

1 BILL NO.

174
as amended

A BILL
FOR

ORDINANCE NO. 18682

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14 the reuse of chapter and section numbers repealed by this and prior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22 are hereby repealed as of the effective date of this Ordinance: Chapters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
27
28

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 development. 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 combustible liquids in outside aboveground tanks
24 and in which new bulk plants for flammable or combustible 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

27 ORD BILL - page 2

28

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

27 ORD BILL - page 12

28

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

27 ORD BILL - page 30

28

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

27
28

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..

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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:

3 Average Cross Slope = $\frac{IL}{A}$
4

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

28

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 which 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 (1) 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,

27

28 ORD BILL - page 50

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

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.

27

28

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

27

28 ORD BILL - page 56

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
27

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.

26

27

28

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
27

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
24
25
26
27

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
26
27

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.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
27

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
27

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
27

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
27

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

27

28 ORD BILL - page 78

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 ~~114,100~~^{115.020}, 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

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,
27

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.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
27

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

27
28

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.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 CHAPTER 115

2 VARIANCES

3 115.010. INTENT AND PURPOSE. (a) Each area of land is, to some
4 degree, unique as to its suitability for and constraints on development.
5 Development standards imposed under this zoning code cannot foresee all
6 conceivable situations peculiar to the development of every property at
7 every moment, but are designed as general standards applicable to most
8 situations. It is the intent of this chapter to provide flexibility,
9 adaptability, and reasonableness in the application and administration of
10 this zoning code where special conditions exist. Although a process for
11 deviation from those general standards is necessary, where the extent of
12 deviation is more than minimal it is necessary that the deviation be
13 carefully reviewed in a public hearing process to insure that certain
14 minimum criteria justifying the deviation are met, and that the extent
15 and impact of deviation will be that degree which is reasonably necessary
16 to meet the special conditions. Certain minimal deviations are allowed by
17 way of administrative adjustment as provided in SRC Chapter 116. Any
18 other deviation below the minimum development standards provided under
19 this zoning code may only be authorized by a variance pursuant to this
20 chapter. No variance purporting to authorize a use not otherwise
21 permitted for the subject property shall ever be granted.

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

25 115.020. CRITERIA AND AUTHORITY TO GRANT VARIANCE. The hearings
26 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;

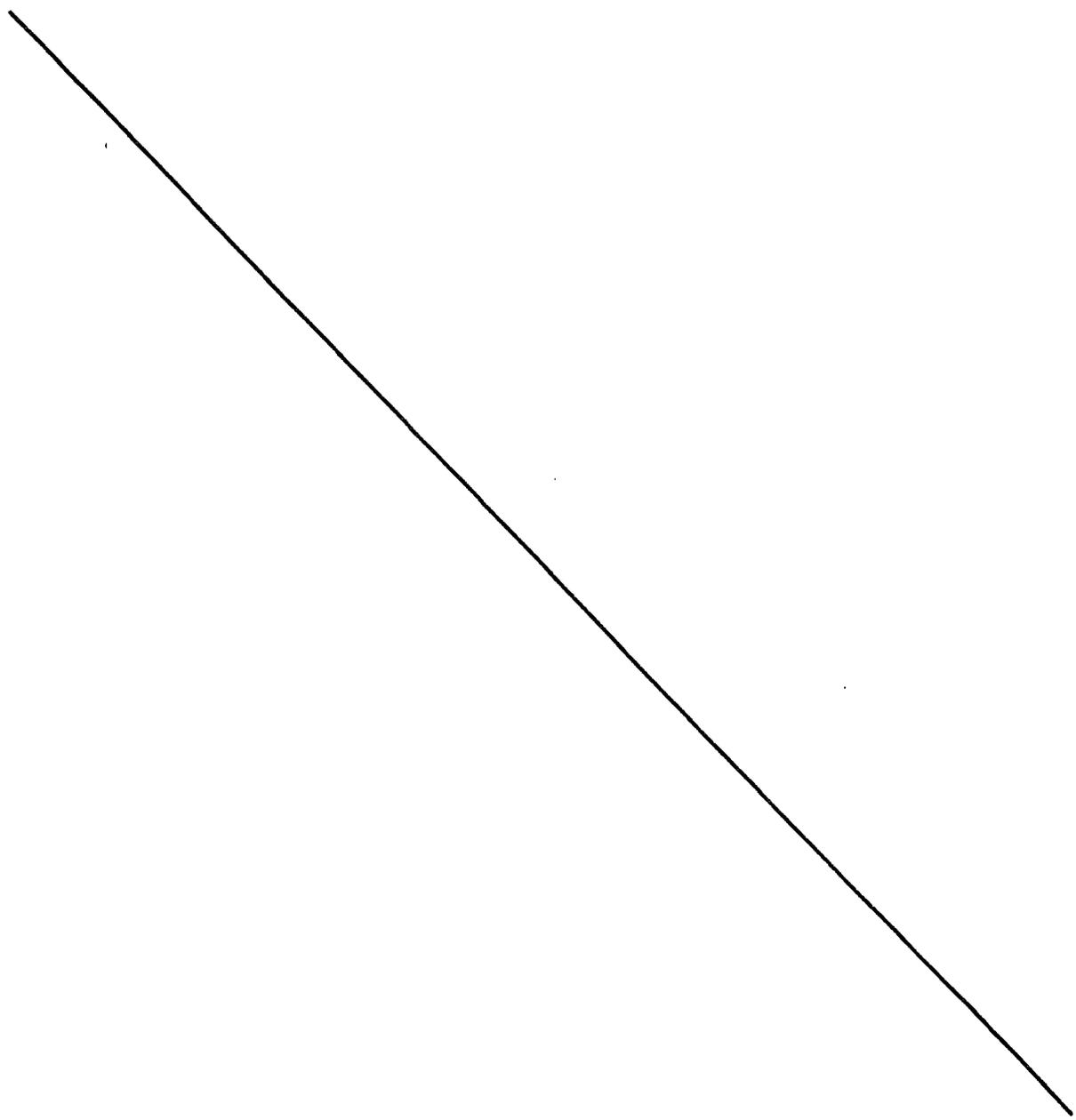
18 (c) Granting a variance will not, under the circumstances of the
19 particular case, unreasonably affect the health or safety of persons
20 working or residing in the neighborhood of the subject property; and

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.



7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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:

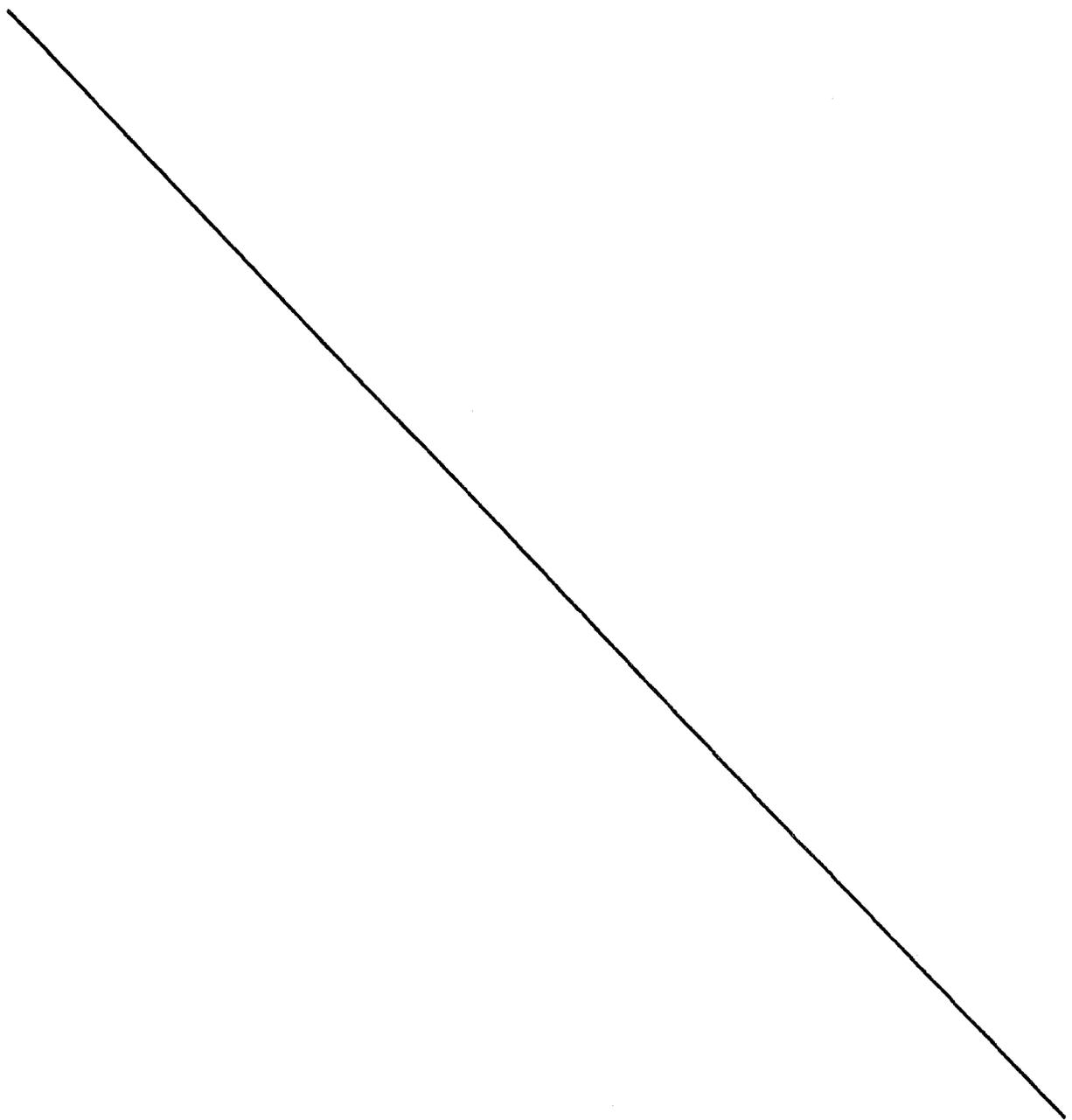
- 20 (1) Implement comprehensive plan goals and policies;
21 (2) Protect the public health or safety; or
22 (3) Minimize any reasonably likely adverse consequences of the
23 proposed use and development to the immediate neighborhood.

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

117.050. TRANSFER OF CONDITIONAL USE PERMIT. Conditional use approval 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.

22

23

24

25

26

27

28

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

1 properties by a sight-obscuring fence, wall, or hedge.

2 (b) Height. Gravemarkers, tombstones, monuments, and memorials shall
3 not exceed five feet in height. Buildings (including, but not limited to
4 mausolea, columbaria, and crypts) shall not exceed 35 feet in height.

5 (c) Lot area. The minimum lot area is three acres.

6 119.300. PUBLIC GOLF COURSES AND MEMBERSHIP SPORTS AND RECREATION
7 CLUBS WITH GOLF COURSES. Where permitted as a special use, public golf
8 courses (SIC 7992) and membership sports and recreation clubs (SIC 7997)
9 with golf courses shall meet the following additional use and development
10 standards:

11 (a) Setbacks: No building shall be located within 100 feet of any
12 property line. Golf fairways, tennis courts, and similar sports courts or
13 fields shall be set back 25 feet from all abutting residential or
14 commercial zones and uses. Swimming pools shall be set back 50 feet from
15 all abutting residential and commercial zones and uses.

16 (b) Parking. No off-street parking or loading area shall be
17 permitted within five feet of the side and rear lot lines.

18 (c) Screening. All parking shall be screened from adjacent uses by a
19 sight-obscuring fence, wall or hedge.

20 119.350. NURSING AND PERSONAL CARE AND RESIDENTIAL CARE FACILITIES.
21 Where permitted as a special use, nursing and personal care facilities
22 (SIC 805) and residential care (SIC 836) shall meet the following
23 additional use and development standards:

24 (a) Lot Coverage. Not more than 40 percent.

25 (b) Yards. Front yard, 20 foot minimum. Side and rear yards, 20 foot
26 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:

27 ORD BILL - page 140

28

- 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 used, 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 oxidid
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

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

27 ORD BILL - page 148

28

1 chapter. The planning commission may impose reasonable conditions upon
2 its approval to insure conformance to the approved plan. This substantial
3 conformance is intended solely to facilitate the minor modifications from
4 one planning step to another. It is not the intent, nor shall these
5 modifications be used to increase the total area covered or decrease the
6 total open space as approved by the planning commission. The planning
7 commission may fail to find substantial conformance to exist if, in their
8 opinion, the adjustments provided in subsection (c) are being used to
9 significantly modify the approved plan.

10 (c) Substantial conformance shall exist when the comparison of the
11 detail plan to the approved outline plan shall show that:

12 (1) There are the same or fewer number of dwelling units;

13 (2) The open space is in the same general location and in the same
14 general amount, or a greater amount;

15 (3) The buildings have the same or less number of stories;

16 (4) The roads and drives follow approximately the same course, have
17 the same or greater width, have the same public or private rights therein
18 and have the same termini and serve the same or fewer dwelling units; and

19 (5) The detail plan is within the intent and purpose of the outline
20 plan.

21 (d) Detail plan approved, either for a phase or for the entire plan,
22 shall be valid for a 12 month period. At its discretion, the planning
23 commission may extend approval for additional six-month periods.

24 121.270. DISAPPROVAL OF DETAIL PLAN. If the detail plan is not in
25 substantial conformance to the purpose and intent of the outline plan, or
26 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 number 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.

27 ORD BILL - page 157

28

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

1 map of streets and highways now or hereafter adopted by the City of Salem.

2 121.570. PLANNED DEVELOPMENT THOROUGHFARES. The improvements and

3 rights of way of the thoroughfares shall be of the following widths

4 unless special circumstances such as terrain, anticipated frequency of

5 traffic or other activities causes a need to increase the capacity of the

6 route:

7 NATURE OF THOROUGHFARES	IMPROVEMENT WIDTHS	CURBLINE	R/W WIDTHS
			8 WHEN PROVIDED

9 Paved Curb to Curb

10 Through thoroughfares: (*1)

11 Standard improvement	34'	5' curblines	60'
-------------------------	-----	--------------	-----

12 Alternate sidewalk (*2)	34'	(or *5)	50'
----------------------------	-----	---------	-----

13 Minor thoroughfares serving
14 more than 20 dwelling units:

15 (*3)

16 Standard improvement	30'	5' curblines	43' (*3)
-------------------------	-----	--------------	----------

17 Alternate sidewalks (*2)	30'	(or *5)	40'
-----------------------------	-----	---------	-----

18 Minor thoroughfares serving
19 20 or less dwelling units:

20 Traveling portion - 2 way	18'		22
------------------------------	-----	--	----

21 1 way	12'		16'
----------	-----	--	-----

22 Add for parking lanes (*4) One	7'		7'
-----------------------------------	----	--	----

23 Two	12'		12'
--------	-----	--	-----

24 Public utility area when

25 providing adjacent to

26 thoroughfare (*3)

27 ORD BILL - page 159

28

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.

16
17
18
19
20
21
22
23
24
25
26
27
28

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 curblines; 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 curblines. 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 curblines 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.

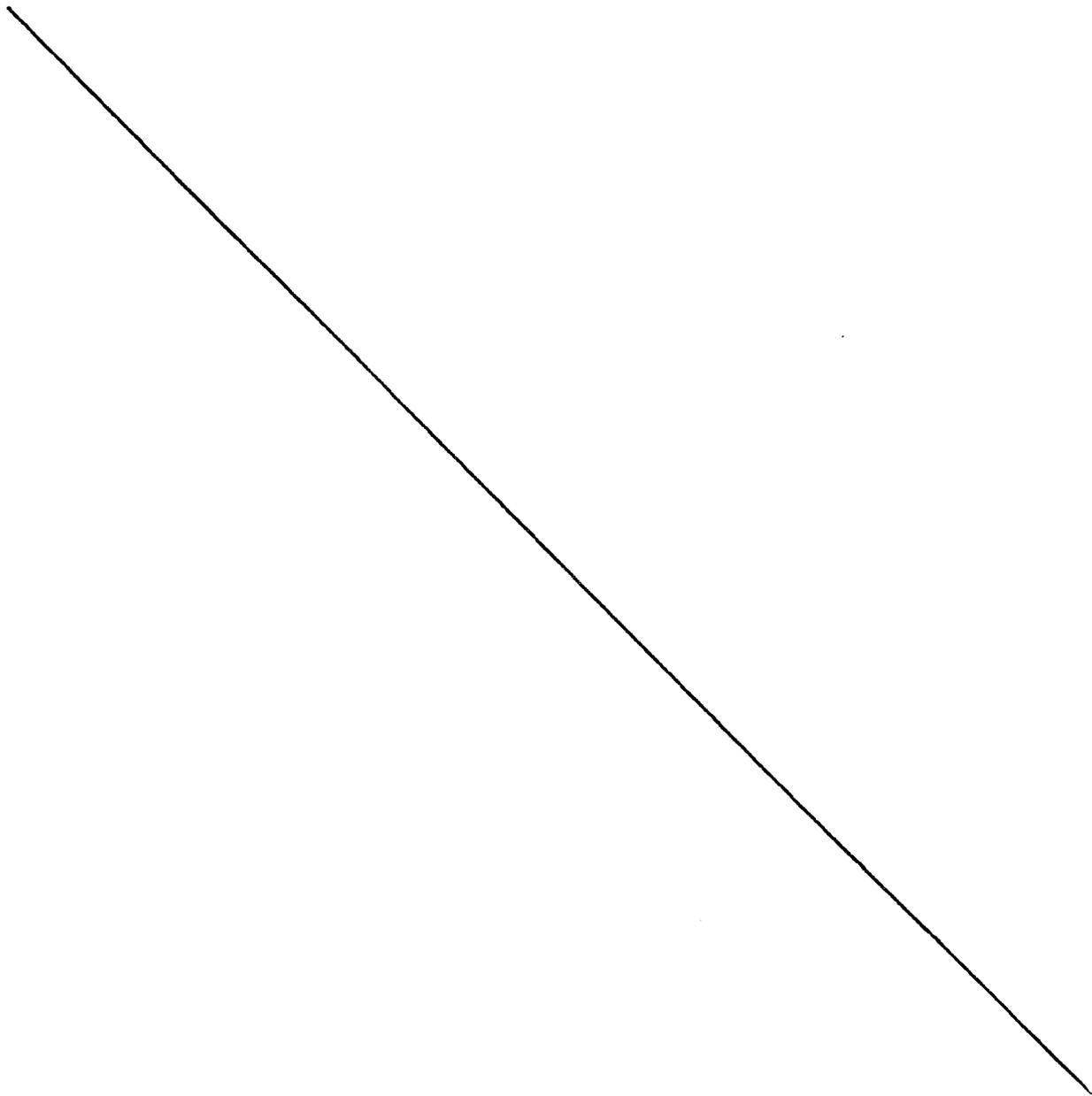
21 (e) Erosion control. Temporary erosion control measures shall be
22 taken throughout the course of development and construction, and
23 permanent measures shall be taken thereafter to prevent erosion from
24 foreseeable sources. All cut and fill surfaces subject to erosion shall
25 be planted with 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 curblines 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.



8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
6	Airport Rd. SE	Santiam HW to State Street	50'	--
7		Turner Rd. to Santiam HW	50'	--
8	Aumsville Hwy. SE	S. City Limits to Cordon Rd.	--	34'
9	Barnes Rd. SE	Sunnyside Rd. to Easy City Limits	--	30'
10	Battle Creek Rd. SE	S. City Limits to Boone Rd.	--	34'
11	Boone Rd. SE	Reed Lane to E. City Limits	--	60'
12	Boone Rd. SE	Liberty Rd. S. to Reed Lane	--	30'
13	Brooks Ave.	Highland to McDonald	--	41'
14	Browning Ave. S & SE	Kurth Rd. to Liberty Rd.	--	30'
15		Liberty Rd. S to Commercial SE	--	30'
16	Brush College Rd.	W. City Limits to Wallace Rd.	--	42'
17	Cascade Dr. NW	Parkway Dr. NW to Glen Creek Dr. NW	--	30'
18	Center Street NE	14th to 24th Street	50'	--
19		24th to East City Limits	62'	--
20	Cherry Ave. NE	Pine Street to Ore. Elect. RR	--	34'
21		Ore. Elect. to N. City Limits	--	42'
22	Claxter Rd. NE	Hyacinth St. to W. City Limits	--	30'
23	Commercial St. SE	Liberty to Vista	50'	--
24		Vista to S. City Limits	80'	--
25	Crestview Drive S	Hansen Ave. S. to Schurman Dr.	--	30'
26	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'

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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-obscuring 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-obscuring", 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

27 ORD BILL - page 211

28

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(7) Wheel barriers of cement concrete, asphalt, wood, or other materials approved by the director of public works shall be provided to designate and protect each parking space;

(8) Parking lot signing approved by the director of public works shall be provided;

(9) No gravel parking area shall exceed 15,000 square feet; provided that any more restrictive area requirement established by state or federal law or administrative regulation as applicable shall be met; and

(10) A landscaped area at least five feet in depth, which may include the required screening, shall be provided along the perimeter of each gravel parking area.

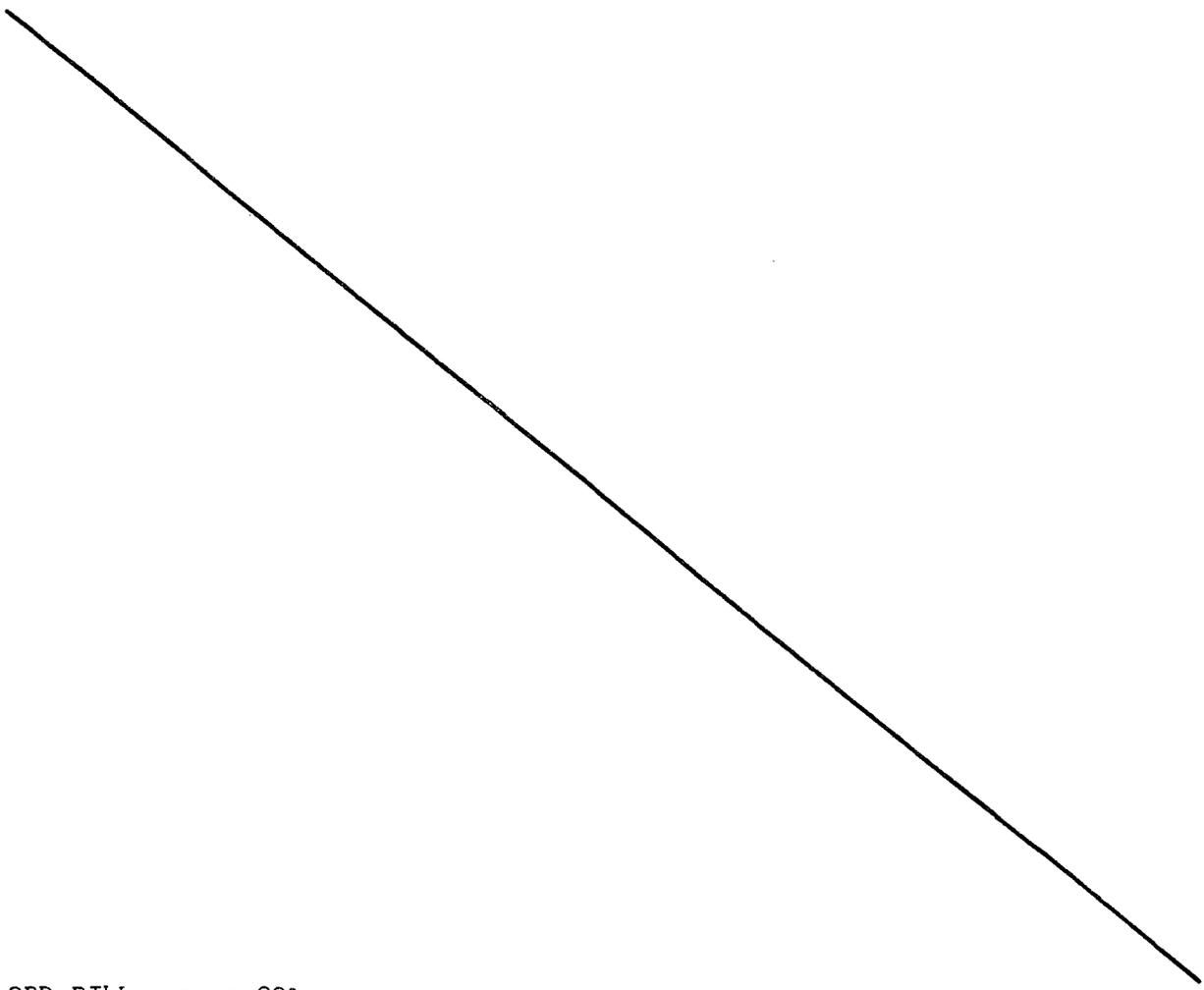


TABLE 133-1

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)	Five spaces when retail sales are involved
except:	
A. Veterinary Services (SRC 074) Animal Services, Except Veterinary (SIC 075)	One space per 400 square feet of gross floor area
3. SIC Division B. Mining: (SIC 10, 11, 12, 13, and 14)	The greater of the following:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- Division C. Construction: (SRC 15, 16 and 17) (1) .75 spaces per employee (see SRC chapter 111 for definition of "employee")
- Division D. Manufacturing: (SIC 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39) (2-a) 0-49,999 square feet of gross floor area - one space per 5,000 square feet (2-b) 50,000-99,999 square feet of gross floor area - one space per 10,000 square feet (2-c) 100,000 or greater square feet of gross floor area - one space per 15,000 square feet
- Division E. Transportation, Communications, Electric, Gas and Sanitary Services (SIC 40, 41, 42, 43, 44, 45, 46, 47, 48 and 49) except:
- A. Water Transportation Services, not elsewhere classified - Marinas Only (SIC 4469) One space per boat berth or docking space
4. SIC Division F. Wholesale (SIC 50 and 51) One space per 1,500 square feet gross floor area
5. Building Materials, Hardware, Garden One space per 900 square

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

829)
Social Services (SIC 83)
Miscellaneous Services (SIC 89)

- 10. Hotels, Rooming Houses, Camps and other
Transient Lodging Places (SIC 70) One space per guest room
or suite
- 11. Personal Services (SIC 72) except:
 - A. Laundry, Cleaning and Garment
Services (SIC 721) One space per 350 square
feet of gross floor area
 - B. Funeral Service and Crematories
(SIC 726) One space per 1,000
square feet of gross
floor area
- 12. Automobile Repair, Services and
Garages (SIC 75) One space per five seats
or 10 feet of bench
length in chapels
- 13. Motion Picture (SIC 78) except:
 - A. Motion Picture Theaters (SIC 783) One space per 900 square
feet of gross floor area
- 14. Motion Picture (SIC 78) except:
 - A. Motion Picture Theaters (SIC 783) One space per 350 square
feet of gross floor area
- 14. Amusement and Recreation Services,
Except Motion Pictures (SIC 79)
except:
 - A. Commercial Sports (SIC 794) One space per five seats
or 10 feet of bench
length or 25 square feet

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- of floor area of assembly space
- B. Golf Courses, Private or Public Four spaces per tee
- C. Tennis Courts, Racquetball Courts, Three spaces per court
or Handball Courts plus one space per 10 feet of bench length or five seats plus one bicycle rack space per court
- D. Amusement Parks (SIC 7996) Set by special public hearing by Planning Commission
- 15. Health Services (SIC 80) except: One space per 350 square feet of gross floor area
 - A. Nursing and Personal Care Facilities (SIC 805) One space per three beds
 - B. Hospitals (SIC 806) One and one-half spaces per bed
- 16. Elementary Schools (SIC 821) Two spaces per classroom
- 17. Secondary Schools (SIC 821) One space per six students for which the school is designed to accommodate
- 18. Colleges, Universities, Professional Schools and Junior Colleges (SIC 822) One space per four students for which the school is designed to

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- 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) One space per 350 square feet of gross floor area
except:
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)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
of Floor Area

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
of Floor Area

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.

18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE 133-3

Center to Center Width
of Two-Row Bin With
Access Road Between
Overlap

Parking Angle (Degree)	Stall Width	Stall (19'-Long Stall)	Aisle Width	Curb Length	Front of Stall	Front of Stall - Front of Stall
a	b	c	d	e	f ¹	f ²
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
40°	10'0"	18.2	11.0	20.0	47.4	38.7
	*8'6"	18.7	12.0	13.2	49.4	42.9
	9'0"	19.1	12.0	14.0	50.2	43.3
45°	9'6"	19.5	12.0	14.8	51.0	43.7
	10'0"	19.9	12.0	15.6	51.8	44.1
	*8'6"	19.4	13.5	12.0	52.3	46.3
45°	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

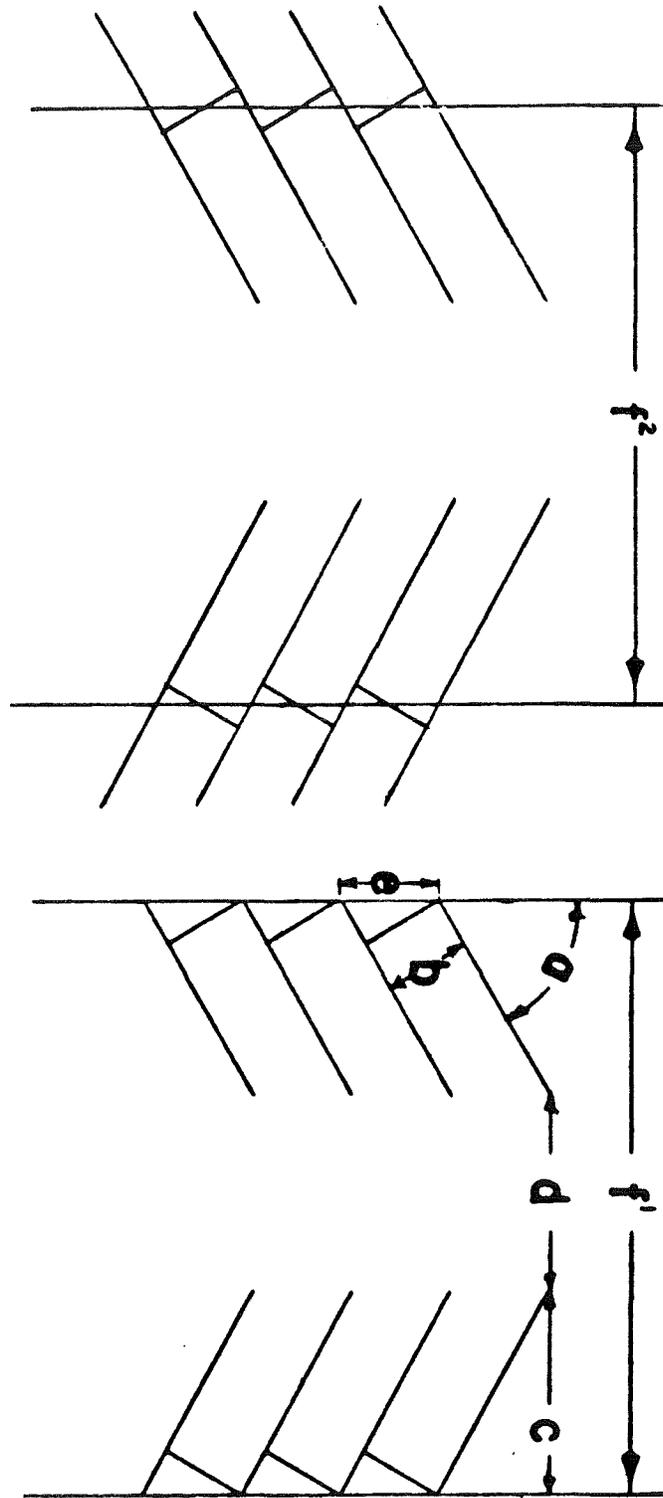
1	50°	*8'6"	20.0	15.5	11.1	55.5	50.0
2		9'0"	20.4	15.0	11.7	55.8	50.0
3		9'6"	20.7	15.0	12.4	56.4	50.3
4		10'9"	21.0	15.0	13.1	57.0	50.6
5	60°	*8'6"	20.7	18.5	9.8	59.9	55.6
6		9'0"	21.0	18.0	10.4	60.0	55.7
7		9'6"	21.2	18.0	11.0	60.4	55.6
8		10'0"	21.5	18.0	11.5	61.0	56.0
9	70°	*8'6"	20.8	19.5	9.0	61.1	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	-

19 For two-way circulation the minimum aisle width shall be 20 feet,
20 adequate ingress, egress and turnaround space shall be provided.
21 No portion of a parking space or aisle shall be located in a required
22 landscaped yard.
23 *8'6" stall width shall apply only within parking structures of two or
24 more stories.

25
26
27
28

TABLE 133-3, Continued

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE 133-4
MINIMUM DRIVEWAY WIDTHS¹

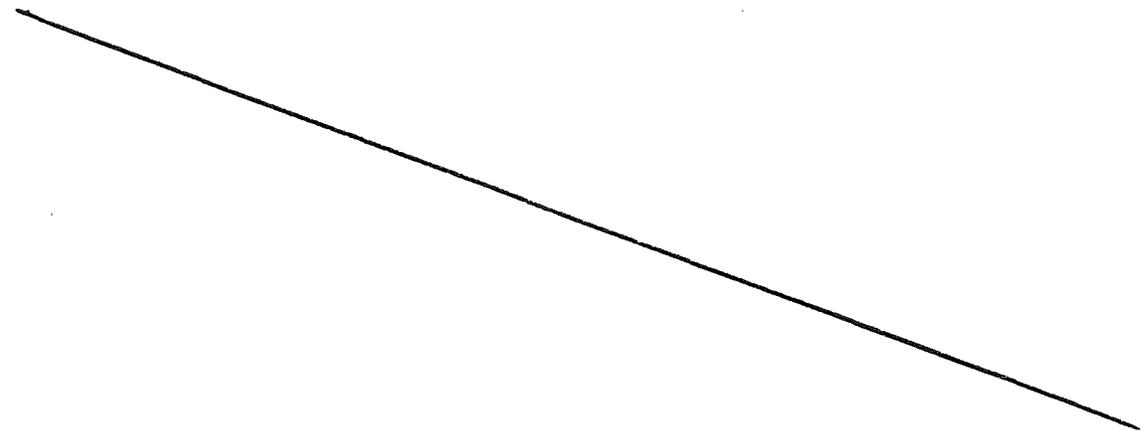
<u>Type of Use and Parking Served</u>	<u>Minimum Width</u>
Dwellings:	
One parking space	10 feet
Two parking spaces	16 feet
Three or more parking spaces	22 feet
All other uses:	
One-way driveway, no parking in driveway ²	12 feet ³
Two-way driveway, no parking in driveway	22 feet ³
Additional width for any side of any driveway where parking is allowed	8 feet ⁴

¹See SRC 80.060 to 80.090 for maximum driveway widths, based upon property frontage, and measured outside the property line.

²One-way driveways shall be clearly marked or signed as approved by the director of public works.

³Curves and corners shall have a minimum inside radius of 25 feet at the curb or pavement edge.

⁴Curves and corners shall have a minimum inside radius of 35 feet at the curb or pavement edge.



1 CHAPTER 140

2 FLOOD PLAIN OVERLAY ZONES

3 140.010. INTENT AND PURPOSE. It is the intent and purpose of the
4 provisions of this chapter:

5 (a) To regulate land uses within areas subject to inundation by
6 flood waters;

7 (b) To preserve, conserve, and maintain the capability of the
8 floodplain to convey flood water discharge;

9 (c) To minimize the danger from floods to public health;

10 (d) To reduce the financial burden placed upon public bodies and
11 private parties by frequent and periodic flooding;

12 (e) To carry out goals and policies of the comprehensive plan;

13 (f) To permit and encourage the retention of open spaces and
14 conservation of areas subject to flooding;

15 (g) To insure that existing and reconstructed floodways and
16 waterways maintain flood carrying capacity and contain flood waters,
17 reduce potential safety hazards to persons and property, maintain a
18 natural appearance, allow maintenance by adjoining owners or the public
19 as appropriate, and insure access to the waterway from adjoining
20 property; and

21 (h) To comply with the municipal regulation requirements of the
22 Federal Insurance Agency, U.S. Department of Housing and Urban
23 Development so as to qualify the City of Salem for participation in the
24 national flood insurance program.

25 140.020. DEFINITIONS. As used in this chapter, except where the
26 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(d) "Develop" means to bring about growth or availability; to construct, alter, or place a structure; to conduct a mining, landfill, or excavation operation; to make a physical change in the use or appearance of land; to divide land into parcels; or to create or terminate rights of access.

(e) "Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters or the unusual and rapid accumulation of runoff of surface waters from any source.

(f) "Flood Insurance rate map" (FIRM) means the official map on which the Federal Insurance Administration, United States Department of Housing and Urban Development, has delineated both the areas of special flood hazards and the risk premium zones applicable to the community, and includes the accompanying floodway and floodway fringe boundary maps accompanying the FIRM as a part of the flood insurance study. The said map and amendments are hereby adopted as a part of this chapter, and a copy thereof shall be kept on file in the office of the city recorder.

(g) "Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary - Floodway Map, and the water surface elevation of the base flood. The said study is hereby adopted as a part of this chapter, and a copy thereof shall be kept on file in the office of the city recorder.

(h) "Floodplain" means any land or water area which is designated as one percent flood probability in the most recent version of the FIRM, 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.

27 ORD BILL - page 237

28

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

1 not limited to restrooms, raised seating, and public performance stages.

2 (D) Bridges if that portion of the bridge span lying between the
3 haunches or the vertical pier faces is three feet above the base flood
4 elevation.

5 (E) Structures used for gravel sorting and crushing.

6 (F) Public utility or communication towers.

7 140.100. USES IN FLOODWAY FRINGE. Within any FF (Floodway Fringe)
8 overlay zone any of the following uses are permitted upon obtaining a
9 floodplain development permit, and compliance with the restrictions
10 imposed in this section:

11 (a) Any use permitted in the FW (Floodway) overlay zone, subject to
12 all other applicable provisions of the Salem Revised Code.

13 (b) Structures, including mobile homes, as allowed in an underlying
14 residential zone, if:

15 (1) The lowest floor elevation, including a basement, is no less
16 than one foot above the elevation of a base flood, unless base flood
17 elevation data are not available, in which case the structure shall be
18 elevated as provided in SRC 140.120.

19 (2) The structure is anchored to prevent flotation, collapse, or
20 lateral movement as provided in SRC 140.130.

21 (3) The structure is located no closer than 15 feet to the waterway
22 centerline, or ten feet to the top of a recognizable bank, whichever is
23 greater, except that this provision shall not apply to the Willamette
24 River floodplain.

25 (4) The structure is designed according to standards approved by the
26 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.

27 ORD BILL - page 247

28

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 is
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

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.

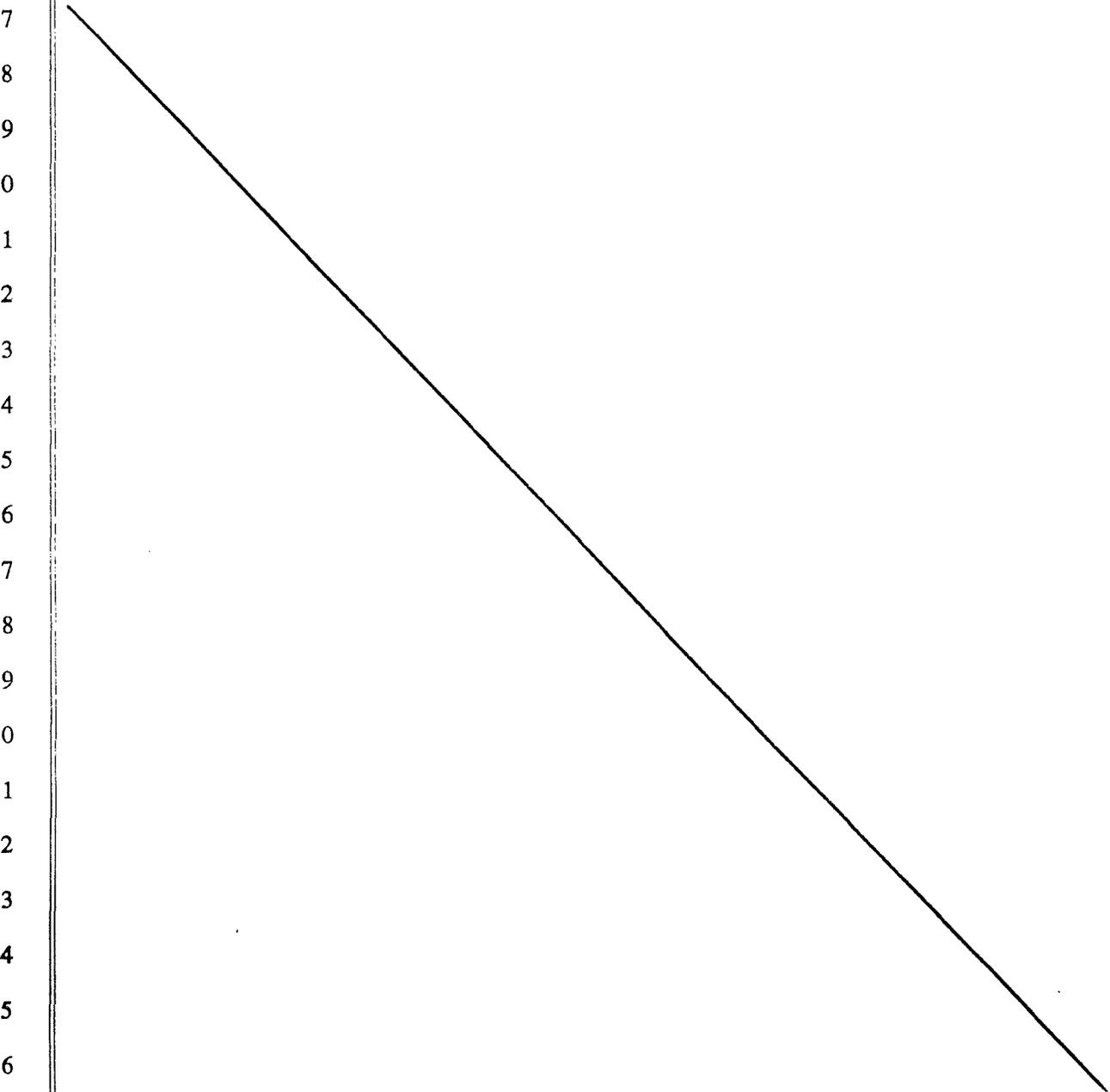
21 (c) If the council is satisfied that the required maintenance must
22 be performed for the protection of the public health, safety, and welfare
23 it shall, by resolution, direct the building official to arrange for the
24 maintenance to be performed by city forces or by private contract let
25 through 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.



7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

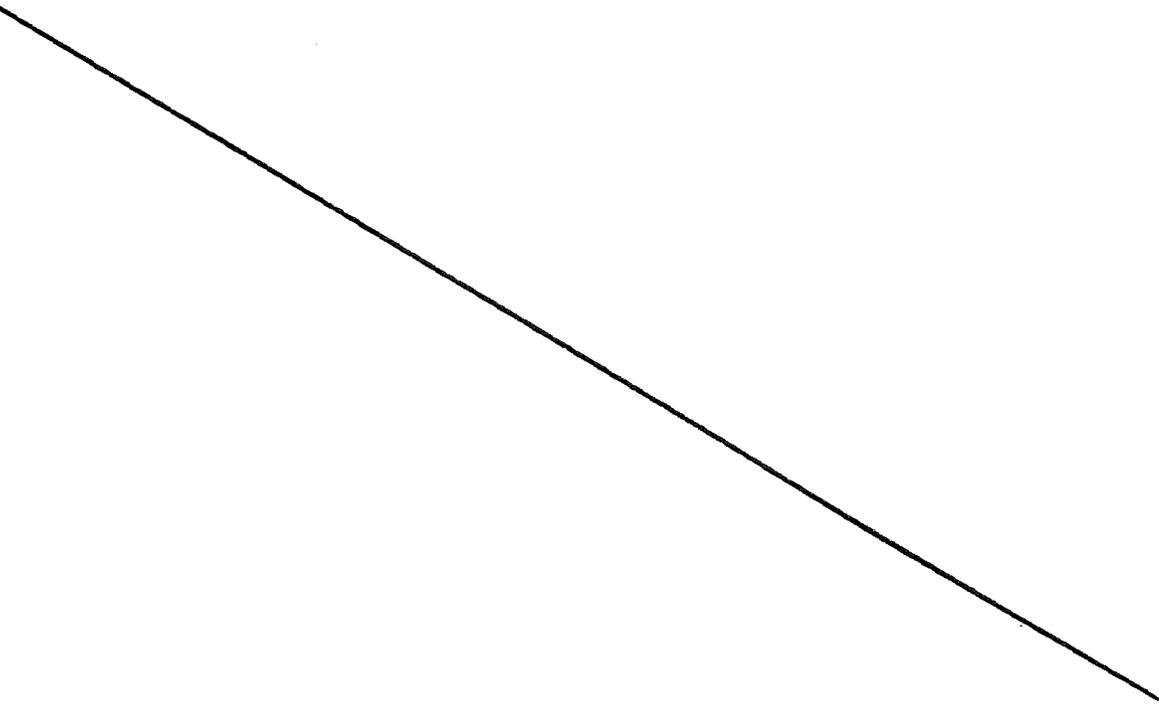
legally described monuments approved by the director of public works;

(2) Establish a line, which may meander, which is within two feet of the points from which the level of the property on the inland side of the river bank slopes sharply downward to meet the river channel and floodway;

(3) Exclude small outcroppings and indentations having less than five feet of frontage along the river bank;

(4) Not necessarily be monumented with iron pipes or other markers at every change of angle or chord intersection, but be monumented with one inch iron pipes, 24 inches in length at the points of intersection with property lines.

(b) The provisions of this section shall not apply where the building official is satisfied that the structure shown on the plans submitted for a building permit application is clearly below the height limitations specified in SRC 141.250 with respect to the sky exposure plane.



1 CHAPTER 145

2 RA - RESIDENTIAL AGRICULTURE

3 145.010. CLASSIFICATION OF USES. Some 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 indicates that the use is listed and
7 described under that number in the SIC. Where particular activities
8 otherwise included under an SIC category are excluded from the permitted,
9 special, or conditional use, those particular activities are listed,
10 preceded by the words "BUT EXCLUDING" following the more general category
11 from which they are excluded. Particular activities thus excluded may or
12 may not be listed in other sections of this chapter.

13 145.020. PERMITTED USES. The following uses, when developed under the
14 general development standards in this zoning code applicable to the RA
15 district and to all such uses, generally, are permitted in the RA
16 district:

17 (a) One single family dwelling, other than a mobile home, per lot;

18 (b) One duplex on a corner lot of 7,000 square feet or more;

19 (c) Mobile home parks developed pursuant to SRC Chapter 123.

20 (d) The following agricultural and related uses:

21 (1) Agricultural production - crops (01);

22 (2) Retail sales area for agricultural products, provided that the
23 sales area is no greater than 1,000 square feet; that one off-street
24 parking space for each 200 square feet of sales area is provided in
25 addition to all other applicable parking requirements; that the retail
26 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.

27 ORD BILL - page 275

28

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 curblines; 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

16
17
18
19
20
21
22
23
24
25
26
27
28

1 CHAPTER 146

2 RS - SINGLE FAMILY RESIDENTIAL

3 146.010. CLASSIFICATION OF USES. Some 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 indicates that the use is listed and
7 described under that number in the SIC. Where particular activities
8 otherwise included under an SIC category are excluded from the permitted,
9 special, or conditional use, those particular activities are listed,
10 preceded by the words "BUT EXCLUDING" following the more general category
11 from which they are excluded. Particular activities thus excluded may or
12 may not be listed in other sections of this chapter.

13 146.020. PERMITTED USES. The following uses, when developed under the
14 general development standards in this zoning code applicable to the RS
15 district and to all such uses, generally, are permitted in the RS
16 district:

17 (a) One single family dwelling, other than a mobile home, per lot;

18 (b) One duplex on a corner lot of 7,000 square feet or more;

19 (c) Mobile home parks developed pursuant to SRC Chapter 123.

20 (d) Mobile homes in mobile home subdivisions of not less than three
21 acres designated for exclusive mobile home development on the tentative
22 plan and final plat filed and recorded pursuant to SRC Chapter 63.

23 (e) Planned Unit Developments approved under SRC Chapter 121.

24 (f) The following agricultural uses:

25 (1) Agricultural production - crops (01) with no retail sales area;

26 (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.

27

28

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 curblines; 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
27

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

26

27

1 CHAPTER 147

2 RD - DUPLEX RESIDENTIAL

3 147.010. CLASSIFICATION OF USES. Some 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 indicates that the use is listed and
7 described under that number in the SIC. Where particular activities
8 otherwise included under an SIC category are excluded from the permitted,
9 special, or conditional use, those particular activities are listed,
10 preceded by the words "BUT EXCLUDING" following the more general category
11 from which they are excluded. Particular activities thus excluded may or
12 may not be listed in other sections of this chapter.

13 147.020. PERMITTED USES. The following uses, when developed under the
14 general development standards in this zoning code applicable to the RD
15 district and to all such uses, generally, are permitted in the RD
16 district:

17 (a) One single family dwelling or duplex, other than a mobile home,
18 per lot;

19 (b) The following agricultural uses:

20 (1) Agricultural production - crops (01) with no retail sales area;

21 (2) Timber tracts (081), forest nurseries and tree seed gathering
22 and extracting (082);

23 (c) Playgrounds and parks;

24 (d) Public buildings and structures, such as libraries and fire
25 stations;

26 (e) Rights-of-way for:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (1) Electric service lines;
- (2) Gas mains, oil and gas transmission lines;
- (3) Communications lines;
- (4) Water lines; and
- (5) Sewer lines.

(f) Public utility structures and buildings such as pump stations and reservoirs, radiomicrowave relay stations, telephone substations, and electric substations.

(g) Accessory uses and structures such as:

- (1) Customary residential accessory buildings and structures for private use of the property and its occupants;
- (2) A private garage or parking area;
- (3) Storage for not more than one commercial vehicle per dwelling unit.
- (4) Sleeping quarters for domestic employees of the resident of the main building;
- (5) Guest houses and guest quarters not in the main building if such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities or both, and the guest facilities are used for temporary lodging and not as a place of residence;
- (6) Swimming pools for private use;
- (7) Home occupations;
- (8) The taking of boarders or leasing of rooms by a resident family, providing the total number of boarders and roomers does not exceed two in any dwelling unit;

147.030. SPECIAL USES. (a) The following uses, when restricted,

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

requirements of SRC 146.070 shall apply in the RD district.

147.080. YARDS, SETBACKS, AND DRIVEWAYS. The yard and setback requirements of SRC 146.080 to 146.100, and the driveway requirements of SRC 146.120 shall apply in the RD district.

147.110. LOT COVERAGE. The lot coverage requirements of SRC 146.110 shall apply in the RD district.

147.200. ZONE CHANGE RESTRICTION. Notwithstanding any other provision of this code, no zone change to RD shall ever be made.

147.900. 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
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141

CHAPTER 148

RM - MULTIPLE FAMILY RESIDENTIAL

1
2
3 148.010. CLASSIFICATION OF USES. Some 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 indicates that the use is listed and
7 described under that number in the SIC. Where particular activities
8 otherwise included under an SIC category are excluded from the permitted,
9 special, or conditional use, those particular activities are listed,
10 preceded by the words "BUT EXCLUDING" following the more general category
11 from which they are excluded. Particular activities thus excluded may or
12 may not be listed in other sections of this chapter.

13 148.020. PERMITTED USES. The following uses, when developed under
14 the general development standards in this zoning code applicable to the
15 RM district and to all such uses, generally, are permitted in the RM
16 district:

17 (a) One single family dwelling or duplex, other than a mobile home,
18 per lot;

19 (b) Mobile home parks developed pursuant to SRC Chapter 123;

20 (c) Mobile homes in mobile home subdivisions of not less than three
21 acres designated for exclusive mobile home development on the tentative
22 plan and final plat filed and recorded pursuant to SRC Chapter 63;

23 (d) Unlimited number of dwelling units and guest rooms in apartment
24 houses, court apartments, lodging houses, duplexes, condominiums, and
25 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
- 28

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

26

27

28

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

1 multiple family residential uses shall be 5,000 square feet, plus
2 additional lot area computed as follows:

3 (1) For the first through fifth dwelling unit:

4 (A) For each dwelling unit with one or less bedrooms - 750 square
5 feet.

6 (B) For each dwelling unit with two bedrooms - 1,000 square feet.

7 (C) For each dwelling unit with three or more bedrooms - 1,200
8 square feet.

9 (2) For the sixth dwelling unit and each succeeding dwelling unit,
10 the following additional lot area shall be required:

11 (A) For each dwelling unit with two or less bedrooms: One story -
12 1,250 square feet; two or more stories - 1,000 square feet.

13 (B) For each dwelling unit with three or more bedrooms: 1,700 square
14 feet.

15 (c) Lot Area, Other Uses. The minimum lot area for all other uses
16 except those specified in SRC 148.020(f) is 6,000 square feet unless
17 otherwise specifically provided in this zoning code.

18 (d) Lot Dimension, Dwellings. The minimum lot dimensions for
19 dwellings shall be as required under SRC 146.070 for the type of
20 dwelling; provided that single family dwellings converted to duplexes
21 shall be considered single family dwellings for the purpose of
22 determining such requirements.

23 (e) Lot Dimension, Other Uses. The minimum lot depth requirement is
24 80 feet, and the minimum lot width requirement is 40 feet, providing the
25 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

1 shall occupy more than 40 percent of the lot area. Total lot coverage by
2 all buildings including accessory buildings shall not be more than 50
3 percent of the lot area, except as provided for single family dwelling
4 and duplex conversions.

5 148.120. DRIVEWAYS FOR DWELLINGS. Driveways serving garages for
6 dwellings shall, within 20 feet of the line specified in subsection (f)
7 of SRC 146.080, contain no area where a paved rectangle at least seven
8 and one-half feet by twenty feet is not available for the parking of a
9 vehicle.

10 148.130. LANDSCAPING. Within an RM district all required yards shall
11 be landscaped as provided in SRC Chapter 132.

12 148.140. STORAGE. Within an RM district open outdoor storage shall be
13 screened from view from the street and adjacent properties by a sight
14 obscuring fence, wall, or hedge.

15 148.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or
16 alternative use and development standards may be found in the following
17 chapters:

18	Planned Unit Developments	SRC Chapter 121
19	Increased Residential Density	SRC Chapter 122
20	Mobile Home Parks	SRC Chapter 123
21	Home Occupations	SRC Chapter 124
22	Lot Development Standards	SRC Chapter 130
23	Accessory Structures	SRC Chapter 131
24	Landscaping	SRC Chapter 132
25	Off-street Parking, Loading, and Driveways	SRC Chapter 133

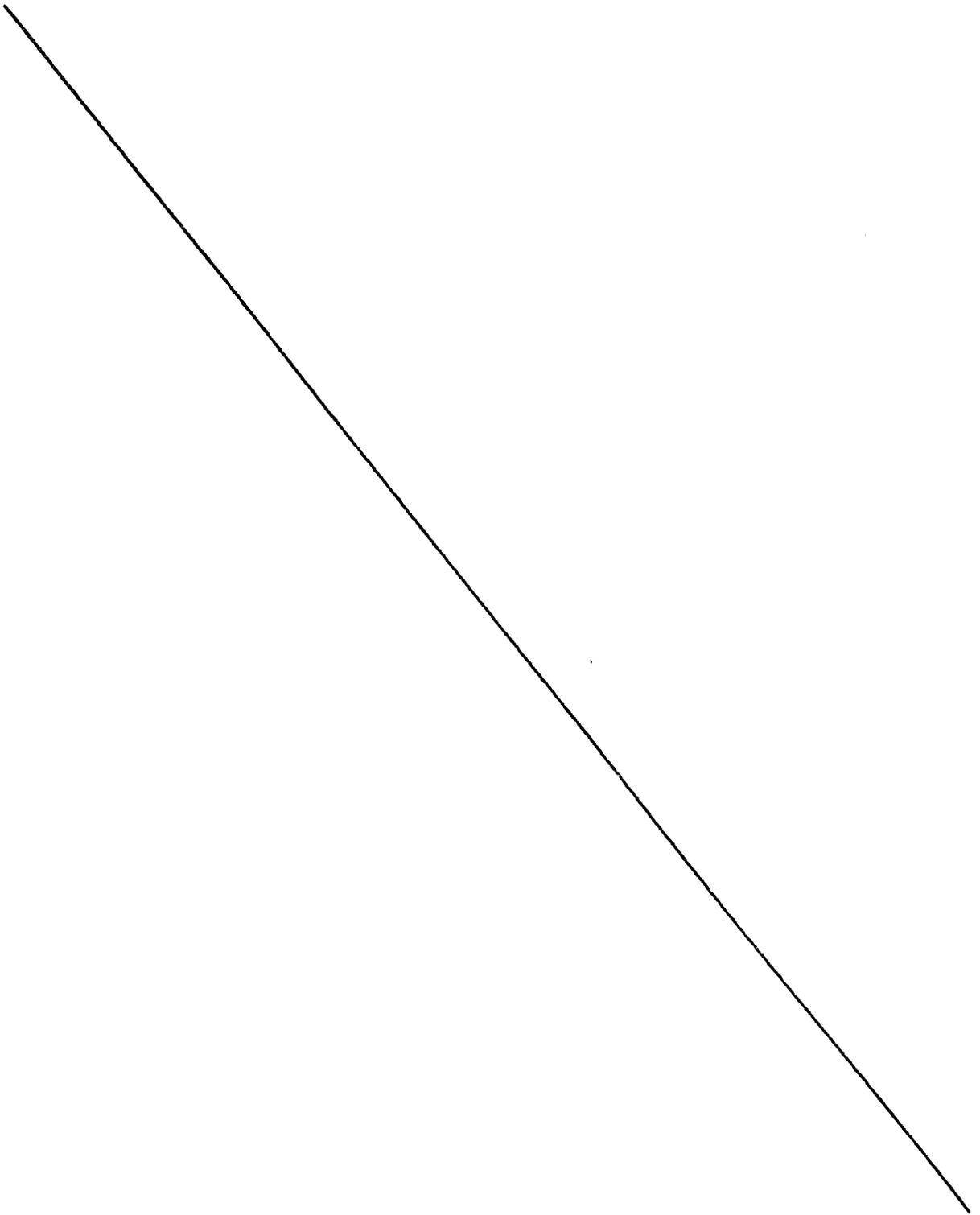
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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
- 26

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;

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- (7) A private garage or parking area.
- (k) Swimming pools, whether or not open to the public for a fee;
- (l) Community or neighborhood clubs.
- (m) Civic, social, and fraternal organizations (864).

(n) Transitional Uses: Where the side of a lot abuts property other than a street or alley in any C or I district, and the entire lot is within 165 feet of the C or I district:

- (1) Public parking areas when developed as provided in SRC Chapter 133.

149.030. SPECIAL USES. (a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the RH district:

- (1) Nursing and personal care facilities (805);
- (2) Elementary and secondary schools (821);
- (3) Child day care services (835);
- (4) Religious organizations (866);
- (5) Mixed use buidings.

(b) In lieu of establishing any use listed in subsection (a) of this section as a special use under SRC Chapter 119, the developer may elect to apply for conditional use approval pursuant to SRC Chapter 117. See SRC 119.010.

149.040. CONDITIONAL USES. The following uses, with conditional use approval as provided in SRC Chapter 117 or 118, as applicable, are permitted in the RH district:

- (a) Those uses listed in SRC 149.030, at the developer's option, as

1 provided in subsection (b) of that section.

2 (b) Crude petroleum and natural gas extraction (131).

3 (c) Electric services (491).

4 (d) Gas production and distribution (492).

5 (e) Water supply (494).

6 (f) Beauty shop (723).

7 (g) Barber shop (724).

8 (h) Membership sports and recreation clubs (7997).

9 (i) Single family dwellings.

10 (j) Historically or architecturally significant buildings as
11 specific conditional uses under SRC Chapter 118.

12 149.050. PROHIBITED USES. Within any RH district, no building,
13 structure or land shall be used, erected, structurally altered, or
14 enlarged for any use not permitted under SRC 149.020 to 149.040, except
15 as provided in SRC 113.090(c).

16 149.060. FRONT YARDS AND YARDS ADJACENT TO STREETS. Within an
17 RH District:

18 (a) Each lot outside the CSDP Area shall have a required yard
19 12 feet in depth along the full extent of each front lot line and each
20 lot line adjacent to a street.

21 (b) Within the CSDP Area there are no required front yards or yards
22 adjacent to streets.

23 (c) Accessory structures, whether or not within the CSDP Area, shall
24 meet the setback requirements of SRC 131.040.

25 149.070. INTERIOR SIDE YARDS. Within an RH District:

26 (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

17
18
19
20
21
22
23
24
25
26
27
28

1 CHAPTER 150

2 CO-COMMERCIAL OFFICE

3 150.010. 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.

13 150.020. PERMITTED USES. The following uses, when developed under the
14 general development standards in this zoning code applicable to the CO
15 district and to all such uses, generally, are permitted in the CO
16 district:

17 (a) RESIDENTIAL:

18 (1) One single family dwelling or duplex, other than a mobile home,
19 per lot;

20 (2) Unlimited number of dwelling units and guest rooms in apartment
21 houses, court apartments, lodging houses, condominiums, and hotels;

22 (3) One dwelling unit for each business use on the lot;

23 (4) Residential care (836);

24 (b) AGRICULTURE AND FORESTRY:

25 (1) Agricultural production - crops (01);

26 (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);

- 1 (2) Barber Shop (724);
- 2 (3) Funeral service and crematories (726);
- 3 (4) Consumer credit reporting agencies, mercantile reporting
- 4 agencies, and adjustment and collection agencies (732);
- 5 (5) Direct mail advertising services (7331);
- 6 (6) Stenographic services; and reproduction services, not elsewhere
- 7 classified (7339);
- 8 (7) News syndicates (735);
- 9 (8) Personnel supply services (736);
- 10 (9) Computer and data processing services (737);
- 11 (10) Management, consulting, and public relations (7392);
- 12 (11) Detective agencies and protective services (7393);
- 13 (12) Commercial testing laboratories (7397);
- 14 (13) Business services, not elsewhere classified - where not more
- 15 than 20 percent of the gross floor area is devoted to retail sales or
- 16 display (7399);
- 17 (14) Parking lot when developed as prescribed in SRC Chapter 133
- 18 (7523);
- 19 (15) Offices of physicians (801);
- 20 (16) Offices of dentists (802);
- 21 (17) Offices of osteopathic physicians (803);
- 22 (18) Offices of other health practitioners (804);
- 23 (19) Medical and dental laboratories (807);
- 24 (20) Outpatient care facilities (808);
- 25 (21) Legal Services (81);
- 26 (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.

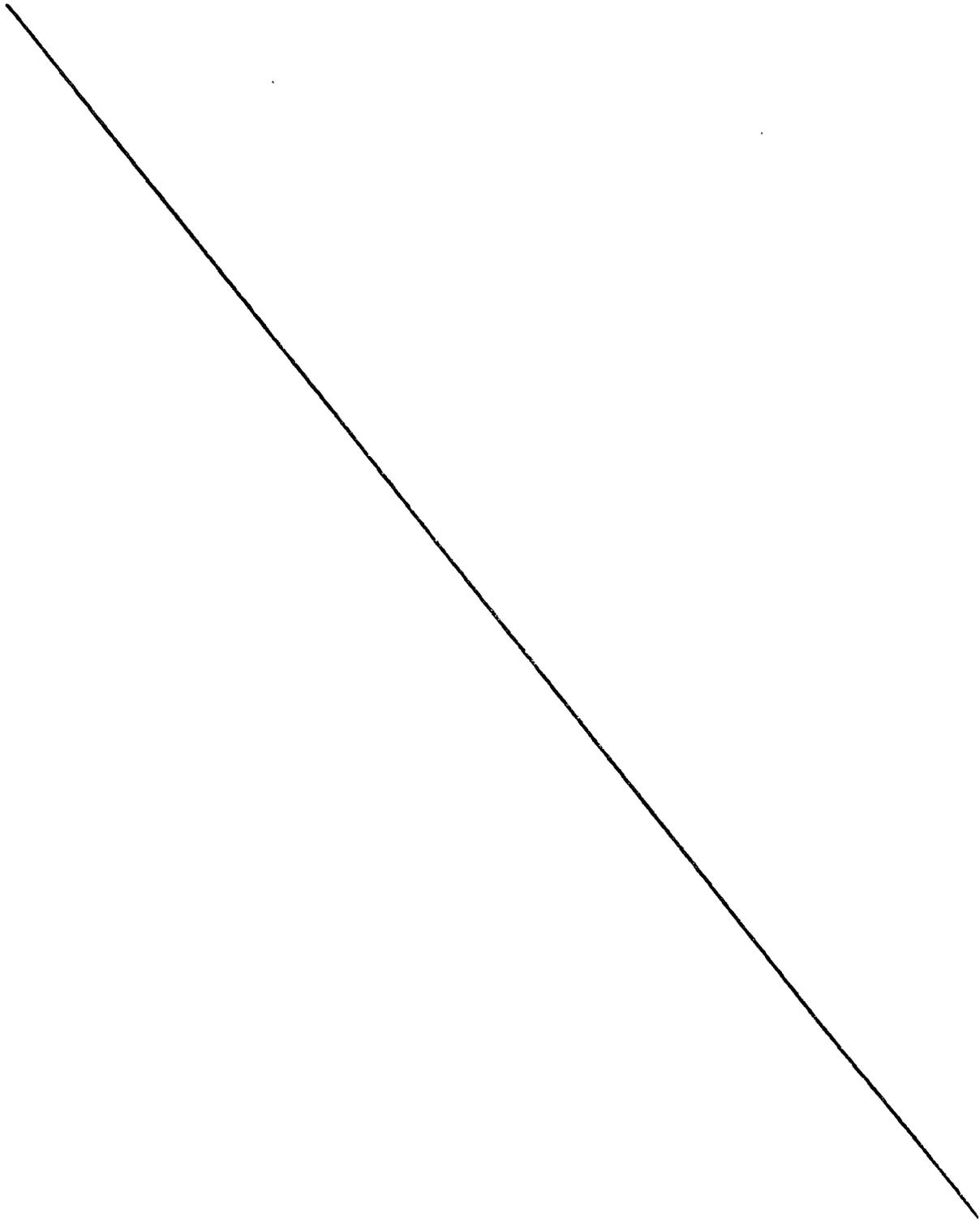
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Flood Plain Overlay Zones

SRC Chapter 140

Willamette Greenway Overlay Zones

SRC Chapter 141



1 CHAPTER 151

2 CN-NEIGHBORHOOD COMMERCIAL

3 151.010. 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.

12 Particular activities thus excluded may or may not be listed in other
13 sections of this chapter.

14 151.020. PERMITTED USES. The following uses, when developed under the
15 general development standards in this zoning code applicable to the CN
16 district and to all such uses, generally, are permitted in the CN
17 district:

18 (a) RESIDENTIAL:

19 (1) One dwelling unit for each business use on the lot.

20 (b) AGRICULTURE AND FORESTRY:

21 (1) Agricultural production - crops (01) with no retail sales area;

22 and

23 (2) Timber tracts (081), forest nurseries, and tree seed gathering
24 and extracting (082).

25 (c) RETAIL TRADE:

26 (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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(10) Legal Services (81); and

(11) Accounting, auditing, and bookkeeping (893).

(f) OTHER USES:

(1) Accessory buildings and uses normal and incidental to the uses permitted in this district;

(2) Home occupations; and

(3) Utility distribution and substations.

(4) Community or neighborhood club buildings, including swimming pools and similar recreation facilities, when operated by a nonprofit community club.

(5) Fire protection (9224).

151.030. Reserved for Expansion.

151.040. CONDITIONAL USES. The following uses, with conditional use

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;

27

28

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

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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);

27 ORD BILL - page 331

28

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

25
26
27
28

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);

27 ORD BILL - page 338

28

- 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);

- 1 (4) Insurance (63);
- 2 (5) Insurance agents, brokers, and service (64);
- 3 (6) Real estate (65);
- 4 (7) Combinations of real estate, insurance, loans, law offices (66);
- 5 (8) Holding, and other investment offices (67).
- 6 (h) SERVICES:
- 7 (1) Hotels, motels, and tourist courts (701);
- 8 (2) Camps and trailering parks (703);
- 9 (3) Personal services (72);
- 10 (4) Business services (73);
- 11 (5) Automotive repair services, and garages (75);
- 12 (6) Miscellaneous repair services (76);
- 13 (7) Motion picture distribution and services (782);
- 14 (8) Motion picture theaters, except drive-in (7832);
- 15 (9) Amusement and recreation services, except motion pictures (79)
- 16 BUT EXCLUDING racing, including track operation (7948);
- 17 (10) Health services (80) BUT EXCLUDING hospitals (806);
- 18 (11) Legal services (81);
- 19 (12) Educational services (82);
- 20 (13) Social services (83) BUT EXCLUDING residential care (836);
- 21 (14) Museums, art galleries, botanical and zoological gardens (84);
- 22 (15) Membership organizations (86); and
- 23 (16) Miscellaneous services (89).
- 24 (i) PUBLIC ADMINISTRATION:
- 25 (1) Executive offices (911);
- 26 (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 builings 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

1 yard is required; but any space between a building or structure other
2 than a fence and an interior rear lot line shall be not less than three
3 feet in depth exclusive of an alley area.

4 (c) Setbacks for accessory buildings and structures except fences
5 shall be the same as for main buildings.

6 153.900. REFERENCE TO ADDITIONAL STANDARDS. Additional or alternative
7 use and development standards may be found in the following chapters:

8 Lot Development Standards	SRC Chapter 130
9 Accessory Structures	SRC Chapter 131
10 Landscaping	SRC Chapter 132
11 Off-street Parking, Loading, and Driveways	SRC Chapter 133
12 Flood Plain Overlay Zones	SRC Chapter 140
13 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);

27

28

- 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 (1) Banking (60);
- 2 (2) Credit agencies other than banks (61);
- 3 (3) Security and commodity brokers, dealers, exchanges and services
- 4 (62);
- 5 (4) Insurance (63);
- 6 (5) Insurance agents, brokers, and service (64);
- 7 (6) Real estate (65);
- 8 (7) Combinations of real estate, insurance, loans, law offices (66);
- 9 (8) Holding, and other investment offices (67).
- 10 (h) SERVICES:
- 11 (1) Hotels, motels, and tourist courts (701);
- 12 (2) Camps and trailering parks (703);
- 13 (3) Personal services (72) BUT EXCLUDING funeral service and
- 14 crematories (726);
- 15 (4) Business services (73) BUT EXCLUDING services to buildings
- 16 (734), research and development laboratories (7391), and commercial
- 17 testing laboratories (7397);
- 18 (5) Automotive repair services, and garages (75);
- 19 (6) Electrical repair shops (762);
- 20 (7) Watch, clock, and jewelry repair (763);
- 21 (8) Reupholstery and furniture repair (764);
- 22 (9) Repair shops and related services, not elsewhere classified
- 23 (7699);
- 24 (10) Motion picture theaters, except drive-in (7832);
- 25 (11) Amusement and recreation services, except motion pictures (79)
- 26 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

154.900. 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
Flood Plain Overlay Zones	SRC Chapter 140
Willamette Greenway Overlay Zones	SRC Chapter 141

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(a) Adjacent to any rear lot line abutting a lot zoned or used for residential purposes, there shall be a required rear yard three feet in depth along the full extent of the rear lot line. Such yard shall be contained by a sight-obscuring fence, wall, or hedge.

(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 any alley area.

(c) Setbacks for accessory buildings and structures shall be the same as for main buildings.

155.900. 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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).

- 1 (b) Carpeting and flooring (175).
- 2 (c) MANUFACTURING:
- 3 (1) Food and kindred products (20);
- 4 (2) Miscellaneous textile goods (229);
- 5 (3) Lumber and wood products, except furniture (24);
- 6 (4) Furniture and fixtures (25);
- 7 (5) Paper and allied products (26);
- 8 (6) Chemicals and allied products (28);
- 9 (7) Rubber and miscellaneous plastics products (30) BUT EXCLUDING
- 10 tires and inner tubes (301) and reclaimed rubber (303);
- 11 (8) Leather tanning and finishing (311);
- 12 (9) Flat glass (321);
- 13 (10) Glass and glassware, pressed or blown (322);
- 14 (11) Pottery and related products (326);
- 15 (12) Cut stone and stone products (328);
- 16 (13) Miscellaneous nonmetallic mineral products (329);
- 17 (14) Fabricated metal products, except machinery and transportation
- 18 equipment (34) BUT EXCLUDING industries permitted under SRC 156.020;
- 19 (15) Machinery, except electrical (35) BUT EXCLUDING industries
- 20 permitted under SRC 156.020;
- 21 (16) Storage batteries (3691);
- 22 (17) Primary batteries, dry and wet (3692);
- 23 (18) Transportation equipment (37) BUT EXCLUDING industries permitted
- 24 under SRC 156.020; and
- 25 (19) Miscellaneous manufacturing industries (39) BUT EXCLUDING signs
- 26 and advertising displays (3993).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(d) PUBLIC UTILITIES:

- (1) Electric services (491);
- (2) Gas production and distribution (492);
- (3) Water supply (494).

(e) WHOLESALE TRADE:

- (1) Durable goods, not elsewhere classified (5099);
- (2) Chemicals and allied products (516);
- (3) Petroleum and petroleum products (517).

(f) OTHER USES:

- (1) Solid waste transfer stations.

157.050. PROHIBITED USES. Within any IP district, no building, structure, or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 156.020 to 156.040, except as provided in SRC 113.090(c).

157.060. INDUSTRIAL PERFORMANCE STANDARDS. In an IP district no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulation, local ordinance, and state and federal law.

157.070. HEIGHT. Within an IP district buildings and structures erected, altered, or enlarged shall not exceed 45 feet in height;

157.080. LOT AREA AND DIMENSIONS. There are no minimum lot area or dimension requirements in an IP district, except for the street frontage requirements of SRC 130.260.

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

18

19

20

21

22

23

24

25

26

27

28

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);

- 1 (21) Glass and glassware, pressed or blown (322);
- 2 (22) Glass products made of purchased glass (323);
- 3 (23) Pottery and related products (326);
- 4 (24) Cut stone and stone products (328);
- 5 (25) Cutlery, hand tools, and general hardware (342);
- 6 (26) Heating equipment, except electric and warm air, and plumbing
- 7 fixtures (343);
- 8 (27) Fabricated structural metal products (344);
- 9 (28) Screw machine products, bolts, nuts, screws, rivets, and washers
- 10 (345);
- 11 (29) Electroplating, plating, polishing, anodizing, and coloring
- 12 (3471);
- 13 (30) Miscellaneous fabricated metal products (349);
- 14 (31) Metalworking machinery and equipment (354);
- 15 (32) Special industry machinery, except metal working machinery (355);
- 16 (33) General industrial machinery and equipment (356);
- 17 (34) Office, computing, and accounting machines (357);
- 18 (35) Refrigeration and service industry machinery (358);
- 19 (36) Miscellaneous machinery, except electrical (359);
- 20 (37) Electrical and electronic machinery, equipment, and supplies
- 21 (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry
- 22 and wet (3692);
- 23 (38) Transportation equipment (37);
- 24 (39) Measuring, analyzing, and controlling instruments; photographic,
- 25 medical, and optical goods; watches and clocks (38);
- 26 (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).

- 1 (2) Credit agencies other than banks (61).
- 2 (g) SERVICES:
- 3 (1) Laundry, cleaning, and garment services (721);
- 4 (2) Outdoor advertising services (7312);
- 5 (3) Mailing, reproduction, commercial art and photography, and
- 6 stenographic services (733);
- 7 (4) Disinfecting and exterminating services (7342);
- 8 (5) Cleaning and maintenance services to dwellings and other
- 9 buildings, not elsewhere classified (7349);
- 10 (6) Research and development laboratories (7391);
- 11 (7) Management, consulting, and public relations services (7392);
- 12 (8) Photofinishing laboratories (7395);
- 13 (9) Commercial testing laboratories (7397);
- 14 (10) Automotive repair, services, and garages (75);
- 15 (11) Welding repair (7692);
- 16 (12) Repair shops and related services, not elsewhere classified
- 17 (7699);
- 18 (13) Vocational school; except vocational high schools, not elsewhere
- 19 classified (8249);
- 20 (14) Civic, social, and fraternal organizations (864).
- 21 (h) PUBLIC ADMINISTRATION:
- 22 (1) Fire protection (9224).
- 23 (i) OTHER USES:
- 24 (1) Utilities - truck and equipment storage and parking, and
- 25 material storage yard.
- 26 (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);

27 ORD BILL - page 377

28

- 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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

158.900. 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 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);

- 1 (3) Lumber and wood products (24);
- 2 (4) Furniture and fixtures (25);
- 3 (5) Paper and allied products (26);
- 4 (6) Chemicals and allied products (28);
- 5 (7) Petroleum refining and related industries (29);
- 6 (8) Rubber and miscellaneous plastics products (30);
- 7 (9) Leather and leather products (31);
- 8 (10) Stone, clay and glass products (32);
- 9 (11) Primary metal industries (33);
- 10 (12) Fabricated structural metal products (344);
- 11 (13) Machinery and equipment, except electrical (353);
- 12 (14) Electric and electronic equipment (36);
- 13 (15) Transportation equipment (37);
- 14 (16) Measuring, analyzing, and controlling instruments; photographic,
- 15 medical, and optical goods; watches and clocks (38);
- 16 (17) Linoleum, asphalted-felt-base, and other hard surface floor
- 17 coverings, not elsewhere classified (3996).
- 18 (d) TRANSPORTATION, COMMUNICATION, ELECTRIC, GAS AND SANITARY
- 19 SERVICES:
- 20 (1) Local water transportation (445);
- 21 (2) Water transportation services (446);
- 22 (3) Communication (48);
- 23 (4) Electric services (491);
- 24 (5) Gas production and distribution (492);
- 25 (6) Combination electric and gas, and other utility services (493);
- 26 (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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

159.900. 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, & Driveways	SRC Chapter 133
Flood Plain Overlay Zones	SRC Chapter 140
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:

27

28

- 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

As amended
12/27/82

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

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);

1 (12) Miscellaneous services (89).

2 (g) PUBLIC ADMINISTRATION:

3 (1) Executive, legislative, and general government except finance
4 (91);

5 (2) Justice, public order, and safety (92);

6 (3) Public finance, taxation, and monetary policy (93);

7 (4) Administration of human resources programs (94);

8 (5) Administration of environmental quality and housing programs
9 (95);

10 (6) Administration of economic programs (96);

11 (7) National security and international affairs (97).

12 160.090. COMMON USES. In addition to the uses specified in SRC
13 159.030 to 159.080, the following uses are permitted in all P districts:

14 (a) Agricultural production - crops (01);

15 (b) Timber tracts (081);

16 (c) Forest nurseries and tree seed gathering and extracting (082).

17 160.200. HEIGHT. Within any P district:

18 (a) Residential buildings structures erected, altered, or enlarged
19 shall not exceed 35 feet in height.

20 (b) No building or structure in a PC district shall exceed 35 feet
21 in height.

22 (c) Heights of accessory structures serving dwelling units are
23 subject to the requirements of SRC 131.030.

24 (d) A lot having a width less than 50 feet or an area less than
25 10,000 square feet shall have no building or structure in excess of 35
26 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

26
27
28

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.

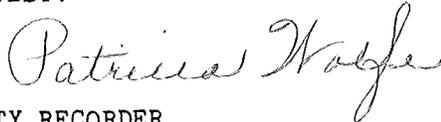
10
11 PASSED by the Common Council this 27th day of December, 1982.

12 SIGNED by the Mayor this 28th day of December, 1982.

13 

Mayor of the City of Salem, Oregon

14 ATTEST:

15 

16 CITY RECORDER

17 D/0171c-0177c

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".