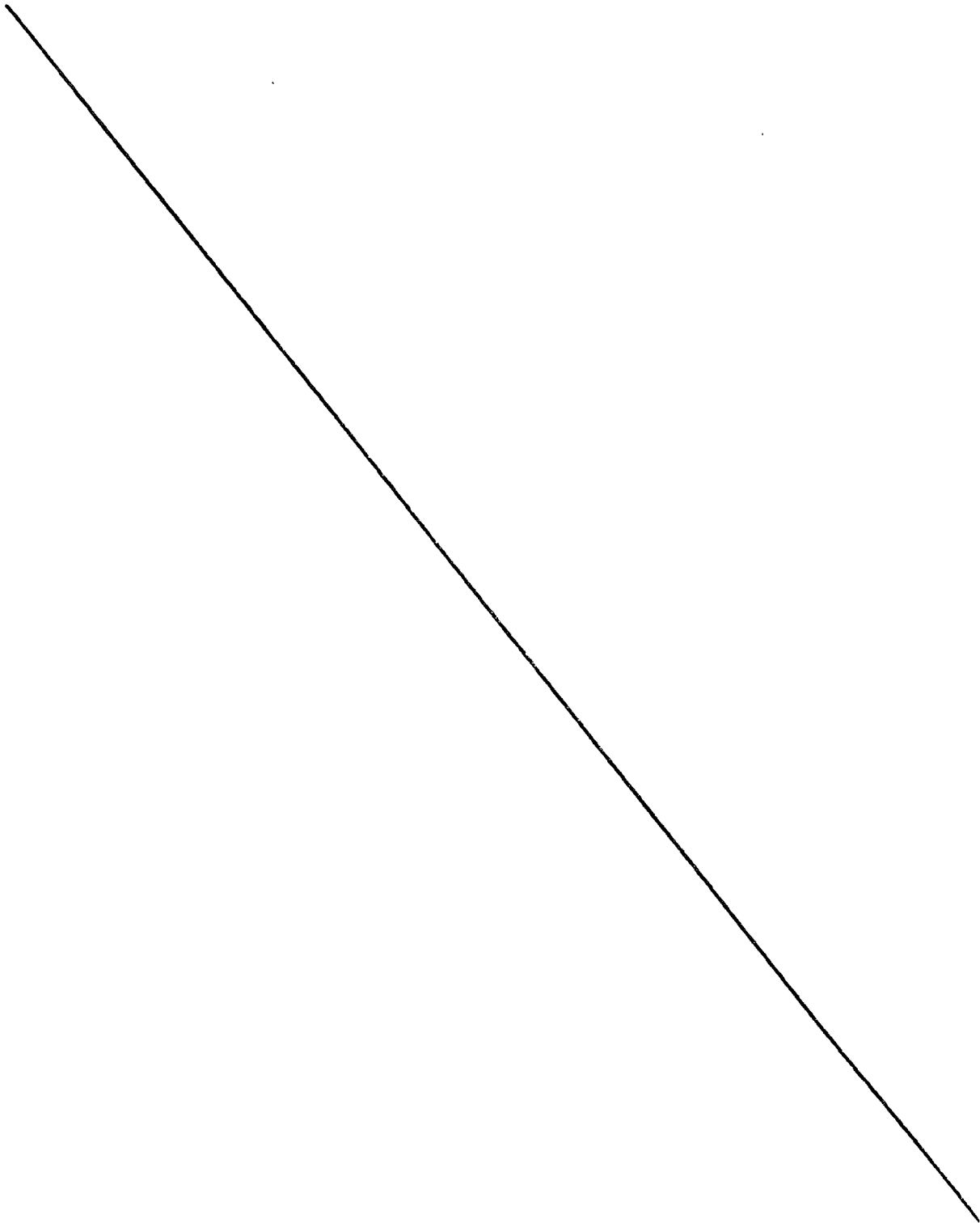
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Flood Plain Overlay Zones

SRC Chapter 140

Willamette Greenway Overlay Zones

SRC Chapter 141



CHAPTER 151

CN-NEIGHBORHOOD COMMERCIAL

151.010. CLASSIFICATION OF USES. Most permitted, special, and conditional uses are classified with reference to the Standard Industrial Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis following a use designation indicate that the use is listed and described under that number in the SIC. Where particular activities otherwise included under an SIC category are excluded from the permitted, special, or conditional use, those particular activities are listed, preceded by the words "BUT EXCLUDING" following the more general category from which they are excluded.

Particular activities thus excluded may or may not be listed in other sections of this chapter.

151.020. PERMITTED USES. The following uses, when developed under the general development standards in this zoning code applicable to the CN district and to all such uses, generally, are permitted in the CN district:

(a) RESIDENTIAL:

(1) One dwelling unit for each business use on the lot.

(b) AGRICULTURE AND FORESTRY:

(1) Agricultural production - crops (01) with no retail sales area;

and

(2) Timber tracts (081), forest nurseries, and tree seed gathering and extracting (082).

(c) RETAIL TRADE:

(1) Miscellaneous general merchandise stores (539);

1 (2) Food Stores (54) provided there is no processing or sale of live  
2 poultry, AND EXCLUDING freezer and locker meat provisioners (5422);

3 (3) Home Furnishing Stores, Miscellaneous (5719);

4 (4) Eating and drinking places (58);

5 (5) Drug stores and proprietary stores (591);

6 (6) Miscellaneous shopping goods stores (594);

7 (7) Florists (5992);

8 (8) Cigar stores and stands (5993);

9 (9) News dealers and newstands (5994).

10 (d) FINANCE, INSURANCE AND REAL ESTATE:

11 (1) Banking (60);

12 (2) Credit agencies other than banks (61);

13 (e) SERVICES:

14 (1) Laundry, cleaning, and garment services (721); BUT EXCLUDING  
15 Power Laundries, Family and Commercial (7211), Linen Supply (7213), Dry  
16 Cleaning Plants, Except Rug Cleaning (7216), Carpet and Upholstery  
17 Cleaning (7217), and Industrial Launderers (7218);

18 (2) Beauty shops (723);

19 (3) Barber shops (724);

20 (4) Shoe repair and hat cleaning shops (725);

21 (5) Dance halls, studios, and schools (791) for children 18 years  
22 and under;

23 (6) Offices of Physicians (801);

24 (7) Offices of dentists (802);

25 (8) Offices of Osteopathic Physicians (803);

26 (9) Offices of other Health Practitioners (804);

1 (10) Legal Services (81); and

2 (11) Accounting, auditing, and bookkeeping (893).

3 (f) OTHER USES:

4 (1) Accessory buildings and uses normal and incidental to the uses  
5 permitted in this district;

6 (2) Home occupations; and

7 (3) Utility distribution and substations.

8 (4) Community or neighborhood club buildings, including swimming  
9 pools and similar recreation facilities, when operated by a nonprofit  
10 community club.

11 (5) Fire protection (9224).

12 151.030. Reserved for Expansion.

13 151.040. CONDITIONAL USES. The following uses, with conditional use

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1 approval as provided in SRC Chapter 117 or 118, as applicable, are  
2 permitted in the CN district:

3 (a) Crude petroleum and natural gas extraction (131).

4 (b) Electric services (491).

5 (c) Gas production and distribution (492).

6 (d) Water supply (494).

7 151.050. PROHIBITED USES. Within any CN district, no building,  
8 structure, or land shall be used, erected, structurally altered, or  
9 enlarged for any use not permitted under SRC 151.020 to 151.040, except  
10 as provided in SRC 113.090(c).

11 151.060. HEIGHT. Within a CN district buildings and structures  
12 erected, altered, or enlarged shall not exceed 35 feet in height.

13 151.070. LOT AREA AND DIMENSIONS. Within a CN district:

14 (a) Lot Area. The minimum lot area requirement is 5,000 square feet.

15 (b) Lot Dimensions. The minimum lot depth requirement is 80 feet.

16 There are no minimum lot width requirements.

17 (c) See SRC 130.260 for street frontage requirements.

18 151.080. YARDS ADJACENT TO STREETS. Within a CN district:

19 (a) Dwellings. Each lot having a dwelling but no commercial use  
20 shall have a required yard 12 feet in depth along the full extent of each  
21 lot line adjacent to a street; provided, however, in no event shall any  
22 dwelling be located less than 20 feet from the right-of-way of a  
23 designated arterial or collector street. Less than 20 feet from the  
24 street right-of-way no more than two adjacent lots shall have the same

1 setback from the right-of-way for the dwelling unit. Less than 20 feet  
2 from the street right-of-way setbacks for dwelling units shall vary at  
3 least four feet in depth between adjacent lots.

4 (b) All Other Uses. All lots not subject to subsection (a) of this  
5 section shall have a required yard 12 feet in depth along the full extent  
6 of each lot line adjacent to a street.

7 (c) All required yards shall be landscaped subject to the  
8 requirements of SRC Chapter 132.

9 (d) Setbacks for accessory structures other than fences shall be  
10 subject to the requirements of this section for main buildings, except  
11 that accessory structures serving dwelling units are subject to the  
12 requirements of SRC 131.040..

13 151.090. INTERIOR SIDE YARDS. Within a CN district:

14 (a) Adjacent to a side lot line abutting a lot in any residential  
15 district, there shall be a required side yard along each such interior  
16 side lot line exclusive of any yards required in SRC 151.080 and 151.100.  
17 Such required side yards shall be the greater of the following in depth:

18 (1) Ten feet adjacent to a lot zoned or used for residential  
19 purposes;

20 (2) Five feet adjacent to any lot other than a lot zoned CN or a  
21 residentially zoned or used lot;

22 (3) One-half the height of the building to a maximum of 15 feet in  
23 depth.

24 (b) All required side yards shall be landscaped subject to the  
25 requirements of SRC Chapter 132.

26 (c) Yards adjacent to a residentially zoned or used lot shall be

1 screened at the property line by a sight obscuring fence, wall, or hedge.

2 (d) Setbacks for accessory structures other than fences shall be  
3 subject to the requirements of this section for main buildings, except  
4 that accessory structures serving dwelling units are subject to the  
5 requirements of SRC 131.050.

6 (e) Loading is prohibited within any required side yard.

7 151.100. INTERIOR REAR YARDS. Within a CN district:

8 (a) Adjacent to a rear lot line abutting a lot in any district other  
9 than CN, there shall be a required rear yard along the full extent of the  
10 rear lot line. The required rear yard shall be the greater of the  
11 following in depth:

12 (1) Ten feet adjacent to a lot zoned or used for residential  
13 purposes.

14 (2) Five feet adjacent to any lot other than a lot zoned CN or a  
15 residentially zoned or used lot;

16 (3) One-half the height of the building, to a maximum of 15 feet in  
17 depth.

18 (b) All required rear yards shall be landscaped subject to the  
19 requirements of SRC Chapter 132.

20 (c) Yards adjacent to a residentially zoned or used lot shall be  
21 screened at the property line by a sight obscuring fence, wall, or hedge.

22 (d) Setbacks for accessory structures shall be subject to the  
23 requirements of this section for main buildings, except that accessory  
24 structures serving dwelling units are subject to the requirements of SRC  
25 131.060.

26 (e) Loading is prohibited within the required rear yard.

1 151.110. LOT COVERAGE. Within a CN district:

2 (a) Total building coverage shall not exceed 50 percent of the lot  
3 area.

4 (b) Buildings used exclusively for residential purposes shall not  
5 cover more than 30 percent of the lot area.

6 151.120. OPEN STORAGE. Within a CN district outdoor storage of  
7 materials and equipment is prohibited.

8 151.130. COMMERCIAL FLOOR AREA LIMIT. No nonresidential occupant  
9 shall occupy more than 5,000 square feet of any building or combination  
10 of buildings.

11 151.200. ZONE CHANGE STANDARDS. No property shall be zoned CN unless  
12 the aggregate of all contiguous properties thus classified after the  
13 proposed zone change will meet each of the following requirements:

14 (a) Not less than one-fourth of the total street frontage of the  
15 aggregate area will be on a designated collector or arterial street;

16 (b) Not more than two driveways serving lots in the aggregate area  
17 will have direct access onto streets not designated as arterial or  
18 collector streets;

19 (c) The aggregate street frontage of all lots will be not more than  
20 700 feet;

21 (d) The aggregate area will be not more than 28,000 square feet;

22 (e) The boundaries of the aggregate area will be separated from all  
23 other commercial districts, including other CN districts, by not less  
24 than the greater of the following distances:

25 (1) 1,000 feet; or

26 (2) 2,640 feet measured along the shortest street travel distance;

1 (f) If two or more contiguous lots will be zoned CN, no lot shall  
2 have less than 50 feet of property line contiguous with another lot zoned  
3 CN.

4 151.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
5 use and development standards may be found in the following chapters:

6 Home Occupations SRC Chapter 124

7 Lot Development Standards SRC Chapter 130

8 Accessory Structures SRC Chapter 131

9 Landscaping SRC Chapter 132

10 Off-street Parking, Loading, and Driveways SRC Chapter 133

11 Flood Plain Overlay Zones SRC Chapter 140

12 Willamette Greenway Overlay Zones SRC Chapter 141

1 CHAPTER 152

2 CR-RETAIL COMMERCIAL

3 152.010. CLASSIFICATION OF USES. Most permitted, special, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under that number in the SIC. Where particular activities otherwise  
8 included under an SIC category are excluded from the permitted, special,  
9 or conditional use, those particular activities are listed, preceded by  
10 the words "BUT EXCLUDING" following the more general category from which  
11 they are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 152.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the CR  
15 district and to all such uses, generally, are permitted in the CR  
16 district:

17 (a) AGRICULTURE AND FORESTRY:

- 18 (1) Agricultural production - crops (01);  
19 (2) Veterinary services for animal specialties (0742);  
20 (3) Landscape and horticultural services (078);  
21 (4) Timber tracts (081); and  
22 (5) Forest nurseries and tree seed gathering and extracting (082).

23 (b) CONSTRUCTION:

- 24 (1) Offices for any use listed in SIC Division C - Construction.

25 (c) PRINTING AND PUBLISHING:

- 26 (1) Commercial printing (275).

1 (d) TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY  
2 SERVICES:

3 (1) U.S. Postal Service (431):

4 (2) Telegraph (wire or radio) (481);

5 (3) Telegraph communication (wire or radio) (482);

6 (4) Radio and television broadcasting (483); and

7 (e) RETAIL TRADE:

8 (1) Lumber and other building materials dealers (521);

9 (2) Paint, glass and wallpaper stores (523);

10 (3) Hardware stores (525);

11 (4) Retail nurseries, lawn and garden supply stores (526);

12 (5) Variety store (533);

13 (6) Miscellaneous general merchandise stores (539);

14 (7) Grocery stores (541);

15 (8) Meat and fish (seafood) markets (no rendering or processing,  
16 sales on premises only) (5423);

17 (9) Fruit stores and vegetable markets (543);

18 (10) Candy, nut, and confectionery store (544);

19 (11) Dairy products store (no processing, sales on premises only)  
20 (545);

21 (12) Retail bakeries (546);

22 (13) Miscellaneous food stores (549);

23 (14) Apparel and accessory stores (56);

24 (15) Furniture, home furnishings, and equipment stores (57);

25 (16) Eating and drinking places (58);

26 (17) Drug stores and proprietary stores (591);

1 (18) Liquor stores (592);

2 (19) Miscellaneous shopping goods stores (594);

3 (20) Retail stores, not elsewhere classified (599) including, in  
4 addition to uses specifically listed in SIC group 599, electrical and  
5 lighting shops, and office machines and equipment stores.

6 (f) FINANCE, INSURANCE, AND REAL ESTATE:

7 (1) Banking (60);

8 (2) Credit agencies other than banks (61);

9 (3) Security and commodity brokers, dealers, exchanges and services  
10 (62);

11 (4) Insurance (63);

12 (5) Insurance agents, brokers, and service (64);

13 (6) Real estate (65);

14 (7) Combination of real estate, insurance, loans, law offices (66);

15 and

16 (8) Holding, and other investment offices (67).

17 (g) SERVICES:

18 (1) Hotels, motels, and Tourist Courts (701);

19 (2) Personal services (72) BUT EXCLUDING carpet and upholstery  
20 cleaning (7217) and industrial launderers (7218);

21 (3) Advertising (731);

22 (4) Consumer credit reporting agencies, mercantile reporting  
23 agencies, and adjustment and collection agencies. (732);

24 (5) Mailing, reproduction, commercial art and photography, and  
25 stenographic services (733);

26 (6) News syndicates (735);

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1 (7) Miscellaneous business services (739) BUT EXCLUDING research and  
2 development laboratories (7391);

3 (8) Automobile parking (752);

4 (9) Watch, clock, and jewelry repair (763);

5 (10) Repair shops and related services, not elsewhere classified  
6 (7699);

7 (11) Motion picture distribution and allied services (782);

8 (12) Motion picture theaters, except drive-in (7832);

9 (13) Dance halls, studios, and schools (791);

10 (14) Theatrical producers (except motion pictures), bands,  
11 orchestras, and entertainers (792);

12 (15) Bowling alleys and Billiard and pool establishments (793);

13 (16) Miscellaneous amusement and recreation services (799) BUT  
14 EXCLUDING public golf courses (7992) and amusement parks (7996);

15 (17) Health services (80) BUT EXCLUDING hospitals (806);

16 (18) Legal services (81);

17 (19) Educational services (82);

18 (20) Social services (83);

19 (21) Museums, art galleries, botanical and zoological gardens (84);

20 (22) Membership organizations (86); and

21 (23) Miscellaneous services (89).

22 (h) PUBLIC ADMINISTRATION:

23 (1) Executive offices (911);

24 (2) Executive and legislative combined (913);

25 (3) Fire protection (9224);

26 (4) Finance, taxation, and monetary policy (93);

- 1 (5) Administration of human resources programs (94);  
2 (6) Administration of environmental quality and housing programs  
3 (95);  
4 (7) Administration of economic programs (96);  
5 (8) National security and international affairs (97).

6 (i) OTHER USES:

7 (1) Accessory buildings and uses normal and incidental to the uses  
8 permitted in this district; and

9 (2) Solid waste transfer stations.

10 152.030. SPECIAL USES. (a) The following uses, when restricted,  
11 developed and conducted as required in SRC Chapter 119, are permitted in  
12 the CR district:

13 (1) Gasoline service stations (554)

14 (2) Used merchandise store (593); and

15 (3) Secondary dwellings and guest rooms.

16 (b) In lieu of establishing any use listed in subsection (a) of this  
17 section as a special use under SRC Chapter 119, the developer may elect  
18 to apply for conditional use approval pursuant to SRC Chapter 117. See  
19 SRC 119.010.

20 152.040. CONDITIONAL USES. The following uses, with conditional use  
21 approval as provided in SRC Chapter 117 or 118, as applicable, are  
22 permitted in the CR district:

23 (a) Those uses listed in SRC 152.030, at the developer's option, as  
24 provided in subsection (b) of that section.

25 (b) Crude petroleum and natural gas extraction (131);

26 (c) MANUFACTURING:

- 1 (1) Jewelry, silverware, and plated ware (791);
- 2 (2) Costume jewelry, costume novelties, buttons, and miscellaneous
- 3 notions, except precious metal (396);
- 4 (3) Signs and advertising displays (3993).
- 5 (d) TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY
- 6 SERVICES:
- 7 (1) Local and suburban passenger transportation (411);
- 8 (2) Communication services, not elsewhere classified (489);
- 9 (3) Electric services (491);
- 10 (4) Gas production and distribution (492);
- 11 (5) Water supply (494).
- 12 (e) RETAIL:
- 13 (1) Department stores (531);
- 14 (2) Automotive dealers (55) BUT EXCLUDING gasoline service stations
- 15 (554);
- 16 (3) Nonstore retailers (596).
- 17 (f) SERVICES:
- 18 (1) Camps and trailering parks (703);
- 19 (2) Carpet and upholstery cleaning (7217);
- 20 (3) Automotive rental and leasing, without drivers (751);
- 21 (4) Automotive repair shops (753);
- 22 (5) Automotive services, except repair (754);
- 23 (6) Electrical repair shops (762);
- 24 (7) Reupholstery and furniture repair (764);
- 25 (8) Professional sports clubs and promoters (7941).
- 26 (g) OTHER USES:

- 1           (1) Utilities - secondary truck parking and material storage yard.
- 2           (2) Recycling depots.
- 3           (3) Solid waste transfer stations.

4           152.050. PROHIBITED USES. Within any CR district, no building,  
5 structure, or land shall be used, erected, structurally altered, or  
6 enlarged for any use not permitted under SRC 152.020 to 152.040, except  
7 as provided in SRC 113.090(c).

8           152.060. HEIGHT. Within a CR district buildings and structures  
9 erected, altered, or enlarged shall not exceed 50 feet in height.

10          152.070. LOT AREA AND DIMENSIONS. There are no minimum lot area or  
11 dimensions requirements in a CR district, except for the street frontage  
12 requirements of SRC 130.260.

13          152.080. YARDS ADJACENT TO STREETS. Within a CR district:

14           (a) Along the full extent of each lot line adjacent to a street  
15 there shall be a required yard five feet in depth.

16           (b) Setbacks for accessory buildings and structures except fences  
17 shall be the same as for main buildings.

18           (c) Required yards adjacent to streets shall be landscaped as  
19 provided in SRC Chapter 132.

20          152.090. INTERIOR SIDE YARDS. Within a CR district:

21           (a) Adjacent to a side lot line abutting a lot in any residential  
22 district there shall be a required side yard three feet in depth along  
23 each such interior side lot line, exclusive of yards required by SRC  
24 152.070 and 152.080. Such yard shall be contained by a sight-obscuring  
25 fence, wall, or hedge.

26           (b) Except as provided in subsection (a) of this section, no

1 interior side yards are required; but any space between a building or  
2 structure other than a fence and an interior side lot line shall be not  
3 less than three feet in width.

4 (c) Setbacks for accessory buildings and structures except fences  
5 shall be the same as for main buildings.

6 152.100. INTERIOR REAR YARDS. Within a CR district:

7 (a) Adjacent to a rear lot line abutting any lot used or zoned for  
8 residential purposes, there shall be a required rear yard three feet in  
9 depth along the full extent of the rear lot line. Such yard shall be  
10 contained by a sight-obscuring fence, wall, or hedge.

11 (b) Except as provided in subsection (a) of this section, no  
12 interior rear yard is required; but any space between a building or  
13 structure other than a fence and an interior rear lot line shall be not  
14 less than three feet in depth exclusive of any alley area.

15 (c) Setbacks for accessory buildings and structures except fences  
16 shall be the same as for main buildings.

17 150.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
18 use and development standards may be found in the following chapters:

19 Lot Development Standards	SRC Chapter 130
20 Accessory Structures	SRC Chapter 131
21 Landscaping	SRC Chapter 132
22 Off-street Parking, Loading, and Driveways	SRC Chapter 133
23 Flood Plain Overlay Zones	SRC Chapter 140
24 Willamette Greenway Overlay Zones	SRC Chapter 141

1 CHAPTER 153

2 CG-GENERAL COMMERCIAL

3 153.010. CLASSIFICATION OF USES. Most permitted, special, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual, (See SRC 113.090.) Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under that number in the SIC. Where particular activities otherwise  
8 included under an SIC category are excluded from the permitted, special,  
9 or conditional use, those particular activities are listed, preceded by  
10 the words "BUT EXCLUDING" following the more general category from which  
11 they are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 153.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the CG  
15 district and to all such uses, generally, are permitted in the CG  
16 district:

17 (a) AGRICULTURE AND FORESTRY:

- 18 (1) Agricultural production - crops (01);  
19 (2) Veterinary services (074);  
20 (3) Landscape and horticultural services (078);  
21 (4) Timber tracts (081); and  
22 (5) Forest nurseries and tree seed gathering and extracting (082).

23 (b) CONSTRUCTION:

- 24 (1) Building construction - general contractors and operative  
25 builders (15) offices only;

- 26 (2) Construction other than building construction - general

1 contractors (16) offices only; and

2 (3) Construction - special trade contractors (17).

3 (c) PRINTING AND PUBLISHING:

4 (1) Newspapers: publishing, publishing and printing (271);

5 (2) Periodicals: publishing, publishing and printing (272);

6 (3) Books (273);

7 (4) Commercial printing (275);

8 (5) Manifold business forms (276);

9 (6) Greeting card publishing (277); and

10 (7) Bookbinding and related work (2789).

11 (d) TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, AND SANITARY

12 SERVICES:

13 (1) Railroad transportation (40);

14 (2) Local and suburban transit and interurban highway passenger  
15 transportation (41);

16 (3) U.S. Postal Service (43);

17 (4) Transportation services (47);

18 (5) Communication (48).

19 (e) WHOLESALE TRADE:

20 (1) Automotive part and supplies (5013);

21 (2) Tires and tubes (5014);

22 (3) Furniture and home furnishings (502);

23 (4) Sporting, recreational, photographic, and hobby goods, toys and  
24 supplies (504);

25 (5) Electrical goods (506);

26 (6) Hardware, and plumbing and heating equipment and supplies (507);

- 1 (7) Commercial machines and equipment (5081);
- 2 (8) Industrial supplies (5085);
- 3 (9) Professional equipment and supplies (5086);
- 4 (10) Service establishment equipment and supplies (5087);
- 5 (11) Jewelry, watches, diamonds, and other precious stones (5094);
- 6 (12) Printing and writing paper (5111);
- 7 (13) Stationery supplies (5112);
- 8 (14) Drugs, drug proprietaries, and druggists' sundries (512);
- 9 (15) Apparel, piece goods, and notions (513);
- 10 (16) Confectionery (5145);
- 11 (17) Meats and meat products (5147);
- 12 (18) Fresh fruits and vegetables (5148);
- 13 (19) Groceries and related products, not elsewhere classified (5149);
- 14 (20) Beer, wine, and distilled alcoholic beverages (518); and
- 15 (21) Nondurable goods, not elsewhere classified (5199) BUT EXCLUDING
- 16 baling of wood shavings for mulch, cordwood, animal and vegetable
- 17 greases, nursery stock, animal and vegetable oils (except cooking),
- 18 rennet, crude rubber, and every other use which may be classifiable under
- 19 this SIC industry number but is not specifically listed in the
- 20 description or descriptive list for industry 5199.

21 (f) RETAIL TRADE:

- 22 (1) Building materials, hardware, garden supply, and mobile home
- 23 dealers (52);
- 24 (2) General merchandise stores (53);
- 25 (3) Grocery stores (541);
- 26 (4) Meat and fish (seafood) markets (5423) provided there is no



1 rendering or processing, and sales on premises only;

2 (5) Fruit stores and vegetable markets (543);

3 (6) Candy, nut, and confectionery stores (544);

4 (7) Dairy products store (545) provided there is no processing and  
5 sales on premises only;

6 (8) Retail bakeries (546);

7 (9) Miscellaneous food stores (549);

8 (10) Automotive dealers and gasoline service stations (55);

9 (11) Apparel and accessories stores (56);

10 (12) Furniture, home furnishings, and equipment stores (57);

11 (13) Eating and drinking places (58);

12 (14) Drug stores and proprietary stores (591);

13 (15) Liquor stores (592);

14 (16) Miscellaneous shopping goods stores (594);

15 (17) Nonstore retailers (596);

16 (18) Fuel and ice dealers, except fuel oil dealers and bottled gas  
17 dealers (5982);

18 (19) Retail stores, not elsewhere classified (599) including, in  
19 addition to uses specifically listed in SIC group 599, electrical and  
20 lighting shops, office machines and equipment stores, and tractor and  
21 farm equipment shop.

22 (g) FINANCE, INSURANCE, AND REAL ESTATE:

23 (1) Banking (60);

24 (2) Credit agencies other than banks (61);

25 (3) Security and commodity brokers, dealers, exchanges and services  
26 (62);

- (4) Insurance (63);
- (5) Insurance agents, brokers, and service (64);
- (6) Real estate (65);
- (7) Combinations of real estate, insurance, loans, law offices (66);
- (8) Holding, and other investment offices (67).
- (h) SERVICES:
  - (1) Hotels, motels, and tourist courts (701);
  - (2) Camps and trailering parks (703);
  - (3) Personal services (72);
  - (4) Business services (73);
  - (5) Automotive repair services, and garages (75);
  - (6) Miscellaneous repair services (76);
  - (7) Motion picture distribution and services (782);
  - (8) Motion picture theaters, except drive-in (7832);
  - (9) Amusement and recreation services, except motion pictures (79)
- BUT EXCLUDING racing, including track operation (7948);
- (10) Health services (80) BUT EXCLUDING hospitals (806);
- (11) Legal services (81);
- (12) Educational services (82);
- (13) Social services (83) BUT EXCLUDING residential care (836);
- (14) Museums, art galleries, botanical and zoological gardens (84);
- (15) Membership organizations (86); and
- (16) Miscellaneous services (89).
- (i) PUBLIC ADMINISTRATION:
  - (1) Executive offices (911);
  - (2) General government, not elsewhere classified (919);

- 1 (3) Fire protection (9224);
- 2 (4) Finance, taxation, and monetary policy (93);
- 3 (5) Administration of human resources programs (94);
- 4 (6) Administration of environmental quality and housing programs
- 5 (95);
- 6 (7) Administration of economic programs (96);
- 7 (8) National security and international affairs (97).

8 (j) OTHER USES:

- 9 (1) Utilities - secondary truck parking and material storage yard.
- 10 (2) Electrical, gas, oil, and other transmission lines; and
- 11 (3) Accessory buildings and uses normal and incidental to the uses
- 12 permitted in this district.

- 13 (4) Recycling depots.

14 153.030. SPECIAL USES. (a) The following uses, when restricted,  
15 developed and conducted as required in SRC Chapter 119, are permitted in  
16 the CG district:

- 17 (1) Used merchandise stores (593).

18 (b) In lieu of establishing any use listed in subsection (a) of this  
19 section as a special use under SRC Chapter 119, the developer may elect  
20 to apply for conditional use approval pursuant to SRC Chapter 117. See  
21 SRC 119.010.

22 153.040. CONDITIONAL USES. The following uses, with conditional use  
23 approval as provided in SRC Chapter 117, are permitted in the CG district:

- 24 (a) Those uses listed in SRC 153.030, at the developer's option, as  
25 provided in subsection (b) of that section.

- 26 (b) Animal specialty services (0752).

- 1 (c) Farm labor and management services (076).
- 2 (d) Crude petroleum and natural gas extraction (131).
- 3 (e) Jewelry, silverware, and plated ware (391).
- 4 (f) Costume jewelry and notions (396).
- 5 (g) Signs and advertising displays (3993).
- 6 (h) Electric services (491).
- 7 (i) Gas production and distribution (492).
- 8 (j) Water supply (494).
- 9 (k) Durable goods, not elsewhere classified (5099).
- 10 (l) Fish and seafoods (5146).
- 11 (m) Drive-in motion picture theaters (7833).
- 12 (n) Racing, including track operations (7948).
- 13 (o) Residential care (836).
- 14 (p) Unlimited number of dwelling units and guest rooms in apartment
- 15 houses, court apartments, lodging houses, duplexes, and condominiums.
- 16 (q) Home occupations not otherwise permitted in SRC 153.020 or
- 17 153.030.
- 18 (r) Solid waste transfer stations.

19 153.050. PROHIBITED USES. Within any CG district, no building,  
20 structure, or land shall be used, erected, structurally altered, or  
21 enlarged for any use not permitted under SRC 153.020 to 153.040, except  
22 as provided in SRC 113.090(c).

23 153.060. HEIGHT. Within a CG district buildings and structures  
24 erected, altered, or enlarged shall not exceed 70 feet in height.

25 153.070. LOT AREA AND DIMENSIONS. There are no minimum lot area or  
26 dimension requirements in a CG district, except for the street frontage

1 requirements of SRC 130.260.

2 153.080. YARDS ADJACENT TO STREETS. Within a CG district:

3 (a) Along the full extent of each lot line adjacent to a street  
4 there shall be a required yard five feet in depth.

5 (b) Setbacks for accessory buildings and structures except fences  
6 shall be the same as for main buildings.

7 (c) Required yards adjacent to streets shall be landscaped as  
8 provided in SRC Chapter 132.

9 153.090. INTERIOR SIDE YARDS. Within a CG district:

10 (a) Adjacent to a side lot line abutting a lot in any residential  
11 district there shall be a required side yard three feet in depth along  
12 each such interior side lot line, exclusive of any yards required by SRC  
13 153.080 and 153.100. Such yard shall be contained by a sight-obscuring  
14 fence, wall, or hedge.

15 (b) Except as provided in subsection (a) of this section, no side  
16 yard is required; but any space between a building or structure other  
17 than a fence and an interior side lot line shall be not less than three  
18 feet in width.

19 (c) Setbacks for accessory buildings and structures except fences  
20 shall be the same as for main buildings.

21 153.100. INTERIOR REAR YARDS. Within a CG district:

22 (a) Adjacent to a rear lot line abutting any lot used or zoned for  
23 residential purposes there shall be a required rear yard three feet in  
24 depth along the full extent of the rear lot line. Such yard shall be  
25 contained by a sight-obscuring fence, wall, or hedge.

26 (b) Except as provided in subsection (a) of this section, no rear

yard is required; but any space between a building or structure other than a fence and an interior rear lot line shall be not less than three feet in depth exclusive of an alley area.

(c) Setbacks for accessory buildings and structures except fences shall be the same as for main buildings.

153.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative use and development standards may be found in the following chapters:

Lot Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-street Parking, Loading, and Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141

1 CHAPTER 154

2 CB-CENTRAL BUSINESS DISTRICT

3 154.010. CLASSIFICATION OF USES. Most permitted, special, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under that number in the SIC. Where particular activities otherwise  
8 included under an SIC category are excluded from the permitted, special,  
9 or conditional use, those particular activities are listed, preceded by  
10 the words "BUT EXCLUDING" following the more general category from which  
11 they are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 154.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the CB  
15 district and to all such uses, generally, are permitted in the CB  
16 district:

17 (a) AGRICULTURE AND FORESTRY:

- 18 (1) Ornamental Floriculture and Nursery Products (0181);  
19 (2) Landscape counseling and planning (0781);  
20 (3) Forestry services (085).

21 (b) CONSTRUCTION:

- 22 (1) Building construction - general contractors and operative  
23 builders (15) offices only;  
24 (2) Construction other than building construction - general  
25 contractors (16) offices only;  
26 (3) Construction - special trade contractors (17).

1 (c) MANUFACTURING:

2 (1) Printing and publishing (27) BUT EXCLUDING printing trade  
3 services (279).;

4 (d) TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, AND SANITARY  
5 SERVICES:

6 (1) Local and suburban transit and interurban highway passenger  
7 transportation (41);

8 (2) U.S. Postal Service (43);

9 (3) Local water transportation (445);

10 (4) Water transportation services (446);

11 (5) Communication (48).

12 (e) WHOLESALE TRADE; provided that all uses listed herein are  
13 combined with retail trade in the same lines of goods:

14 (1) Automotive parts and supplies (5013);

15 (2) Tires and tubes (5014);

16 (3) Sporting goods, toys, and hobby goods (504);

17 (4) Electrical goods (506);

18 (5) Hardware, plumbing, and heating equipment (507);

19 (6) Commercial machines and equipment (5081);

20 (7) Industrial supplies (5085);

21 (8) Professional equipment and supplies (5086);

22 (9) Service establishment equipment and supplies (5087);

23 (10) Jewelry, watches, diamonds and other precious stones (5094);

24 (11) Paper and paper products (511);

25 (12) Drugs, proprietaries, and sundries (512);

26 (13) Apparel, piece goods, and notions (513);

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- 1 (14) Confectionery (5145);  
2 (15) Fish and seafoods (5146);  
3 (16) Fresh fruits and vegetables (5148);  
4 (17) Groceries and related products, not elsewhere classified (5149);  
5 (18) Beer, wine, and distilled alcoholic beverages (518);  
6 (19) Miscellaneous nondurable goods (519).  
7 (f) RETAIL TRADE:  
8 (1) Building materials, hardware, and garden supply (52) BUT  
9 EXCLUDING mobile home dealers (527);  
10 (2) General merchandise stores (53);  
11 (3) Grocery stores (541);  
12 (4) Meat and fish (seafood) markets (5423) provided there is no  
13 rendering or processing, and sales on premises only;  
14 (5) Fruit stores and vegetable markets (543);  
15 (6) Candy, nut, and confectionery stores (544);  
16 (7) Dairy products store (545) provided there is no processing and  
17 sales on premises only;  
18 (8) Retail bakeries (546);  
19 (9) Miscellaneous food stores (549);  
20 (10) Automotive dealers and gasoline service stations (55);  
21 (11) Apparel and accessories stores (56);  
22 (12) Furniture, home furnishings, and equipment stores (57);  
23 (13) Eating and drinking places (58);  
24 (14) Miscellaneous retail (59) BUT EXCLUDING fuel and ice dealers  
25 (598).  
26 (g) FINANCE, INSURANCE, AND REAL ESTATE:

- (1) Banking (60);
- (2) Credit agencies other than banks (61);
- (3) Security and commodity brokers, dealers, exchanges and services (62);
- (4) Insurance (63);
- (5) Insurance agents, brokers, and service (64);
- (6) Real estate (65);
- (7) Combinations of real estate, insurance, loans, law offices (66);
- (8) Holding, and other investment offices (67).
- (h) SERVICES:
  - (1) Hotels, motels, and tourist courts (701);
  - (2) Camps and trailering parks (703);
  - (3) Personal services (72) BUT EXCLUDING funeral service and crematories (726);
  - (4) Business services (73) BUT EXCLUDING services to buildings (734), research and development laboratories (7391), and commercial testing laboratories (7397);
  - (5) Automotive repair services, and garages (75);
  - (6) Electrical repair shops (762);
  - (7) Watch, clock, and jewelry repair (763);
  - (8) Reupholstery and furniture repair (764);
  - (9) Repair shops and related services, not elsewhere classified (7699);
  - (10) Motion picture theaters, except drive-in (7832);
  - (11) Amusement and recreation services, except motion pictures (79) BUT EXCLUDING racing, including track operation (7948);

- 1 (12) Health services (80) BUT EXCLUDING hospitals (806);
- 2 (13) Legal services (81);
- 3 (14) Educational services (82);
- 4 (15) Social services (83);
- 5 (16) Museums and art galleries (841);
- 6 (17) Membership organizations (86) BUT EXCLUDING religious
- 7 organizations (866);
- 8 (18) Miscellaneous services (89).
- 9 (i) PUBLIC ADMINISTRATION:
- 10 (1) Executive offices (911);
- 11 (2) General government, not elsewhere classified (919);
- 12 (3) Fire protection (9224);
- 13 (4) Finance, taxation, and monetary policy (93);
- 14 (5) Administration of human resources programs (94);
- 15 (6) Administration of environmental quality and housing programs
- 16 (95);
- 17 (7) Administration of economic programs (96);
- 18 (8) National security and international affairs (97).
- 19 (j) OTHER USES:
- 20 (1) Accessory buildings and uses normal and incidental to the uses
- 21 permitted in this district.
- 22 (2) Home occupations, not otherwise permitted in this chapter.
- 23 (k) DWELLINGS, DWELLING UNITS, AND TEMPORARY ACCOMMODATIONS:
- 24 (1) Single family dwellings, other than mobile homes; and
- 25 (2) Unlimited number of dwelling units and guest rooms in apartment
- 26 houses, court apartments, lodging houses, duplexes, and condominiums.

1        154.040. CONDITIONAL USES. The following uses, with conditional use  
2 approval as provided in SRC Chapter 117, are permitted in the CB district:

3        (a) Helicopter landing area, with or without passenger and freight  
4 terminal facilities.

5        (b) Farm labor and management services (076);

6        (c) Crude petroleum and natural gas extraction (131);

7        (d) Jewelry, silverware, and plated ware (391);

8        (e) Costume jewelry, costume novelties, buttons, and miscellaneous  
9 notions, except precious metal (396);

10       (f) Electric services (491);

11       (g) Gas production and distribution (492);

12       (h) Water supply (494);

13       (i) Metals and minerals, except petroleum (505) subject to the  
14 retail sales requirement of SRC 154.020(e);

15       (j) Durable goods, not elsewhere classified (5099) subject to the  
16 retail sales requirement of SRC 154.020(e).

17       (k) Recycling depots.

18       (l) Solid waste transfer stations.

19       154.050. PROHIBITED USES. Within any CB district, no building,  
20 structure, or land shall be used, erected, structurally altered, or  
21 enlarged for any use not permitted under SRC 154.020 to 154.040, except  
22 as provided in SRC 113.090(c).

23       154.060. SIDE AND REAR YARDS. There are no side or rear yard  
24 requirements in the CB district, except that any space between a building  
25 or structure other than a fence and an interior side or rear lot line  
26 shall be not less than five feet in depth, exclusive of any alley area.

1        154.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
2 use and development standards may be found in the following chapters:

3        Home Occupations	SRC Chapter 124
4        Lot Development Standards	SRC Chapter 130
5        Accessory Structures	SRC Chapter 131
6        Landscaping	SRC Chapter 132
7        Off-street Parking, Loading, and Driveways	SRC Chapter 133
8        Flood Plain Overlay Zones	SRC Chapter 140
9        Willamette Greenway Overlay Zones	SRC Chapter 141

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1 CHAPTER 155

2 IC-INDUSTRIAL COMMERCIAL

3 155.010. CLASSIFICATION OF USES. Most permitted, **special**, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual, (See SRC 113.090.) Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under that number in the SIC. Where particular activities otherwise  
8 included under an SIC category are excluded from the permitted, special,  
9 or conditional use, those particular activities are listed, preceded by  
10 the words "BUT EXCLUDING" following the more general category from which  
11 they are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 155.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the IC  
15 district and to all such uses, generally, are permitted in the IC  
16 district:

17 (a) AGRICULTURE AND FORESTRY:

- 18 (1) Agricultural production - crops (01);  
19 (2) Veterinary services (074);  
20 (3) Farm labor and management services (076);  
21 (4) Landscape and horticultural services (078);  
22 (5) Timber tracts (081); and  
23 (6) Forest nurseries and tree seed gathering and extracting (082).  
24 (7) Forestry services (085).

25 (b) CONSTRUCTION:

- 26 (1) Building construction - general contractors and operative

1 builders (15);

2 (2) Construction other than building construction - general  
3 contractors (16);

4 (3) Construction - special trade contractors (17).

5 (c) MANUFACTURING:

6 (1) Dairy products (202);

7 (2) Canned and preserved fruits and vegetables (203);

8 (3) Grain mill products (204);

9 (4) Bakery products (205);

10 (5) Candy and other confectionery products (2065);

11 (6) Chocolate and cocoa products (2066);

12 (7) Chewing gum (2067);

13 (8) Beverages (208);

14 (9) Miscellaneous food preparations and kindred products (209);

15 (10) Tobacco manufacturers (20);

16 (11) Textile mill products (22);

17 (12) Apparel and other finished products made from fabrics and  
18 similar materials (23);

19 (13) Wood kitchen cabinets (2434);

20 (14) Paperboard containers and boxes (265);

21 (15) Printing, publishing, and allied industries (27);

22 (16) Leather and leather products (31) BUT EXCLUDING leather tanning  
23 and finishing (311);

24 (17) Cutlery, hand tools and general hardware (342);

25 (18) Office, computing, and accounting machines (357);

26 (19) Electric and electronic machinery, equipment, and supplies (36)

1 BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet  
2 (3692);

3 (20) Motor vehicles and motor vehicle equipment (371);

4 (21) Aircraft and parts (372);

5 (22) Measuring, analyzing, and controlling instruments; medical and  
6 optical goods; watches and clocks (38) BUT EXCLUDING photographic  
7 equipment and supplies (386);

8 (23) Signs and advertising displays (3993).

9 (d) TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS, AND SANITARY  
10 SERVICES:

11 (1) Railroad transportation (40);

12 (2) Local and suburban transit and interurban highway passenger  
13 transportation (41);

14 (3) Motor freight transportation and warehousing (42);

15 (4) U.S. Postal Service (43);

16 (5) Local water transportation (445);

17 (6) Water transportation services (446);

18 (7) Transportation by air (45);

19 (8) Transportation services (47); and

20 (9) Communication (48).

21 (e) WHOLESALE TRADE:

22 (1) Wholesale trade-durable goods (50) BUT EXCLUDING scrap and waste  
23 materials (5093), and durable goods, not elsewhere classified (5099);

24 (2) Wholesale trade-nondurable goods (51) BUT EXCLUDING livestock  
25 (5154), and chemicals and allied products (516).

26 (f) RETAIL TRADE:



- 1       (1) Building materials, hardware, garden supply, and mobile home
- 2       dealers (52);
- 3       (2) General merchandise stores (53);
- 4       (3) Food stores (54) BUT EXCLUDING meat markets and freezer
- 5       provisioners (542);
- 6       (4) Automotive dealers and gasoline service stations (55);
- 7       (5) Apparel and accessories stores (56);
- 8       (6) Furniture, home furnishings, and equipment stores (57);
- 9       (7) Eating and drinking places (58);
- 10      (8) Miscellaneous retail (59) including, in addition to uses
- 11      specifically listed in SIC group 599, electrical and lighting shops,
- 12      office machines and equipment stores, and tractor and farm equipment shop.
- 13      (g) FINANCE, INSURANCE, AND REAL ESTATE:
- 14      (1) Banking (60);
- 15      (2) Credit agencies other than banks (61);
- 16      (3) Security and commodity brokers, dealers, exchanges and services
- 17      (62);
- 18      (4) Insurance (63);
- 19      (5) Insurance agents, brokers, and service (64);
- 20      (6) Real estate (65);
- 21      (7) Combinations of real estate, insurance, loans, law offices (66);
- 22      (8) Holding, and other investment offices (67).
- 23      (h) SERVICES:
- 24      (1) Hotels, motels, and tourist courts (701);
- 25      (2) Camps and trailering parks (703);
- 26      (3) Personal services (72);

- 1 (4) Business services (73);
- 2 (5) Automotive repair services, and garages (75);
- 3 (6) Miscellaneous repair services (76);
- 4 (7) Motion pictures (78);
- 5 (8) Amusement and recreation services, except motion pictures (79)
- 6 BUT EXCLUDING racing, including track operation (7948);
- 7 (9) Health services (80) BUT EXCLUDING hospitals (806);
- 8 (10) Legal services (81);
- 9 (11) Educational services (82);
- 10 (12) Social services (83) BUT EXCLUDING residential care (836);
- 11 (13) Membership organizations (86); and
- 12 (14) Miscellaneous services (89).
- 13 (i) PUBLIC ADMINISTRATION:
- 14 (1) Executive offices (911);
- 15 (2) General government, not elsewhere classified (919);
- 16 (3) Fire protection (9224);
- 17 (4) Finance, taxation, and monetary policy (93);
- 18 (5) Administration of human resources programs (94);
- 19 (6) Administration of environmental quality and housing programs
- 20 (95);
- 21 (7) Administration of economic programs (96);
- 22 (8) National security and international affairs (97).
- 23 (j) OTHER USES:
- 24 (1) Accessory buildings and uses normal and incidental to the uses
- 25 permitted in this district; and
- 26 (2) Dwelling unit or guest room for a caretaker or watchman on the

1 premises being cared for or guarded.

2 (3) Recycling depots.

3 155.040. CONDITIONAL USES. The following uses, with conditional use  
4 approval as provided in SRC Chapter 117, are permitted in the IC district:

5 (a) AGRICULTURE:

6 (1) Animal specialty services (0752).

7 (b) MINING:

8 (1) Crude petroleum and gas extraction (131).

9 (c) MANUFACTURING:

10 (1) Millwork (2431);

11 (2) Structural wood members, not elsewhere classified (2439);

12 (3) Wooden containers (244)

13 (4) Miscellaneous wood products (249);

14 (5) Furniture and fixtures (25);

15 (6) Chemicals and allied products (28) BUT EXCLUDING miscellaneous  
16 chemical products (289);

17 (7) Rubber and plastics footwear (302);

18 (8) Fabricated rubber products, not elsewhere classified (306);

19 (9) Miscellaneous plastics products (307);

20 (10) Leather tanning and finishing (311);

21 (11) Enameled iron and metal sanitary wear (3431);

22 (12) Plumbing fixture fittings and trim (brass goods) (3432);

23 (13) Screw machine products and bolts, nuts, screws, rivets, and  
24 washers (345);

25 (14) Metal forgings and stampings (346);

26 (15) Electroplating, plating, anodizing, and coloring (3471);

- 1 (16) Miscellaneous fabricated metal products (349);
- 2 (17) Metalworking machinery and equipment (354);
- 3 (18) Woodworking machinery (3553);
- 4 (19) Refrigeration and service industry machinery (358);
- 5 (20) Ship and boat building and repairing (373);
- 6 (21) Jewelry, silverware, and patch ware (391);
- 7 (22) Costume jewelry, costume novelties, buttons, and miscellaneous
- 8 notions, except precious metal (396);
- 9 (d) UTILITIES:
- 10 (1) Electric service (491);
- 11 (2) Gas production and distribution (492);
- 12 (3) Water supply (494).
- 13 (e) WHOLESALE TRADE:
- 14 (1) Durable goods, not elsewhere classified (5099).
- 15 (f) SERVICES:
- 16 (1) Residential care (836).
- 17 (g) RESIDENTIAL:
- 18 (1) Dwellings, dwelling units, and temporary accommodations:
- 19 (1) Single family dwellings, other than mobile homes;
- 20 (2) Unlimited number of dwelling units and guest rooms in apartment
- 21 houses, court apartments, lodging houses, duplexes, and condominiums; and
- 22 (h) OTHER USES:
- 23 (1) Solid waste transfer stations.

24 155.050. PROHIBITED USES. Within any IC district, no building,  
25 structure, or land shall be used, erected, structurally altered, or  
26 enlarged for any use not permitted under SRC 155.020 to 155.040, except

1 as provided in SRC 113.090(c).

2 155.060. HEIGHT. Within an IC district buildings and structures  
3 erected, altered, or enlarged shall not exceed 70 feet in height.

4 155.070. LOT AREA AND DIMENSIONS. There are no minimum lot area or  
5 dimension requirements in an IC district, except for the street frontage  
6 requirements of SRC 130.260.

7 155.080. YARDS ADJACENT TO STREETS. Within an IC district:

8 (a) Along the full extent of each lot line adjacent to a street  
9 there shall be a required yard five feet in depth.

10 (b) Setbacks for accessory buildings and structures except fences  
11 shall be the same as for main buildings.

12 (c) Required yards adjacent to streets shall be landscaped as  
13 provided in SRC Chapter 132.

14 155.090. INTERIOR SIDE YARDS. Within an IC district:

15 (a) Adjacent to a side lot line abutting a lot in any residential  
16 district there shall be a required side yard three feet in depth along  
17 each such interior side lot line, exclusive of any yards required by  
18 SRC 155.080 and 155.100. Such yard shall be contained by a  
19 sight-obscuring fence, wall, or hedge.

20 (b) Except as provided in subsection (a) of this section, no side  
21 yard is required, but any space between a building or structure other than  
22 a fence and an interior side lot line shall be not less than three feet  
23 in width.

24 (c) Setbacks for accessory buildings and structures except fences  
25 shall be the same as for main buildings.

26 155.100. INTERIOR REAR YARDS. Within an IC district:

1 (a) Adjacent to any rear lot line abutting a lot zoned or used for  
2 residential purposes, there shall be a required rear yard three feet in  
3 depth along the full extent of the rear lot line. Such yard shall be  
4 contained by a sight-obscuring fence, wall, or hedge.

5 (b) Except as provided in subsection (a) of this section, no rear  
6 yard is required, but any space between a building or structure other  
7 than a fence and an interior rear lot line shall be not less than three  
8 feet in depth exclusive of any alley area.

9 (c) Setbacks for accessory buildings and structures shall be the  
10 same as for main buildings.

11 155.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
12 use and development standards may be found in the following chapters:

13 Lot Development Standards	SRC Chapter 130
14 Accessory Structures	SRC Chapter 131
15 Landscaping	SRC Chapter 132
16 Off-street Parking, Loading, and Driveways	SRC Chapter 133
17 Flood Plain Overlay Zones	SRC Chapter 140
18 Willamette Greenway Overlay Zones	SRC Chapter 141

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CHAPTER 156  
RESERVED FOR EXPANSION

1 CHAPTER 157

2 IP - INDUSTRIAL PARK

3 157.010. CLASSIFICATION OF USES. Most permitted, special, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual, (See 113.090). Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under the number in the SIC. Where particular activities otherwise  
8 included under a SIC category are excluded from the permitted, special,  
9 or conditional use, those particular activities are listed, preceded by  
10 the words "BUT EXCLUDING" following the more general category from which  
11 they are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 157.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the IP  
15 district and to all such uses, generally, are permitted in the IP  
16 district:

17 (a) AGRICULTURE, FORESTRY, AND FISHING:

18 (1) Agricultural production crops (01);

19 (2) Timber tracts (081); and

20 (3) Forest nurseries and tree seed gathering and extracting (082).

21 (b) CONSTRUCTION:

22 (1) Plumbing, heating (except electric), and air conditioning (171);

23 (2) Painting, paper hanging, and decorating (172);

24 (3) Electrical work (173);

25 (4) Roofing and sheet metal work (176);

26 (5) Installation and erection of building equipment, not elsewhere



1 classified (1796).

2 (c) MANUFACTURING:

3 (1) Beverages (208);

4 (2) Tobacco Manufacturing (21);

5 (3) Textile mill products BUT EXCLUDING miscellaneous textile goods  
6 (229);

7 (4) Apparel and other finished products made from fabrics and  
8 similar materials (23);

9 (5) Printing, publishing, and allied industries (27);

10 (6) Leather and leather goods (31) BUT EXCLUDING leather tanning and  
11 finishing (311);

12 (7) Products of purchased glass (323);

13 (8) Cutlery, hand tools and general hardware (342);

14 (9) Fabricated structural metal products (344);

15 (10) Electrical and electronic equipment, machinery, and supplies  
16 (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry  
17 and wet (3692);

18 (11) Motor vehicles and motor vehicle equipment (371);

19 (12) Aircraft and parts (372);

20 (13) Guided missiles, space vehicles, and parts (376);

21 (14) Measuring, analyzing, and controlling instruments; photographic,  
22 medical, and optical goods; watches and clocks (38).

23 (15) Signs and advertising displays (3993).

24 (d) TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS AND SANITARY  
25 SERVICES:

26 (1) Railroad transportation (40);

- 1           (2) Local and suburban passenger (411);
- 2           (3) Public warehousing (422).
- 3           (e) WHOLESALE TRADE:
- 4           (1) Automotive parts and supplies (5103);
- 5           (2) Furniture and home furnishings (502);
- 6           (3) Sporting, recreational, photographic, and hobby goods, toys and
- 7 supplies (504);
- 8           (4) Electrical goods (506);
- 9           (5) Hardware, and plumbing and heating equipment and supplies (507);
- 10          (6) Commercial machines and equipment (5081);
- 11          (7) Professional equipment and supplies (5086);
- 12          (8) Service establishment equipment and supplies (5087);
- 13          (9) Transportation equipment and supplies, except motor vehicles
- 14 (5088);
- 15          (10) Jewelry, watches, diamonds, and other precious stones (5094);
- 16          (11) Paper and paper products (511);
- 17          (12) Drugs, drug proprietaries, and druggists' sundries (512);
- 18          (13) Apparel, piece goods, and notions (513);
- 19          (14) Groceries, general line (5141);
- 20          (15) Frozen foods (5142);
- 21          (16) Dairy products (5143);
- 22          (17) Confectionery (5145);
- 23          (18) Beer, wine, and distilled alcoholic beverages (518):
- 24          (19) Tobacco and tobacco products (5194);
- 25          (20) Paints, varnishes, and supplies (5198); and
- 26          (21) Nondurable goods, not elsewhere classified (5199) BUT EXCLUDING

1       baling of wood shavings for mulch, cordwood, animal and vegetable  
2       greases, nursery stock, animal and vegetable oils (except cooking),  
3       rennet, crude rubber, and every other use which may be classifiable under  
4       this SIC industry number but is not specifically listed in the  
5       description or descriptive list for industry 5199.

6       (f) RETAIL TRADE:

- 7       (1) Eating and drinking places (581);  
8       (2) Cigar stores and stands (5993); and  
9       (3) News dealers and news stands (5994).

10      (g) FINANCE, INSURANCE, AND REAL ESTATE:

- 11      (1) Banking (60);  
12      (2) Credit agencies other than banks (61);  
13      (3) Insurance (63).

14      (h) SERVICES:

- 15      (1) Hotels, motels, and tourist courts (701);  
16      (2) Power laundries, family and commercial (7211);  
17      (3) Dry cleaning plants, except rug cleaning (7216);  
18      (4) Carpet and upholstery cleaning (7217);  
19      (5) Industrial launderers (7218);  
20      (6) Laundry and garment services, not elsewhere classified (7219);  
21      (7) Disinfecting and exterminating service (7342);  
22      (8) Cleaning and maintenance services to dwellings and other  
23      buildings, not elsewhere classified (7349);  
24      (9) Automobile parking when developed as prescribed in SRC chapter  
25      133 (752);  
26      (10) Repair shops and related services, not elsewhere classified

1 (7699);

2 (11) Membership sports and recreation clubs (7997);

3 (12) Vocational schools; except vocational high schools, not  
4 elsewhere classified (8249);

5 (13) Child day care services (835); and

6 (14) Miscellaneous services (89).

7 (i) PUBLIC ADMINISTRATION:

8 (1) Fire protection (9224).

9 (j) OTHER USES:

10 (1) Dwelling for a caretaker or watchman on the premises being cared  
11 for or guarded;

12 (2) Recycling depots;

13 (3) Utilities - primary equipment and storage yard.

14 156.030. SPECIAL USES. (a) The following uses, when restricted,  
15 developed, and conducted as required in SRC Chapter 119, are permitted in  
16 the IP district:

17 (1) Gasoline service stations (554);

18 (2) Child day care services (835).

19 (b) In lieu of establishing any use listed in subsection (a) of this  
20 section as a special use under SRC Chapter 119, the developer may elect  
21 to apply for conditional use approval pursuant to SRC Chapter 117. See  
22 SRC 119.010.

23 157.040. CONDITIONAL USES. The following uses, with conditional use  
24 approval as provided in SRC Chapter 117 or 118, as applicable, are  
25 permitted in the IP district:

26 (a) Crude petroleum and natural gas extraction (131).

- (b) Carpeting and flooring (175).
- (c) MANUFACTURING:
- (1) Food and kindred products (20);
  - (2) Miscellaneous textile goods (229);
  - (3) Lumber and wood products, except furniture (24);
  - (4) Furniture and fixtures (25);
  - (5) Paper and allied products (26);
  - (6) Chemicals and allied products (28);
  - (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING tires and inner tubes (301) and reclaimed rubber (303);
  - (8) Leather tanning and finishing (311);
  - (9) Flat glass (321);
  - (10) Glass and glassware, pressed or blown (322);
  - (11) Pottery and related products (326);
  - (12) Cut stone and stone products (328);
  - (13) Miscellaneous nonmetallic mineral products (329);
  - (14) Fabricated metal products, except machinery and transportation equipment (34) BUT EXCLUDING industries permitted under SRC 156.020;
  - (15) Machinery, except electrical (35) BUT EXCLUDING industries permitted under SRC 156.020;
  - (16) Storage batteries (3691);
  - (17) Primary batteries, dry and wet (3692);
  - (18) Transportation equipment (37) BUT EXCLUDING industries permitted under SRC 156.020; and
  - (19) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs and advertising displays (3993).

1 (d) PUBLIC UTILITIES:

2 (1) Electric services (491);

3 (2) Gas production and distribution (492);

4 (3) Water supply (494).

5 (e) WHOLESALE TRADE:

6 (1) Durable goods, not elsewhere classified (5099);

7 (2) Chemicals and allied products (516);

8 (3) Petroleum and petroleum products (517).

9 (f) OTHER USES:

10 (1) Solid waste transfer stations.

11 157.050. PROHIBITED USES. Within any IP district, no building,  
12 structure, or land shall be used, erected, structurally altered, or  
13 enlarged for any use not permitted under SRC 156.020 to 156.040, except  
14 as provided in SRC 113.090(c).

15 157.060. INDUSTRIAL PERFORMANCE STANDARDS. In an IP district no land  
16 or structure shall be used or occupied unless maintained and operated in  
17 continuing compliance with all applicable standards adopted by the Oregon  
18 Department of Environmental Quality (DEQ), including the holding of all  
19 licenses and permits required by DEQ regulation, local ordinance, and  
20 state and federal law.

21 157.070. HEIGHT. Within an IP district buildings and structures  
22 erected, altered, or enlarged shall not exceed 45 feet in height;

23 157.080. LOT AREA AND DIMENSIONS. There are no minimum lot area or  
24 dimension requirements in an IP district, except for the street frontage  
25 requirements of SRC 130.260.

26 157.090. YARDS ADJACENT TO STREETS. Within an IP district:

1 (a) Along the full extent of each lot line adjacent to a street  
2 there shall be a required yard 20 feet in depth.

3 (b) Setbacks for accessory buildings and structures except fences  
4 shall be the same as for main buildings.

5 157.100. INTERIOR SIDE YARDS. Within an IP district:

6 (a) Except as provided in subsection (b) of this section, along  
7 every interior side lot line between the yards required in SRC 156.090  
8 and 156.100, there shall be a required side yard of ten feet in depth  
9 plus one foot of depth for each foot of building height over ten feet.

10 (b) No side yard is required adjacent to a railroad siding or spur  
11 track.

12 (c) Setbacks for accessory buildings and structures shall be the  
13 same as for main buildings.

14 157.110. INTERIOR REAR YARDS. Within an IP district:

15 (a) Except as provided in subsection (b) of this section, along the  
16 full extent of every rear lot line there shall be a required rear yard of  
17 ten feet in depth plus one foot of depth for each foot of building height  
18 over ten feet

19 (b) No side yard is required adjacent to a railroad siding or spur  
20 track.

21 (c) Setbacks for accessory buildings and structures shall be the  
22 same as for main buildings.

23 157.120. OPEN STORAGE. (a) Open storage of materials and equipment is  
24 prohibited in required yards, but is otherwise permitted provided that  
25 such storage is enclosed with a sight-obscuring fence, wall, or hedge, or  
26 a berm; any of which shall be located on the property at the required

1 setback line in the same manner as if such berm, fence, wall, or hedge  
2 were a building;

3 (b) Materials and equipment stored as permitted in this section  
4 shall be no more than 14 feet in height above the elevation of the  
5 storage area;

6 (c) Open storage over six feet in height above the elevation of the  
7 storage area shall be screened by landscaping.

8 157.130. LANDSCAPING. All required yards shall be landscaped as  
9 provided in SRC Chapter 132.

10 157.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
11 use and development standards may be found in the following chapters:

12 Lot Development Standards	SRC Chapter 130
13 Accessory Structures	SRC Chapter 131
14 Landscaping	SRC Chapter 132
15 Off-street Parking, Loading, and Driveways	SRC Chapter 133
16 Flood Plain Overlay Zones	SRC Chapter 140
17 Willamette Greenway Overlay Zones	SRC Chapter 141



1 CHAPTER 158

2 IG-GENERAL INDUSTRIAL

3 158.010. CLASSIFICATION OF USES. Most permitted, special, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual, (See SRC 113.090.) Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under that number in the SIC. Where particular activities otherwise  
8 included under an SIC category are excluded from the permitted, special,  
9 or conditional use, those particular activities are listed, preceded by  
10 the words "BUT EXCLUDING" following the more general category from which  
11 they are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 158.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the IG  
15 district and to all such uses, generally, are permitted in the IG  
16 district:

17 (a) AGRICULTURE, FORESTRY, AND FISHING:

18 (1) Agricultural production crops (01);

19 (2) Soil preparation services (071);

20 (3) Crop services (072);

21 (4) Veterinary services (074);

22 (5) Timber tracts (081);

23 (6) Forest nurseries and tree seed gathering and extracting (082).

24 (b) CONSTRUCTION:

25 (1) Building construction - general contractors and operative  
26 builders (15);

- 1           (2) Construction other than building construction - general  
2 contractors (16);
- 3           (3) Construction - Special trade contractors (17).
- 4           (c) MANUFACTURING:
- 5           (1) Dairy products (202);
- 6           (2) Canned and preserved fruits and vegetables (203);
- 7           (3) Grain mill products (204);
- 8           (4) Bakery products (205);
- 9           (5) Sugar and confectionery products (206);
- 10          (6) Beverages (208);
- 11          (7) Miscellaneous food preparations and kindred products (209);
- 12          (8) Tobacco manufacturers (21);
- 13          (9) Textile mill products (22);
- 14          (10) Apparel and other finished products made from fabrics and  
15 similar materials (23);
- 16          (11) Millwork (2431);
- 17          (12) Wood kitchen cabinets (2434);
- 18          (13) Structural wood members, not elsewhere classified (2439);
- 19          (14) Furniture and fixtures (215);
- 20          (15) Paperboard containers and boxes (265);
- 21          (16) Printing, publishing and allied industries (27);
- 22          (17) Chemicals and allied products (28) BUT EXCLUDING agricultural  
23 chemicals (287), and miscellaneous chemical products (289);
- 24          (18) Rubber and miscellaneous plastics products (30);
- 25          (19) Leather and leather products (31);
- 26          (20) Flat glass (321);

- (21) Glass and glassware, pressed or blown (322);
- (22) Glass products made of purchased glass (323);
- (23) Pottery and related products (326);
- (24) Cut stone and stone products (328);
- (25) Cutlery, hand tools, and general hardware (342);
- (26) Heating equipment, except electric and warm air, and plumbing fixtures (343);
- (27) Fabricated structural metal products (344);
- (28) Screw machine products, bolts, nuts, screws, rivets, and washers (345);
- (29) Electroplating, plating, polishing, anodizing, and coloring (3471);
- (30) Miscellaneous fabricated metal products (349);
- (31) Metalworking machinery and equipment (354);
- (32) Special industry machinery, except metal working machinery (355);
- (33) General industrial machinery and equipment (356);
- (34) Office, computing, and accounting machines (357);
- (35) Refrigeration and service industry machinery (358);
- (36) Miscellaneous machinery, except electrical (359);
- (37) Electrical and electronic machinery, equipment, and supplies (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692);
- (38) Transportation equipment (37);
- (39) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38);
- (40) Miscellaneous manufacturing industries (39).

1 (d) TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY  
2 SERVICES:

3 (1) Railroad transportation (40);

4 (2) Local and suburban transit and interurban highway passenger  
5 transportation (41);

6 (3) Motor freight transportaton and warehousing (42);

7 (4) Local water transportation (445);

8 (5) Water transportation services (446);

9 (6) Transportation by air (45);

10 (7) Transportation services (47);

11 (8) Communication (48);

12 (9) Electric services (491);

13 (10) Gas production and distribution (492);

14 (11) Water supply (494).

15 (e) WHOLESALE TRADE:

16 (1) Wholesale trade - durable goods (50) BUT EXCLUDING scrap and  
17 waste materials establishments (5093);

18 (2) Wholesale trade - non-durable goods (51) BUT EXCLUDING livestock  
19 (5154), and chemicals and allied products (516).

20 (e) RETAIL TRADE:

21 (1) Motorcycle dealers (557):

22 (2) Automotive dealers, not elsewhere classified (559);

23 (3) Eating and drinking places (58);

24 (4) Fuel and ice dealers (598).

25 (f) FINANCE, INSURANCE, AND REAL ESTATE:

26 (1) Banking (60).

- (2) Credit agencies other than banks (61).
- (g) SERVICES:
- (1) Laundry, cleaning, and garment services (721);
- (2) Outdoor advertising services (7312);
- (3) Mailing, reproduction, commercial art and photography, and stenographic services (733);
- (4) Disinfecting and exterminating services (7342);
- (5) Cleaning and maintenance services to dwellings and other buildings, not elsewhere classified (7349);
- (6) Research and development laboratories (7391);
- (7) Management, consulting, and public relations services (7392);
- (8) Photofinishing laboratories (7395);
- (9) Commercial testing laboratories (7397);
- (10) Automotive repair, services, and garages (75);
- (11) Welding repair (7692);
- (12) Repair shops and related services, not elsewhere classified (7699);
- (13) Vocational school; except vocational high schools, not elsewhere classified (8249);
- (14) Civic, social, and fraternal organizations (864).
- (h) PUBLIC ADMINISTRATION:
- (1) Fire protection (9224).
- (i) OTHER USES:
- (1) Utilities - truck and equipment storage and parking, and material storage yard.
- (2) Accessory buildings, structures, and uses normal and incidental

1 to the uses permitted in this district.

2 (3) Recycling depots.

3 (4) Dwelling unit or guest room for a caretaker or watchman on the  
4 premises being cared for or guarded.

5 158.030. SPECIAL USES. (a) The following uses, when restricted,  
6 developed and conducted as required in SRC Chapter 119, are permitted in  
7 the IG district:

8 (1) Scrap and waste materials establishments (5093).

9 (b) In lieu of establishing any use listed in subsection (a) of this  
10 section as a special use under SRC Chapter 119, the developer may elect  
11 to apply for conditional use approval pursuant to SRC Chapter 117. See  
12 SRC 119.010.

13 158.040. CONDITIONAL USES. The following uses, with conditional use  
14 approval as provided in SRC Chapter 117 or 118, as applicable, are  
15 permitted in the IG district:

16 (a) Those uses listed in SRC 158.030, at the developer's option, as  
17 provided in subsection (b) of that section.

18 (b) AGRICULTURE, FORESTRY, AND FISHING:

19 (1) Livestock, except dairy, poultry, and animal specialties (021):

20 (c) MINING:

21 (1) Crude petroleum and natural gas extraction (131);

22 (2) Surface mining operations as a specific conditional use under  
23 SRC Chapter 118.

24 (c) MANUFACTURING:

25 (1) Meat products (201);

26 (2) Animal and marine fats and oils (2077);

- 1 (3) Logging camps and logging contractors (241);
- 2 (4) Sawmills and planing mills (242);
- 3 (5) Millwork, veneer, plywood, and structural wood members (243),
- 4 where not otherwise permitted under SRC 158.020;
- 5 (6) Paper and allied products (16) where not otherwise permitted
- 6 under SRC 158.020;
- 7 (7) Agricultural chemicals (287);
- 8 (8) Miscellaneous chemical products (289);
- 9 (9) Petroleum and coal products (29);
- 10 (10) Cement hydraulic (324);
- 11 (11) Structural clay products (325);
- 12 (12) Concrete, gypsum, and plaster products (327);
- 13 (13) Abrasives, asbestos, and miscellaneous nonmetallic mineral
- 14 products (329);
- 15 (14) Iron and steel foundries (332);
- 16 (15) Primary smelting and refining of nonferrous metals (333);
- 17 (16) Secondary melting and refining of nonferrous metals (334);
- 18 (17) Rolling, drawing, and extruding of nonferrous metals (335);
- 19 (18) Nonferrous foundries (castings) (336);
- 20 (19) Miscellaneous primary metal products (339);
- 21 (20) Metal forgings and stampings (346);
- 22 (21) Ordnance and accessories, except vehicles and guided missiles
- 23 (348);
- 24 (22) Engines and turbines (351);
- 25 (23) Farm and garden machinery and equipment (352);
- 26 (24) Construction, mining and materials handling machinery and

1 equipment (353);

2 (25) Storage batteries (3691);

3 (26) Primary batteries, dry and wet (3692);

4 (e) WHOLESALE TRADE:

5 (1) Livestock (5154).

6 (2) Chemicals and allied products (516).

7 (f) SERVICES:

8 (1) Racing, including track operation (7948).

9 (g) OTHER USES:

10 (1) Solid waste transfer stations.

11 158.050. PROHIBITED USES. Within any IG district, no building,  
12 structure, or land shall be used, erected, structurally altered, or  
13 enlarged for any use not permitted under SRC 158.020 to 158.040, except  
14 as provided in SRC 113.090(c).

15 158.060. INDUSTRIAL PERFORMANCE STANDARDS. In an IG district no land  
16 or structure shall be used or occupied unless maintained and operated in  
17 continuing compliance with all applicable standards adopted by the Oregon  
18 Department of Environmental Quality (DEQ), including the holding of all  
19 licenses and permits required by DEQ regulation, local ordinance, and  
20 state and federal law.

21 158.070. HEIGHT. Within an IG district buildings and structures  
22 erected, altered, or enlarged shall not exceed 70 feet in height.

23 158.080. LOT AREA AND DIMENSIONS. There are no minimum lot area or  
24 dimension requirements in an IG district except for the street frontage  
25 requirements of SRC 130.260.

26 158.090. YARDS ADJACENT TO STREETS. Within an IG district:



1 (a) Along the full extent of each lot line adjacent to a street there  
2 shall be a required yard five feet in depth.

3 (b) All required yards adjacent to streets shall be landscaped as  
4 provided in SRC chapter 132.

5 (c) Setbacks for accessory buildings and structures shall be the  
6 same as for main buildings.

7 158.100. INTERIOR SIDE YARDS. Within an IG district:

8 (a) Adjacent to a side lot line abutting a lot in any residential  
9 district, there shall be a required side yard the same as is required in  
10 the adjacent residential district. Such yard shall be contained by a  
11 sight-obscuring fence, wall, or hedge.

12 (b) Except as provided in subsection (a) of this section, no side  
13 yard is required, but any space between a building or structure other  
14 than a fence and an interior side lot line shall be at least three feet  
15 wide.

16 (c) Setbacks for accessory buildings and structures other than  
17 fences shall be the same as for main buildings.

18 158.110. INTERIOR REAR YARDS. Within an IG district:

19 (a) Adjacent to a rear lot line abutting any lot used or zoned for  
20 residential purposes, there shall be a required rear yard of three feet  
21 along the full extent of the rear lot line. Such yard shall be contained  
22 by a sight-obscuring fence, wall, or hedge.

23 (c) Except as provided in subsection (a) of this section, no rear  
24 yard is required, but any space between a building or structure other  
25 than a fence and an interior rear lot line shall be not less than three  
26 feet in depth, exclusive of any alley areas.

1           158.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
2 use and development standards may be found in the following chapters:

3           Lot Development Standards	SRC Chapter 130
4           Accessory Structures	SRC Chapter 131
5           Landscaping	SRC Chapter 132
6           Off-street Parking, Loading, and Driveways	SRC Chapter 133
7           Flood Plain Overlay Zones	SRC Chapter 140
8           Willamette Greenway Overlay Zones	SRC Chapter 141

1 CHAPTER 159

2 II - INTENSIVE INDUSTRIAL

3 159.010. CLASSIFICATION OF USES. Most permitted and conditional uses  
4 are classified with reference to the Standard Industrial Classification  
5 (SIC) Manual, (See SRC 113.090). Numbers in parenthesis following a use  
6 designation indicate that the use is listed and described under that  
7 number in the SIC. Where particular activities otherwise included under  
8 an SIC category are excluded from the permitted or conditional use, those  
9 particular activities are listed, preceded by the words "BUT EXCLUDING"  
10 following the more general category from which they are excluded.  
11 Particular activities thus excluded may or may not be listed in other  
12 sections of the chapter.

13 159.020. PERMITTED USES. The following uses, when developed under the  
14 general development standards in this zoning code applicable to the II  
15 district and to all such uses, generally, are permitted in the II  
16 district:

17 (a) AGRICULTURE, FORESTRY, AND FISHING:

18 (1) Agricultural production - crops (01):

19 (2) Veterinary services (074);

20 (3) Timber tracts (081);

21 (4) Forest nurseries and tree seed gathering and extracting (082).

22 (b) MINING:

23 (1) Oil and gas field services (138).

24 (c) MANUFACTURING:

25 (1) Food and kindred products (20):

26 (2) Textile mill products (22);

- (3) Lumber and wood products (24);
- (4) Furniture and fixtures (25);
- (5) Paper and allied products (26);
- (6) Chemicals and allied products (28);
- (7) Petroleum refining and related industries (29);
- (8) Rubber and miscellaneous plastics products (30);
- (9) Leather and leather products (31);
- (10) Stone, clay and glass products (32);
- (11) Primary metal industries (33);
- (12) Fabricated structural metal products (344);
- (13) Machinery and equipment, except electrical (353);
- (14) Electric and electronic equipment (36);
- (15) Transportation equipment (37);
- (16) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks (38);
- (17) Linoleum, asphalted-felt-base, and other hard surface floor coverings, not elsewhere classified (3996).

(d) TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS AND SANITARY SERVICES:

- (1) Local water transportation (445);
- (2) Water transportation services (446);
- (3) Communication (48);
- (4) Electric services (491);
- (5) Gas production and distribution (492);
- (6) Combination electric and gas, and other utility services (493);
- (7) Sanitary services (495);

- 1 (8) Steam supply (496).
- 2 (e) WHOLESALE TRADE:
- 3 (1) Metals and minerals, except petroleum (505);
- 4 (2) Construction and mining machinery (5082);
- 5 (3) Farm and garden machinery and equipment (5083);
- 6 (4) Industrial machinery and equipment (5084);
- 7 (5) Industrial supplies (5085);
- 8 (6) Scrap and waste materials (5093);
- 9 (7) Durable goods, not elsewhere classified (5099);
- 10 (8) Grain (5153);
- 11 (9) Livestock (5154);
- 12 (10) Farm-produce raw materials, not elsewhere classified (5159);
- 13 (11) Chemicals and allied products (516);
- 14 (12) Petroleum and petroleum products wholesalers (517);
- 15 (13) Farm supplies (5191).
- 16 (f) FINANCE:
- 17 (1) Banking (60);
- 18 (2) Credit agencies other than banks.
- 19 (g) SERVICES:
- 20 (1) Automobile parking (752).
- 21 (h) PUBLIC ADMINISTRATION:
- 22 (1) Fire protection (9224).
- 23 (i) OTHER USES:
- 24 (1) Recycling depots.

25 159.040. CONDITIONAL USES. The following uses, with conditional use  
26 approval as provided in SRC Chapter 117 or 118, as applicable, are

1 permitted in the II district:

2 (a) Crude petroleum and natural gas extraction (131);

3 (b) Animal and marine fats and oils (2077);

4 (c) Eating and drinking places (58);

5 (d) Dwelling unit for a caretaker or watchman on the premises being  
6 cared for or guarded;

7 (e) Surface mining, including washing, screening, processing,  
8 asphalt concrete, and cement concrete making, as a specific conditional  
9 use under SRC chapter 118.

10 (f) Solid waste transfer stations.

11 159.050. PROHIBITED USES. Within any II district, no building,  
12 structure, or land shall be used, erected, structurally altered, or  
13 enlarged for any use not permitted under SRC 158.020, except as provided  
14 in SRC 113.080(c).

15 159.060. INDUSTRIAL PERFORMANCE STANDARDS. In an II district, no land  
16 or structure shall be used or occupied unless maintained and operated in  
17 continuing compliance with all applicable standards adopted by the Oregon  
18 Department of Environmental Quality (DEQ), including the holding of all  
19 licenses and permits required by DEQ regulation, local ordinance, and  
20 state and federal law.

21 159.070. HEIGHT. Within an II district buildings and structures  
22 erected, altered, or enlarged shall not exceed 70 feet in height.

23 159.080. LOT AREA AND DIMENSIONS. There are no minimum lot area or  
24 dimension requirements in an II district except for the street frontage  
25 requirements of SRC 130.260.

26 159.090. YARDS ADJACENT TO STREETS. Within an II district:

1 (a) Along the full extent of each lot line adjacent to a street,  
2 there shall be a required yard five feet in depth.

3 (b) All required yards adjacent to streets shall be landscaped as  
4 provided in SRC Chapter 132.

5 (c) Setbacks for accessory buildings and structures shall be the  
6 same as for main buildings.

7 159.100. INTERIOR SIDE YARDS. Within an II district:

8 (a) Adjacent to a side lot in any residential district, there shall  
9 be a required side yard the same as is required in the adjacent  
10 residential district. Such yard shall be contained by a sight-obscuring  
11 fence, wall, or hedge.

12 (b) Except as provided in subsection (a) of this section, no side  
13 yard is required, but any space between a building or structure other  
14 than a fence and an interior side lot line shall be at least three feet  
15 wide.

16 (c) Setbacks for accessory buildings and structures other than  
17 fences shall be the same as for main buildings.

18 159.110. INTERIOR REAR YARDS. Within an II district:

19 (a) Adjacent to a rear lot line abutting any lot used or zoned for  
20 residential purposes, there shall be a required rear yard of three feet  
21 along the full extent of the rear lot line. Such yard shall be contained  
22 by a sight-obscuring fence, wall, or hedge.

23 (b) Except as provided in subsection (a) of this section, no rear  
24 yard is required, but any space between a building or structure other  
25 than a fence and an interior rear lot line shall be not less than three  
26 feet in depth, exclusive of any alley areas.

1           159.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
2 use and development standards may be found in the following chapters:

3           Lot Development Standards	SRC Chapter 130
4           Accessory Structures	SRC Chapter 131
5           Landscaping	SRC Chapter 132
6           Off-Street Parking, Loading, & Driveways	SRC Chapter 133
7           Flood Plain Overlay Zones	SRC Chapter 140
8           Willamette Greenway Overlay Zones	SRC Chapter 141



1 CHAPTER 160

2 P PUBLIC USE

3 160.010. CLASSIFICATION OF USES. Most permitted, special, and  
4 conditional uses are classified with reference to the Standard Industrial  
5 Classification (SIC) Manual. (See SRC 113.090.) Numbers in parenthesis  
6 following a use designation indicate that the use is listed and described  
7 under that number in the SIC. Where particular activities otherwise  
8 included under an SIC category are excluded from the permitted special or  
9 conditional use, those particular activities are listed, preceded by the  
10 words "BUT EXCLUDING" following the more general category from which they  
11 are excluded. Particular activities thus excluded may or may not be  
12 listed in other sections of this chapter.

13 160.020. PROHIBITED USES. Within any P district, no building,  
14 structure, or land shall be used, erected, structurally altered, or  
15 enlarged for any use not permitted in the particular district under SRC  
16 160.030 to 160.090, except as provided in SRC 113.090(c).

17 160.030. PERMITTED USES; PA (PUBLIC AMUSEMENT) DISTRICT. The  
18 following uses, when developed under the general development standards in  
19 this zoning code applicable to the PA district and to all such uses,  
20 generally, are permitted in the PA district:

- 21 (a) SERVICES;
- 22 (1) Commercial Sports (794);
- 23 (2) Public golf courses (7992);
- 24 (3) Amusement parks (7996);
- 25 (4) Amusement and recreation services, not elsewhere classified
- 26 (7999);

1 (5) Museums, art galleries, botanical and zoological gardens (84).

2 (b) PUBLIC ADMINISTRATION:

3 (1) National Security (971).

4 (c) OTHER USES:

5 (1) Ball park;

6 (2) Dwelling for the caretaker or watchman;

7 (3) Parks, playgrounds, parkway, public or private open space.

8 160.040. PERMITTED USES; PC (PUBLIC AND PRIVATE CEMETERIES) DISTRICT.

9 The following uses, when developed under the general development  
10 standards in this zoning code applicable to the PC district and to all  
11 such uses, generally, are permitted in the PC district:

12 (a) FINANCE, INSURANCE, AND REAL ESTATE:

13 (1) Cemetery subdividers and developers (6553) - except mausoleum  
14 operations.

15 (2) Mausoleum operation with conditional use approval under SRC  
16 chapter 117.

17 (b) SERVICES:

18 (1) Funeral services and crematories (726), with conditional use  
19 approval under SRC chapter 117.

20 (c) OTHER USES:

21 (1) Dwelling for a caretaker or watchman.

22 160.050. PERMITTED USES; PE (PUBLIC AND PRIVATE EDUCATIONAL SERVICES)  
23 DISTRICT. The following uses, when developed under the general  
24 development standards in this zoning code applicable to the PE district  
25 and to all such uses, generally, are permitted in the PE district:

26 (a) SERVICES:

1 (1) Health services (80);

2 (2) Educational services (82)

3 (3) Social services (83).

4 (b) OTHER USES:

5 (1) Dwelling for the caretaker or watchman or housing for staff.

6 160.060. PERMITTED USES; PH (PUBLIC AND PRIVATE HEALTH SERVICES)

7 DISTRICT. The following uses, when developed under the general  
8 development standards in this zoning code applicable to the PH district  
9 and to all such uses, generally, are permitted in the PH district:

10 (a) RETAIL:

11 (1) Drug stores and proprietary stores (591).

12 (b) SERVICES:

13 (1) Health services (80);

14 (2) Educational services (82);

15 (3) Social services (83).

16 (c) OTHER USES:

17 (1) Dwelling for the caretaker or watchman; housing for staff.

18 (2) Correctional Institutions (9223), with conditional use approval under  
160.070. PERMITTED USES; PS (PUBLIC SERVICE) DISTRICT. The following

19 uses, when developed under the general development standards in this  
20 zoning code applicable to the PS district and to all such uses,  
21 generally, are permitted in the PS district:

22 (a) TRANSPORTATION, COMMUNICATIONS, ELECTRIC, GAS, AND SANITARY  
23 SERVICES:

24 (1) Local and suburban passenger transportation (411);

25 (2) School buses (415);

26 (3) Terminal and service facilities for motor vehicle passenger  
27

1 transportation (417);

2 (4) U.S. Postal Service (43);

3 (5) Transportation by air (45);

4 (6) Electric, gas, and sanitary services (49).

5 (b) SERVICES:

6 (1) Health services (80);

7 (2) Educational services (82);

8 (3) Social services (83);

9 (4) Museums, art galleries, botanical and zoological gardens (84).

10 (c) PUBLIC ADMINISTRATION:

11 (1) Executive, legislative, and general government, except finance  
12 (91);

13 (2) Justice, public order, and safety (92);

14 (3) Public finance, taxation, and monetary policy (93);

15 (4) Administration of human resource programs (94);

16 (5) Administration of environmental quality and housing programs  
17 (95);

18 (6) Administration of economic programs (96).

19 (d) OTHER USES:

20 (1) Dwelling for the caretaker or watchman;

21 (2) Solid waste disposal site as a specific conditional use under  
22 SRC Chapter 118.

23 160.080. PERMITTED USES; PM (CAPITOL MALL) DISTRICT. The following  
24 uses, when developed under the general development standards in this  
25 zoning code applicable to the PM district and to all such uses,  
26 generally, are permitted in the PM district:

1 (a) DWELLINGS, DWELLING UNITS, AND TEMPORARY ACCOMMODATIONS:

2 (1) One single family dwelling, other than a mobile home, per lot;

3 (2) One duplex on a corner lot of 7,000 square feet or more;

4 (3) Unlimited number of dwelling units and guest rooms in apartment  
5 houses, court apartments, lodging houses, and condominiums;

6 (4) Dwelling unit or guest room for a caretaker or security guard;

7 (5) Residential care (836);

8 (b) ACCESSORY USES AND STRUCTURES;

9 (1) Customary residential accessory buildings for private use of the  
10 property and its occupants;

11 (2) Guest houses and guest quarters not in the main building  
12 provided such houses and quarters are and remain dependent upon the main  
13 building for either kitchen or bathroom facilities or both, and the guest  
14 facilities are used for temporary lodging and not as a residence;

15 (3) Home occupations;

16 (4) A private garage;

17 (5) Storage for a commercial vehicle with a maximum of one  
18 commercial vehicle per dwelling;

19 (6) Sleeping quarters in a garage for domestic employees of the  
20 resident of the main building;

21 (7) Swimming pools for private use.

22 (c) SPECIAL COMMERCIAL:

23 (1) Any residential complex housing more than 25,000 square feet in  
24 area may have therein a newstand (5994), barber shop (724), beauty parlor  
25 (723), eating and drinking place (58), and dining rooms when conducted  
26 and entered only from within the building.

1 (d) RETAIL TRADE:

2 (1) Eating and drinking places (58);

3 (2) Cigar stores and stands (5993);

4 (3) News dealers and news stands (5994).

5 (e) FINANCE, INSURANCE, AND REAL ESTATE:

6 (1) Banking (60);

7 (2) Credit agencies other than banks (61);

8 (3) Security and commodity brokers, dealers, exchanges, and services  
9 (62);

10 (4) Insurance (63);

11 (5) Insurance agents, brokers, and service (64);

12 (6) Real Estate (65);

13 (7) Combinations of real estate, insurance, loans, law offices (66);

14 (8) Holding and other investment offices (67).

15 (f) SERVICES:

16 (1) Business services (73);

17 (2) Automobile parking (752);

18 (3) Offices of physicians (801);

19 (4) Offices of dentists (802);

20 (5) Offices of osteopathic physicians (803);

21 (6) Offices of other health practitioners (804);

22 (7) Legal services (81);

23 (8) Libraries and information centers (823);

24 (9) Social services (83);

25 (10) Museums, art galleries, botanical and zoological gardens (84);

26 (11) Membership organizations (86);

(12) Miscellaneous services (89).

(g) PUBLIC ADMINISTRATION:

(1) Executive, legislative, and general government except finance (91);

(2) Justice, public order, and safety (92);

(3) Public finance, taxation, and monetary policy (93);

(4) Administration of human resources programs (94);

(5) Administration of environmental quality and housing programs (95);

(6) Administration of economic programs (96);

(7) National security and international affairs (97).

160.090. COMMON USES. In addition to the uses specified in SRC 159.030 to 159.080, the following uses are permitted in all P districts:

(a) Agricultural production - crops (01);

(b) Timber tracts (081);

(c) Forest nurseries and tree seed gathering and extracting (082).

160.200. HEIGHT. Within any P district:

(a) Residential buildings structures erected, altered, or enlarged shall not exceed 35 feet in height.

(b) No building or structure in a PC district shall exceed 35 feet in height.

(c) Heights of accessory structures serving dwelling units are subject to the requirements of SRC 131.030.

(d) A lot having a width less than 50 feet or an area less than 10,000 square feet shall have no building or structure in excess of 35 feet high.

1 (e) Other buildings and structures shall not exceed 70 feet in  
2 height.

3 (f) Any building in excess of 35 feet in height shall set back from  
4 any street or lot line one foot for each one and one-half feet of height  
5 in excess of 35 feet, in addition to other yard and setback requirements  
6 herein specified.

7 160.210. LOT AREA AND DIMENSIONS. Within any P district:

8 (a) Lot Area. The minimum lot area requirement for single family  
9 residential uses is 4,000 square feet.

10 (b) The minimum lot area requirement for multiple family residential  
11 uses shall be 5,000 square feet plus additional lot area computed as  
12 follows:

13 (1) For the first through fifth dwelling unit:

14 (A) For each dwelling unit with one or less bedrooms - 750 square  
15 feet;

16 (B) For each dwelling unit with two bedrooms - 1,000 square feet; and

17 (C) For each dwelling unit with three or more bedrooms - 1,200  
18 square feet.

19 (2) For the sixth dwelling unit and each succeeding dwelling unit,  
20 the following additional lot area shall be required:

21 (A) For each dwelling unit with two or less bedrooms: One story -  
22 1,250 square feet; two or more stories - 1,000 square feet;

23 (B) For each dwelling unit with three or more bedrooms - 1,300  
24 square feet.

25 (C) For each dwelling unit with three or more bedrooms - 1,700  
26 square feet.



1 (c) For buildings or structures exceeding 35 feet in height the  
2 minimum lot area is 10,000 square feet.

3 (d) The minimum lot area for all uses in the P districts is 10,000  
4 square feet.

5 (e) Lot Dimension. The minimum lot depth requirement is 80 feet, and  
6 the minimum lot width requirement is 50 feet, providing the minimum lot  
7 area is met; except that in the PM district, lots meeting the minimum  
8 area requirement of this section may be no less than 40 feet in width  
9 providing no building or structure exceeding 35 feet in height is erected  
10 thereon.

11 (f) See SRC 130.260 for street frontage requirements.

12 160.220. YARDS ADJACENT TO STREETS. Within any P district:

13 (a) Along the full extent of each lot line adjacent to a street there  
14 shall be a required yard of 20 feet.

15 (b) Setbacks for accessory buildings and structures except fences  
16 shall be the same as for main buildings, except that accessory buildings  
17 and structures serving dwellings shall meet the requirements of SRC  
18 131.040.

19 160.230. INTERIOR SIDE YARDS. (a) Within any P district other than  
20 the PM district there shall be a required side yard adjacent to every  
21 side lot line abutting a lot in any residential district, exclusive of  
22 the yards required in SRC 160.220 and 160.240. Required side yards shall  
23 be five feet in depth, plus four feet for each ten feet of height of any  
24 portion of the building above the first ten feet of building height.

25 (b) Within the PM district, along each interior side lot line  
26 between the yards required in SRC 160.220 and 160.240, there shall be a

1 required interior side yard whose depth is as follows:

2 (1) Six feet for any portion of a building not more than 15 feet in  
3 height;

4 (2) Seven feet for any portion of a building greater than 15 feet  
5 but not more than 35 feet in height; and

6 (3) For buildings or structures exceeding 35 feet in height the  
7 minimum width shall be seven feet plus three feet for each 10 feet  
8 additional height, to a maximum of 20 feet in width.

9 (c) Setbacks for accessory buildings and structures except fences  
10 shall be the same as for main buildings, except that accessory buildings  
11 and structures serving dwellings shall meet the requirements of SRC  
12 131.050.

13 160.240. INTERIOR REAR YARDS. (a) Within any P district other than  
14 the PM district, there shall be a required rear yard of 20 feet in depth,  
15 which shall be increased by four feet in depth along the full extent of  
16 every rear lot line abutting a lot in any residential district. Such  
17 required rear yard shall be increased by four feet in depth for each ten  
18 feet of height of any portion of the building above the first ten feet of  
19 building height.

20 (b) Within the PM district, along the full extent of each interior  
21 rear lot line there shall be a required interior rear yard whose depth is  
22 as follows:

23 (1) Six feet for any portion of a building not more than 15 feet in  
24 height;

25 (2) Seven feet for any portion of a building greater than 15 feet  
26 but not more than 35 feet in height; and

1           (3) For buildings or structures exceeding 35 feet in height the  
2 minimum depth shall be seven feet plus four feet for each 10 feet of  
3 additional height to a maximum of 20 feet in depth.

4           (c) Setbacks for accessory buildings and structures except fences  
5 shall be the same as for main buildings, except that accessory buildings  
6 and structures serving dwellings shall meet the requirements of SRC  
7 131.060.

8           160.250. LOT COVERAGE. (a) Lot coverage shall not exceed 30 percent  
9 in the PC district.

10          (b) Lot coverage shall not exceed 50 percent in the PE district.

11          (c) In all other P districts lot coverage shall not exceed 60  
12 percent.

13          160.260. STORAGE. Within any P district open outdoor storage shall be  
14 screened from view from the street and adjacent properties by a  
15 sight-obscuring fence, wall, or hedge.

16          160.270. LANDSCAPING. Within any P district all required yards shall  
17 be landscaped as provided in SRC Chapter 132.

18          159.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative  
19 use and development standards may be found in the following chapters:

20          Lot Development Standards	SRC Chapter 130
21          Accessory Structures	SRC Chapter 130
22          Landscaping	SRC Chapter 131
23          Off-street Parking, Loading, and Driveways	SRC Chapter 133
24          Flood Plain Overlay Zones	SRC Chapter 140
25          Willamette Greenway Overlay Zones	SRC Chapter 141

1        Section 24. That the "official zoning map" referred to in SRC 113.020  
2 as enacted in Section 22 of this Ordinance shall be the official zoning  
3 map as amended as of the day preceding the effective date of this  
4 Ordinance, together with the following additional amendments, which the  
5 planning administrator is hereby directed to incorporate thereon:

6        (a) All property classified as RL on the said map is hereby  
7 reclassified as RM;

8        (b) All property classified as IL on the said map is hereby  
9 reclassified as IP;

10       (c) All property classified as either IH or IM on the said map is  
11 hereby reclassified as IG:

12       (d) All property classified as PP on the said map is hereby  
13 reclassified as PA;

14       (e) All property classified as G-1 on the said map is hereby  
15 reclassified as PM;

16       (f) Except as provided in subsections (a) to (3) of this section,  
17 the said map together with all annotations, boundaries, and designations  
18 thereon is reenacted without amendment.

19       Section 25. The zoning code adopted in Section 23 of this Ordinance  
20 incorporates several major and many minor changes from the prior Salem  
21 Zoning Ordinance, many of those changes relating directly or indirectly  
22 to uses permitted in the several zoning districts. Most zoning district  
23 titles are common to both this Ordinance and the prior Salem Zoning  
24 Ordinance. The Official Zoning Map adopted in Section 24 of this  
25 Ordinance, with the exception only of those zoning districts not included  
26 in this Ordinance, carries existing zoning designations over to the new

1 Official Zoning Map adopted herein.

2 The Common Council, in assigning permitted, conditional, and special  
3 uses to the various zoning districts in this Ordinance, has endeavored to  
4 consider and reflect existing permitted uses under the prior Salem Zoning  
5 Ordinance and Official Zoning Map. The Council recognizes that in such an  
6 undertaking it is impossible to consider each and every use on each and  
7 every parcel of property within the City of Salem, and that the adoption  
8 of the Official Zoning Map in Section 24 of this Ordinance may  
9 inadvertently result in the prohibition of existing uses which would be  
10 more appropriately redesignated on the Official Zoning Map under a  
11 different zoning district.

12 Therefore, the Common Council declares that for a period of two  
13 years, commencing with the date of passage of this Ordinance, the fact  
14 that a lawfully established use, unconditionally permitted under the  
15 provisions of the Salem Zoning Ordinance in effect on the date of passage  
16 of this Ordinance, is not a permitted, conditional, or special use in its  
17 district as shown on the Official Zoning Map, is prima facie evidence  
18 that a mistake was made in the preparation of the Official Zoning Map in  
19 Section 24 of this Ordinance; and that because it was, under the prior  
20 zoning plan, an outright permitted use, the impact of rezoning the  
21 premises to a zone in which such use is permitted, conditional, or  
22 special use will be slight. The owner or operator of any such use may,  
23 within such two year period, notify the Council, Salem Planning  
24 Commission, or Planning Administrator in writing of the fact that such  
25 use is not a permitted, conditional, or special use in its district, and  
26 the Commission shall initiate a zone change for the premises to a zone in

1 which the existing use is a permitted, conditional, or special use.  
2 Initiation of such a zone change proceeding shall not obligate the grant  
3 of a zone change; however, the provisions of this Section shall be  
4 considered as prima facie evidence of a mistake in the preparation of the  
5 Official Zoning Map, and the burden of justifying the zone change shall  
6 be considered minimal because of the minimal impact of applying a zone  
7 appropriate to an existing, established lawful use.

8 Section 26. This Ordinance shall be and become effective on the first  
9 day of February, 1983.

10  
11 PASSED by the Common Council this 27th day of December, 1982.

12 SIGNED by the Mayor this 28th day of December, 1982.

13  
14 ATTEST:

  
Mayor of the City of Salem, Oregon

15   
16 CITY RECORDER

17 D/0171c-0177c  
18  
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26

AMENDMENTS TO ORDINANCE BILL #174

PAGE 390, after line 17 insert the following subsection:

"(2) Correctional Institutions (9223), with conditional use approval under SRC Chapter 117."

Page 84, Line 4, delete the figure "114.100" and insert in lieu thereof the figure "115.020".