


TO: PLANNING COMMISSION 
FROM: GLENN W. GROSS
URBAN PLANNING ADMINISTRATOR
SUBJECT: STAFF REPORT FOR PROPOSED AMENDMENTS TO THE SALEM REVISED
CODE ESTABLISHING A NEW DISTRICT, THE NEIGHBORHOOD CENTER
MIXED-USE DISTRICT (SRC CHAPTER 164)

ISSUE

Staff has revised the proposed new Chapter 164, Neighborhood Center Mixed-Use (NCMU) Zone, to incorporate the Planning Commission's recommended changes. The revisions in the public review draft of the NCMU Zone dated February 2, 2010 are represented as ~~strikethrough~~ for deleted text and a double underline for new text. If understood correctly, several of the Planning Commission recommendations may conflict with strong public sentiment voiced throughout this planning project.

Although we are committed to moving forward with the Planning Commission's recommended revisions, discussion boxes are included in the public review draft to highlight alternative approaches to the revisions recommended by the Commission.

Does the revised public review draft of the NCMU Zone adequately reflect the revisions recommended by the Planning Commission? Should the alternative approaches highlighted as discussion boxes be included in the revised public review draft of the NCMU Zone?

BACKGROUND

On November 17, 2009, the Planning Commission reviewed the revisions to the public review draft of the NCMU Zone and reviewed a draft letter to be sent to the Neighborhood Chairs informing them of three (3) months extended public review process, which will include staff visits to neighborhood association meetings, as requested. The Planning Commission recommended several revisions to the public review draft, directed staff to revise the public review draft to incorporate those revisions, and voted to schedule another work session to review those changes. The Planning Commission also recommended limiting the public review process to just two months; and requested that staff conduct two Community Forums in areas of the City that are most likely to implement the NCMU Zone, such as west and south Salem.

NEXT STEPS

If the revised NCMU Zone is approved by the Planning Commission for public review, staff will conduct two Community Forums in west and south Salem during the month of March. Information will be posted on the website, a letter will be mailed to each of the neighborhood chairs informing them of the upcoming Community Forums, and a media/press release will be distributed. After the extended public review, the proposed NCMU code may be revised as appropriate and a Planning Commission public hearing will be scheduled to take final action and forward the Planning Commission recommendation to the City Council.

Attachment: 1. Revised Proposed New Chapter 164 Neighborhood Center Mixed-Use (NCMU) Code dated February 2, 2010

Proposed New Chapter 164
NEIGHBORHOOD CENTER MIXED USE (NCMU)

- 164.010. Intent and Purpose
- 164.020. Criteria
- 164.030. Definitions
- 164.040. Classification of Uses
- 164.050. Permitted Uses
- 164.060. Special Uses
- 164.070. Conditional Uses
- 164.080. Prohibited Uses
- 164.085 NCMU Master Plan with Accompanying Land Division
- 164.090. Neighborhood Center Master Plan - Purpose and Applicability
- 164.100. Neighborhood Center Master Plan – Procedures
- 164. 110. Neighborhood Center Master Plan – Pre-Application Conference Requirements
- 164. 120. Neighborhood Center Master Plan – Tentative Plan Submittal Requirements
- 164. 130. Neighborhood Center Master Plan –Plan Approval
- 164. 140. Neighborhood Center Master Plan – Amending a Master Plan
- 164. 150. Neighborhood Center Master Plan – Site Plan Review Requirements
- 164.160. Neighborhood Center Master Plan - Standards and Guidelines
- 164.170. Limited Residential Development Standards

164.010. Intent and Purpose.

The Neighborhood Center Mixed Use (NCMU) zone designation implements the *Mixed-Use Comprehensive Plan designation* and is intended to encourage the development of appropriately scaled and pedestrian friendly neighborhood center developments. The development within the NCMU zone should contribute to the livability of the area by providing a core area of neighborhood-scaled retail sales and service, office, civic or recreational uses conveniently located for neighborhood access, thereby reducing the amount of vehicle miles traveled to reach goods and services. Within master planned developments, housing may be clustered to allow for a variety of residential types including single family residential dwellings, townhouses and residential units above commercial or office space. Development within the NCMU zone should be designed to enhance pedestrian access and transit accessibility to, and through, the site and to provide connectivity to adjacent areas for motorized and non-motorized modes of transportation. With respect to parking and reliance on the automobile, the intent is to reduce the reliance

on vehicular travel by creating strong connections to available transit, encouraging pedestrian movement through better design, and allow for housing in close proximity to employment and shopping.

164.020. Criteria.

In addition to all applicable criteria imposed by this zoning code, in order to ensure that new mixed use neighborhood centers are appropriately sized and located, proposals to rezone land to the NCMU zone shall meet all the following criteria:

- (a) The minimum land area shall be three (3) contiguous acres.
- (b) The maximum land area shall be fifteen (15) contiguous acres.
- (c) The site-proposed to be designated NCMU shall be located within 1/8 ~~1/4~~ mile of a major intersection. For the purposes of this section, a major intersection means of the intersection of two streets, one of which must be identified as either a Parkway or Major or Minor Arterial in the Salem Transportation System Plan and the other must be a designated Parkway, Major or Minor Arterial or Collector.

Discussion Point #1:

(c) There has been some concern that the current standard of $\frac{1}{4}$ of a mile would allow a site to be located too far from an intersection. The revisions would require that sites be located within $\frac{1}{8}$ of a major intersection. Alternatively, the site could be required to be located **at** a major intersection.

Question: Should criteria (c) be amended as shown?

~~(d) No portion of the land proposed to be designated NCMU may be located within a $\frac{1}{2}$ mile radius of the boundary of existing NCMU zoned land, unless the existing NCMU site has already been subdivided for single family residential development in accordance with SRC 164.170.~~

Discussion Point #2:

(d) There has been some concern that if abutting parcels of land were rezoned to NCMU the resulting developments could have a strip commercial appearance. To address this issue, the prior version of the draft code required that NCMU sites be separated by $\frac{1}{2}$ mile. However, the Planning Commission expressed concern that this standard would suppress competition and suggested deleting this requirement. Alternatively, to allow NCMU sites to be located at the crossroads of arterials or collectors the text could be rewritten as follows: *"A new NCMU site may not be located within $\frac{1}{2}$ mile of an existing NCMU site unless the sites are separated from each other by either a Major or Minor Arterial, Parkway or Collector street."*

Question: Should a "separation" criterion be included in the zone?

164.030. Definitions.

As used in this Chapter, unless the context otherwise specifically requires, the following mean:

- (a) "Ground Floor Area" means only the floor area of a building devoted to a particular use measured within the exterior walls that are at grade plane of the building or structure.

- (b) "Pedestrian Streets" means those routes designated in the Neighborhood Center Master Plan which provide direct access to key pedestrian attractors (e.g., nearby schools, transit, retail areas).
- (c) "Senior Care Facility" means a facility that provides multi-family housing that meets the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.
- (d) "Site" means all contiguous property zoned NCMU.
- (e) "Total Floor Area" means the floor area of a building devoted to a particular use as measured within the exterior walls of all stories of a building or structure.
- (f) "Use" is the primary, general type of economic or residential activity that may be carried out on the property.

164.040. Classification of Uses.

- (a) For the purposes of this Chapter, each Permitted Use includes a grouping of specific activities that illustrate the scope of the use. The examples are provided to illustrate the scope of the use; however, the list is not intended to be exclusive. A specific use not identified in such a grouping shall be considered a permitted use in the NCMU Zone if the specific use complies with the definition of the category of use set forth in SRC 164.050, 164.060, 164.070, unless specifically prohibited in SRC 164.080.
- (b) Accessory uses for the successful operation of an allowed activity are considered part of that activity, and not considered separate "uses" for the purposes of this Chapter, even though the accessory activity might have characteristics that could result in its being considered part of a grouping of specific allowed activities illustrating the scope of another use.
- (c) Specific activities which the Planning Administrator determines cannot be readily classified with reference to a particular use description in this zoning code shall be referred to the Commission for a formal interpretation pursuant to SRC 113.090(d). Upon classification, a proposed activity may be added to a grouping without a text amendment if the proposed activity would not result in materially greater impacts than the other activities included in the grouping.
- (d) Any inclusion of a proposed activity within a grouping that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:
 - (1) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
 - (1) The date of the decision; and
 - (2) A description of the decision made.

164.050. Permitted Uses.

- (a) Residential Use. "Residential Use" means the residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month basis, or for a longer period. Uses where tenancy may be arranged for a shorter period are not considered a Residential Use. Such short term tenancy may be allowed as temporary lodging under "Retail Sales and Service." In addition, Residential Homes and Residential Facilities, as defined by the State of Oregon, are included as types of Residential Use. Within the NCMU zone residential uses are permitted within the following housing types:
- (1) Single family detached dwellings, or Residential Homes, other than manufactured homes, one per lot, developed in accordance with the Limited Residential Development Standards in SRC 164.170, or developed as a part of a Neighborhood Center Master Plan as described in subsection (2), below.
 - (2) The following residential housing types are permitted only as part of an approved Neighborhood Center Master Plan and may only be located outside of a Core Area established pursuant to SRC 164.160(f):
 - (A) Single family detached dwellings, other than a manufactured homes, one or more per lot, except as permitted as Limited Residential Development pursuant to SRC 164.170;
 - (B) Duplexes;
 - (C) Attached single family dwellings (townhouses);
 - (D) Residential Homes;
 - (3) The following residential housing types are permitted only as part of an approved Neighborhood Center Master Plan and may only be located within a Core Area established pursuant to SRC 164.160(g):
 - (A) Apartments, which are above ground floor Retail Sales and Service, Office or Institutional uses, in mixed use buildings.
- (b) Retail Sales and Service Use. "Retail Sales and Service Use" means the sale, lease or rent of new or used products to the general public, the provision of personal services, the provision of entertainment, or the provision of product repair or services for consumer and business goods.
- (1) Retail Sales and Service uses are permitted only as a part of an approved Neighborhood Center Master Plan and may only be located within a Core Area established pursuant to SRC 164.160(f).
 - (2) Examples of Retail Sales and Service permitted activities fall within the following four subgroups:
 - (A) Retail Sales-Oriented. Activities include: stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, or video.

- (B) Personal Service-Oriented. Activities include banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; and veterinarians and animal grooming.
 - (C) Entertainment-Oriented. Activities include restaurants, cafes, delicatessens, taverns, and bars; and health clubs, gyms, membership clubs, lodges, and temporary lodging establishments with five (5) or fewer guest rooms.
 - (D) Product Repair or Service Oriented. Activities include repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailor; locksmith; upholsterer.
- (c) Office Use. “Office Use” means uses conducted in an office setting and generally focuses on business, professional, medical, or financial services.
- (1) Office Uses are permitted only as a part of an approved Neighborhood Center Master Plan and may only be located within a Core Area established pursuant to SRC 164.160(f).
 - (2) Examples of Office Use include: professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; and medical and dental clinics, medical and dental laboratories.
- (d) Institutional Use. “Institutional Use” means activities of a public, nonprofit, or charitable nature which are generally providing a local service to people of the community. Generally, Institutional Uses provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events.
- (1) Institutional Uses are permitted only as a part of an approved Neighborhood Center Master Plan and may be located within a Core Area established pursuant to SRC 164.160(f) as a permitted use, or outside a Core Area as a Conditional Use pursuant to SRC 164.070.
 - (2) Examples of Institutional Uses include daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; senior care facilities as defined in SRC 164.030, community centers; religious institutions; libraries; postal services; transit shelters; fire stations, police stations and other structures providing necessary municipal services.
- (e) Parks and Open Space. “Parks and Open Space” means natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.
- (1) Except as described in SRC 164.080, Parks and Open Space are permitted.
 - (2) Examples of Parks and Open Space uses include playgrounds, parks, public squares, plazas, recreational trails, botanical gardens, and nature preserves.

- (f) Public Utilities. “Public Utilities” has the meaning given in SRC 111.170(g).
- (1) Except as provided in SRC 164.060(a) and 164.070(c), Public Utilities are allowed as permitted uses.
 - (2) Examples of public utilities include: water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, cable television service lines, service mains, service poles, and underground transmission facilities.

164.060. Special Uses.

The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the NCMU Zone:

- (a) Antennas attached to existing or approved structures.
- (b) Manufactured homes, one per lot, developed in accordance with the Limited Residential Development Standards in SRC 164.170, or developed as a part of a Neighborhood Center Master Plan as described in SRC 164.050(a)(2)(A).

164.070. Conditional Uses.

The following uses, with conditional use approval as provided in SRC Chapter 117, are permitted in the NCMU zone:

- (a) Freestanding support structures 35 feet or less in height and equipment enclosures;
- (b) Institutional Uses, may be permitted outside the Core Area provided the use is consistent with the purpose of the zone and is approved as a part of a Neighborhood Center Master Plan.
- (c) Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.

164.080. Prohibited Uses.

The following uses and activities are prohibited in the NCMU zone:

- (a) Residential housing types other than those listed above, including apartments (other than those in mixed use buildings), and manufactured dwelling parks.
- (b) Retail Sales and Service Uses as follows:
 - (1) Sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles;
 - (2) Vehicle services such as motor vehicle repair, gas station, or car wash;
 - (3) Recycling drop-off;
 - (4) Taxidermists;

- (5) Mortuaries;
- (6) Kennels;
- (7) Casinos;
- (8) Temporary lodging establishments with more than five (5) guest rooms;
- (9) Recreational vehicle parks;
- (10) Indoor firing ranges;
- ~~(11) Drive-through facilities for a use or tenant, where the use or tenant occupies less than 10,000 square feet in total floor area;~~

Discussion Point #3:

Typically, drive-through facilities are not well suited to the creation of a compact, pedestrian-friendly center; however, good design can be used to reduce the impacts. The Planning Commission noted that a prohibition against drive-through facilities might unnecessarily limit the types of uses that could locate in the zone and suggested that it would be better to delete this standard. However, some concerns have been raised about allowing “fast food” restaurants within the NCMU zone. While it’s not possible to limit specific types of restaurants, the prohibition against drive-through facilities for smaller uses or tenants (under 10,000 sf) or for eating and drinking establishments could help to address this issue.

Question: Should the limit on drive-through facilities be deleted as suggested by the Planning Commission or retained? If retained, should the limit on drive-through facilities apply generally, or only apply to smaller uses (e.g., less than 10,000 sf or to eating and drinking establishments)?

- (11) Theaters;
- (12) Pool halls;
- (13) Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.

(c) Parks and Open Space activities as follows:

- (1) Cemeteries;
- (2) Open area used for grazing.

164.085. NCMU Master Plan with Accompanying Land Division.

(a) If the applicant for a NCMU Master Plan proposes to create lots or parcels within the subject property the applicant shall submit an application for partition or subdivision as applicable. The application for land division may be processed concurrently with, or after, the NCMU Master Plan application.

(b) The proposed partition or subdivision shall comply with the standards and criteria set forth in SRC Chapter 63, with the exception of SRC 63.145 and 63.155, which shall not apply to the proposed partition or subdivision.

(c) Notwithstanding subsections (a) and (b) of this Section, any land division proposed with Limited Residential Development, pursuant to SRC 164.170, shall comply with SRC

Chapter 63, with the exception of SRC 63.145 and 63.155, which shall not apply to the proposed partition or subdivision.

164.090. Neighborhood Center Mixed Use Zone Master Plan – Purpose and Applicability.

- (a) Purpose. Neighborhood Center Master Plan submission requirements and review procedures are hereby established to:
- (1) Promote compatibility with surrounding land uses by identifying the relationships of proposed and future development of the NCMU site with existing surrounding development and open spaces;
 - (2) Promote development patterns at a human scale and that meet the needs of pedestrians through the arrangement of buildings, circulation systems, land uses, and utilities;
 - (3) Promote a logical and harmonious framework for development on the applicant’s property(ies);
 - (4) Promote the efficient use of land and energy;
 - (5) Promote innovative urban design;
 - (6) Protects and enhances natural features; and
 - (7) Facilitate future developments and redevelopment of the NCMU site consistent with established requirements, ;
 - ~~(8) Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City and nearby property owners and occupants with assurances that the project will retain the character envisioned at the time of approval; and~~
 - ~~(9) Provide a basis for discretionary review of an overall plan of development that can subsequently be developed in phases over time with administrative approval.~~

Discussion Point #4:

The Planning Commission has recommended that the draft code be changed to provide an option for a non-binding master plan so that developers will have more flexibility to respond to market changes. With this change Subsections (8) and (9), above, are no longer applicable as they were predicated on the idea that a binding Master Plan, which is subject to discretionary review by the Planning Commission, would set the stage for subsequent phases, which would be reviewed administratively by staff.

Question: Should a binding Neighborhood Center Master Plan be required to be approved for the entire site prior to development?

- (b) Applicability. Except as allowed by subsection (c), below, an approved Neighborhood Center Master Plan shall be required prior to development of a site zoned NCMU. A Neighborhood Center Master Plan may be submitted for review

prior to, or concurrent with, review of a subdivision or specific development project on a NCMU site.

- (c) Exceptions. The following types of development do not require an approved Neighborhood Center Master Plan:
- (1) Development of a Site as a single family subdivision in accordance with SRC 164.170;
 - (2) Site grading;
 - (3) Environmental remediation;
 - (4) Use or reuse of existing structures;
 - (5) Installation of utilities serving adjacent properties.

164.100. Neighborhood Center Master Plan – Procedures.

Discussion Point #5:

Per the Planning Commission's suggestion, Subsection (b) has been amended to include the new alternative of allowing a "non-binding" conceptual plan. The approach described under (b)(1) would allow the property owner to Master Plan individual subareas as small as 3 acres without making any binding commitments regarding the future uses on the remainder of the site. Alternative approaches (b)(2) and (b)(3), which were described in the prior draft, require consideration of the entire site.

Question: Should the approach described in (b)(1), which allows for smaller "subarea" master plans, be made available to applicants?

- (a) A pre-application conference is required pursuant to SRC 164.110.
- (b) ~~Neighborhood Center Master Plan applications shall be prepared in accordance with the requirements of SRC 164.120 and shall meet the standards of SRC 164.160.~~ A property owner may choose one of the following three approaches to Neighborhood Center Master Plan approval:
 1. Submittal of a Design Elements Guidebook and a non-binding Concept Plan, with submittal of separate Neighborhood Center Master Plans for subareas of the site.
 - a. Prior to development within a subarea of the site, a Neighborhood Center Master Plan for that subarea shall be prepared in compliance with the submittal requirements in SRC 164.120(a), (b) and (c) and the development standards and guidelines in SRC 164.160. Each subarea shall be at least three (3) contiguous acres. Each Neighborhood Center Master Plan shall include detailed development plans and elevations which are consistent with the approved Design Elements Guidebook. Phasing of development within a Neighborhood Center Master Plan subarea is not allowed.
 - b. In conjunction with the first Neighborhood Center Master Plan submitted for a site, a Design Elements Guidebook shall be prepared in compliance with SRC 164.120(e). The approved Design Elements Guidebook shall be binding on

- subsequent development on the site. A Concept Plan, which is non-binding, shall also be submitted, illustrating the potential development of the site in conformance with the standards and guidelines of this chapter. The Concept Plan shall be prepared in conformance with the size and scale requirements described for site plans in SRC 164.120(b).
- c. Approval of development within a Neighborhood Center Master Plan shall be subject to Type I Site Plan Review prior to obtaining a building permit.
2. Submittal of a binding Neighborhood Center Master Plan for the entire site with a Phasing Plan and Design Elements Guidebook.
- a. A Neighborhood Center Master Plan shall be prepared for the entire site in compliance with the submittal requirements in SRC 164.120(a), (b) and (d) and the development standards and guidelines in SRC 164.160. Detailed development plans and elevations in compliance with SRC 164.120(c) are required for the first phase only.
- b. Detailed development plans and elevations in compliance with SRC 164.120(c) for subsequent phases are not required at the time of master plan approval; however, the Design Elements Guidebook prepared in compliance with SRC 164.120(e) shall be binding on subsequent development on the site.
- c. Approval of development within subsequent phases shall be subject to Type II Site Plan Review.
3. Submittal of a binding Neighborhood Center Master Plan for the entire site without a Phasing Plan.
- a. A Neighborhood Center Master Plan, including detailed development plans and elevations, shall be prepared for the entire site in compliance with the submittal requirements in SRC 164.120(a), (b) and (c) and the development standards and guidelines in SRC 164.160.
- b. Approval of development within a Neighborhood Center Master Plan shall be subject to Type I Site Plan Review prior to obtaining a building permit.
- (c) Under all three approaches described above, the Neighborhood Center Master Plan Tentative Plan approval process is a Type III proceeding conducted pursuant to SRC XXX.XXX. Tentative Plans must meet the approval criteria in SRC 164.130(a)
- (d) The Neighborhood Center Master Plan Final Plan approval process is a Type II proceeding conducted pursuant to SRC XXX.XXX. Applications shall be prepared and reviewed in accordance with the requirements of SRC 164.130(b).
- (e) An approved Neighborhood Center Master Plan can be amended in accordance with the requirements in SRC 164.140.
- (f) Except for development activities listed as exempt under SRC 164.090(c), development within an approved Neighborhood Center Master Plan shall be consistent with an approved Neighborhood Center Master Plan. ~~If phased development is proposed, approval of development within subsequent phases shall be subject to Type II Site Plan Review. If phased development is not proposed, and~~

detailed development plans and elevations are submitted and approved with the final Neighborhood Center Master Plan, then Type I Site Plan Review is required prior to obtaining a building permit. Applications for Site Plan Review within an approved Neighborhood Center Master Plan shall be in accordance with SRC 163 and the additional requirements of SRC 164.150.

164.110. Neighborhood Center Master Plan – Pre-Application Conference Requirements.

A pre-application conference with staff is required prior to submitting an application for tentative master plan approval. The purpose of the pre-application conference is to allow the applicant and staff to exchange information and to provide the applicant with general guidelines before entering into binding commitments or incurring substantial expense in the preparation of plans. The applicant shall provide maps and a preliminary written statement setting forth the nature of the proposed development as further described in this section.

- (a) The maps for the planned development shall be in a general schematic form prepared on material which is suitable for printing and contain the following information:
 - (1) The topography (either contour lines or elevations at key locations);
 - (2) Proposed land uses and the approximate location of existing buildings to be retained, proposed structures on the site, and existing buildings, structures and uses on the properties adjacent to the site;
 - (3) The approximate location of all proposed streets, including designated pedestrian streets, walkways, and parking facilities;
 - (4) Public uses including schools, parks, playgrounds, open spaces and trails; and,
 - (5) Public and private utilities.
- (b) The preliminary written statement shall contain an explanation of:
 - (1) The character of the proposed development and the manner in which it has been designed to take advantage of the planned development concept;
 - (2) The names and addresses of all owners all land included within the planned development;
 - (3) The method proposed to maintain private common open areas, buildings, private streets or other facilities (e.g., common space maintenance agreements); and,
 - (4) The proposed timing and schedule of development.

164.120. Neighborhood Center Master Plan – Tentative Plan Submittal Requirements.

Discussion Point #6:

The “site” is defined in this chapter as “all contiguous property zoned NCMU.” The submittal requirements have been amended in various places to refer to the “area subject to the Neighborhood Center Master Plan” rather than the “site”. These changes are intended to allow for the submission of smaller, separate master plans for subareas of the site.

Also, some of the requirement to provide additional detail about the street system have been moved to Phasing Plan (subsection (d)(3)).

- (a) ~~Submittal Requirements.~~ In addition to the submittal requirements for Type III applications outlined in SRC XXX.XXX, the Neighborhood Center Master Plan Tentative Plan application shall contain the following:
- (1) A complete application on forms provided by the Planning Administrator, and signed by the property owner, or signed by a prospective purchaser, lessee, or agent, if written delegation of signature authority to such person is submitted with the application;
 - (2) Three copies of a site plan(s) of a size and form specified in subsection (b), and including the information specified in subsections (b) and (c);
 - (3) A legal description for the property subject to the Neighborhood Center Master Plan and three copies of an assessor’s map with identification of the lot, block and tax lot number;
 - (4) Three copies of an existing conditions plan drawn on the same scale as the site plan, which shall include, at a minimum, the following:
 - (A) The total ~~site~~ area subject to the Neighborhood Center Master Plan, dimensions and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls and driveways, noting their distance from property lines;
 - (C) The location of the one-hundred-year flood plain, if applicable;
 - (5) The zoning district, comprehensive plan designation and land uses for all properties abutting the site, including, but not limited to, driveway locations, public and private streets, including bike paths, transit stops, sidewalks and other bike and pedestrian pathways, curbs, and easements;
 - (6) A Geological Assessment or Geotechnical Report, if required by SRC Chapter 69, or a statement from an engineer certifying that landslide risk on the site area subject to the Neighborhood Center Master Plan is low, and that there is no need for further landslide risk assessment;
 - (7) A Traffic Impact Analysis, if required for the development, shall be provided based on a format and thresholds specified in standards established by the Director of Public Works;

- (8) A preliminary utility plan showing capacity needs for municipal water and sewer service and schematic location of connection points to existing municipal water and sewer services and a statement from the Department of Public Works that the utility plans are feasible as to the basic route and size of the facility in relation to the needs of the development and the area;
 - (9) A written statement explaining how the standards of this chapter and of the applicable chapters of the SRC will be met by the proposed development;
 - (10) Additional information, as determined by the Planning Administrator, that may be required by any other provision or for any other permit elsewhere in Salem Revised Code and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria; and
 - (11) Payment of all applicable fees.
- (b) A scale site plan(s) showing the information listed below for the site area subject to the Neighborhood Center Master Plan. All site plans required by this Chapter shall be on sheets not larger than twenty-four inches by thirty-six inches, unless otherwise allowed by the Planning Administrator. Plans shall be drawn at a scale of one inch equals forty feet or larger, i.e., one inch equals thirty feet. All site plans shall also be submitted on eight inch by eleven inch or eleven inch by seventeen inch size paper.
- (1) The total site area subject to the Neighborhood Center Master Plan, dimensions and orientation relative to north;
 - (2) The elevation of the area subject to the Neighborhood Center Master Plan site at two-foot contour intervals, with specific identification of slopes in excess of fifteen percent;
 - (3) The location of drainage patterns and drainage courses, if applicable;
 - (4) The location of all collector streets, ~~including designated pedestrian streets and walkways, their widths and the nature of their improvement and whether they are to be public or private;~~
 - (5) If the master planned development is to be constructed in phases, an indication of the area and intended use of each phase on the map.
- (c) Unless otherwise noted below, ~~The~~ following detailed development information shall also be submitted for the ~~entire site~~ area subject to the Neighborhood Center Master Plan, or, in the case of a phased development, for the first phase only.
- (1) The location of all streets, including designated pedestrian streets and walkways, their widths and the nature of their improvement and whether they are to be public or private;
 - (2) The location, layout, and the surfacing of all vehicle, pedestrian and bicycle parking and loading areas, including identification of and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps;

- (3) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures;
- (4) The proposed individual lot lines of each parcel;
- (5) The location of easements for the water lines, fire hydrants, sewer lines, storm water facilities, and the location of the electric, gas, and telephone lines, television cable, and the lighting plans;
- (6) A landscaping and tree planting plan, including the location of street trees, with a notation indicating the existing trees and shrubs, and an indication of square footage and percentage of site area;
- (7) Written acknowledgment that planting of street trees will be required at time of development pursuant to the standards of SRC Section 164.160(j) and SRC Chapter 86;
- (8) The location, height and material of fences, buffers, berms, walls and other proposed screening as they relate to buffer yard and landscaping required by SRC Chapter 132;
- (9) The location and intended use of all proposed primary and accessory structures and other improvements, including driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures. The number of dwelling units in each residential building and gross floor area for each non-residential building;
- (10) Elevation drawings showing architectural features and proposed colors and materials for all proposed structures, except detached single family residences. The drawings shall be accurate and to scale but need not be the final working drawings;
- (11) A tree conservation plan. If the density bonus provisions of SRC 164.160(g)(2) have been or will be proposed for use on the site, the tree conservation plan shall encompass the entire site;
- (12) The common open areas and spaces and the particular uses, which are intended for them, and the method proposed to maintain private common open areas, buildings, private streets or other facilities (e.g., common space maintenance agreements). If the density bonus provisions of SRC 164.160(g)(2) have been or will be proposed for use on the site, common open areas and spaces and the particular uses, which are intended for them, shall be shown for the entire site;
- (13) The areas proposed to be conveyed, dedicated, reserved, or used for parks, scenic ways, playgrounds, schools, public buildings, and similar public and semipublic uses and whether such areas are to be public or private. If the density bonus provisions of SRC 164.160(g)(2) have been or will be proposed for use on the site, parks, scenic ways, playgrounds, schools, public buildings, and similar public and semipublic uses shall be shown for the entire site;
- (14) Summary table which includes total site area, non-residential gross floor area by use (i.e. office, retail, institutional), parcel sizes, total number of dwelling units, gross residential density per acre, proposed acreage of undeveloped natural area,

- and the number of parking spaces provided, building height, and lot coverage proposed, including areas to be paved for parking and sidewalks;
- (15) A development time schedule indicating the approximate date when construction will begin; and
 - (16) If parcels or lots are to be sold within the development, any information required for a subdivision tentative plan under SRC 63.038.
- (d) If the project will be built in phases, a Development Phasing Plan shall be submitted as part of the Neighborhood Center Master Plan. Development of each subsequent phase shall be subject to Site Plan Review (SRC 163) and the additional requirements of SRC 164.150. At a minimum the Development Phasing Plan shall include the information listed below. The Planning Commission may, at their discretion, require more detailed information about future phases be provided as a condition of approval:
- (1) Demonstrate how the required mix of uses will be provided through phasing, including the approximate locations, amount in square footage of non-residential uses (a size range may be provided), and number of residential dwelling units (a size range may be provided);
 - (2) Indicate the general lot pattern and approximate building envelopes wherein future buildings will be located for each phase and/or identify the building setback standards that will be applied to future buildings;
 - (3) Indicate the general block pattern and location of streets, including designated pedestrian streets and walkways, their approximate widths and the nature of their improvement and whether they are to be public or private;
 - (4) Provide a general description of how on-site circulation, parking, landscaping and tree planting, lighting and other on-site improvements will be designed to function, after the completion of each phase and following complete buildout of the development site; and
 - (5) Unless waived by the director of public works, identify the timeframe, in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved; and
- (e) ~~(6)~~ Include a Design Elements Guidebook prepared in compliance with SRC 164.160(e) that describes the design elements to be used in all subsequent phases, including proposed color palates, materials and typical elevations for all building types.

164. 130. Neighborhood Center Master Plan – Plan Approval

Discussion Point #7:

New approval criteria are proposed to help facilitate consideration of Neighborhood Center Master Plans which do not include the entire site.

Question: Do the proposed amendments to the approval criteria help ensure that Neighborhood Center Plans which are done on a subarea basis will not result in piecemeal development? If not, what other approval criteria should be included to address this change?

(a) Tentative Master Plan Approval.

(1) Criteria for Approval. A proposed Neighborhood Center Master Plan shall meet the following criteria:

(A) The application meets all applicable standards of the Salem Revised Code and the purpose of the Neighborhood Center Mixed Use Zone Master Plan as described in SRC 164.090;

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians;

(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development; and,

(E) If a phased development is proposed, a Development Phasing Plan has been prepared pursuant to Section 164.120(d) that ensures that subsequent phases of the development will be built in conformity with the provisions of the Neighborhood Center Master Plan and the applicable provisions of the SRC.

(F) If the Neighborhood Center Master Plan does not encompass the entire site, the proposed development within the subarea has been designed to function as an integral part of a coherent vision for the entire site.

(2) Expiration of Tentative Plan Approval. A final plan must be submitted within two years after the date of the tentative master plan approval, unless an extension is granted pursuant to subsection (3), below.

(3) Extension of Tentative Plan Approval. At the request of the applicant, the planning administrator may grant up to two 2-year extensions to a tentative plan approval.

(b) Final Master Plan Approval.

(1) The planning administrator shall review the final plan, and shall approve it if it is in substantial conformance with the tentative plan. Nothing in these provisions shall limit a reduction of the number of dwelling units or an increase in the amount of open space, provided that if either is done for one phase, the number of

dwelling units shall not be transferred to another phase, nor shall the amount of open space be reduced below that permitted in the tentative plan for that phase. This substantial conformance provision is intended solely to facilitate minor modifications to the master plan resulting from the more detailed site analysis required by the final master plan, final plat, or a development of a subsequent phase.

- (2) A final Master Plan shall be deemed to be in substantial conformance to the approved tentative Master Plan if all of the following, as applicable, are met:
 - (A) The number of dwelling units are within ten percent of those shown on the approved tentative plan. In no case shall any change in the number of residential units exceed the limits established in the SRC. The yard depths and distances between buildings are within ten percent of those shown on the approved tentative plan, but in no case shall the yard depths and distances be reduced below the minimum established by this Chapter;
 - (B) The amount of open space is equal to or more than that as approved in the tentative plan;
 - (C) The total interior square footage of building shall not vary by more than ten percent from the square footage shown on the approved tentative plan, but in no case shall any change exceed the maximum square footage allowed by the SRC;
 - (D) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of proposed development, and negative impacts to the transportation system are mitigated adequately.
- (3) In lieu of the procedures set out in subsections (1)-(2), the planning administrator may refer the final plan to the Commission for review. The Commission's review shall be limited to the criteria set out in subsection (2) above. The public hearing shall proceed as for the tentative plan approval.
- (4) Filing or Recording. Upon final plat approval, the applicant shall record the final Neighborhood Center Master Plan in the county land records. If lots are to be sold, the developer shall apply for and receive approval to divide the land and record the appropriate plat as provided in SRC 164.085. Approval of a subsequent phase of development that is consistent with an approved Neighborhood Center Master Plan shall not require the Plan to be re-recorded; however, if a subsequent phase requires an additional land division, the developer shall apply for and receive approve to divide the land and record the appropriate plat as provided in SRC 164.085.

164.140. Neighborhood Center Master Plan – Amending a Master Plan.

- (a) Major Amendment Defined. A “Major Amendment” means:
 - (1) A change in land use that would result in a change in the amount of parking required;

- (2) An increase in density by more than twenty (20) percent, provided the resulting density does not exceed that allowed by the applicable zoning district, or development standards;
 - (3) A change in setbacks or lot coverage by more than 20 percent;
 - (4) A change in the location of accessways affecting off-site traffic;
 - (5) An increase in the floor area proposed for non-residential use by more than 15 to percent where previously specified;
 - (6) Change in the boundary of the Core Area; or
 - (7) A reduction of more than 10 percent of the area reserved for common open space;
 - (8) Change to a condition of approval, or a change similar to items (1)-(7), that will have a detrimental impact on adjoining properties. The planning administrator shall have discretion in determining detrimental impacts warranting a major amendment.
- (b) Major Amendment Applications; Approval Criteria. An applicant may request a major amendment to an approved tentative plan or final plan, which will be reviewed as follows:
- (1) Upon the planning administrator determining that the proposed amendment is a major amendment, the applicant shall submit the following; an application form; filing fee; narrative statement describing how the proposed amendment meets the applicable criteria, and; a site plan using the same plan format as in the original approval. The planning administrator may require other relevant information, as necessary, to evaluate the request.
 - (2) An application for a major amendment shall be reviewed by the Planning Commission in accordance with the Type III procedures in SRC XXX.XXX.
 - (3) The scope of review shall be limited to the amendment request. Only those standards and criteria relevant to amendment request may be applied to the application.
 - (4) The Commission shall approve, deny, or approve with conditions an application for major amendment.
- (c) Minor Amendment Defined. A “Minor Amendment” means any amendment to an approved recorded Master Plan that is not within the description of substantial conformance as provided in SRC 164.130(b)(2) or the definition of a major amendment as provided in SRC 164.140(a), above.
- (d) Minor Amendment Review Procedure. An application for a minor amendment shall be reviewed by the planning administrator in accordance with the Type II procedures in SRC XXX.XXX.
- (e) Minor Amendment Approval Criteria. An application for a minor amendment shall meet the following criteria:
- (1) The master plan, as amended by a minor amendment, shall comply with all applicable provisions of this SRC, including applicable conditions of approval of

the master plan, except as may be approved by adjustment or variance granted as provided in this chapter; and

- (2) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto.
- (f) The amended master plan, upon final approval, shall be recorded in the same manner as the final plan and the amendment noted on the original recorded copy of the final plan.

164.150. Neighborhood Center Master Plan – Site Plan Review Requirements.

If a phasing plan is approved as part of a Neighborhood Center Master Plan, approval of subsequent development within future phases shall be subject to Type II Site Plan Review (SPR). If phased development is not proposed, and detailed development plans and elevations are submitted and approved with the final Neighborhood Center Master Plan, then Type I Site Plan Review is required prior to obtaining a building permit. Applications for Site Plan Review within an approved Neighborhood Center Master Plan shall be in accordance with SRC 163 and the additional requirements of SRC 164.150.

- (a) Additional Submittal Requirements for Type II SPR. In addition to the submittal requirements of SRC 163.050, Site Plan Review applications for development within an approved Neighborhood Center Master Plan shall provide the detailed development information required by SRC 164.120(c).
- (b) Additional Criteria for Approval for Type I and Type II SPR. In addition to the Type II Site Plan Review approval criteria in SRC 163.070, the following approval criteria apply to Type II Site Plan Review applications for development within an approved Neighborhood Center Master Plan:
 - (1) The application is in conformance with the final approved Neighborhood Center Master Plan and conditions of approval (or as amended pursuant to 164.140); and,
 - (2) The proposed buildings and other improvements are consistent with the color, materials, and design elements as described in the approved Design Elements Guidebook.

164.160. Neighborhood Center Master Plan – Standards and Guidelines.

Unless an adjustment or variance is approved pursuant to SRC 164, all Neighborhood Center Master Plans shall meet the following standards and guidelines:

Discussion Point #8:

The requirement in subsection (a) that Neighborhood Center Master Plan shall encompass the entire site is no longer applicable and has been deleted. As recommended by the Planning Commission, applicants would be able to prepare Neighborhood Center Master Plans for subareas as small as three acres in size provided they submit a Design Elements Guidebook and a non-binding Concept Plan for the entire site.

The remaining standards below were originally written to apply to the entire site. They have been amended where necessary to allow for the submission of subarea Master Plans. Overall, this does not create any problems; however, the minimum and maximum Core Area requirements and the minimum residential area requirements may be difficult to apply across multiple applications.

Question: How should the standards below be applied to "subarea" Master Plans?

~~(a) Site. A Neighborhood Center Master Plan shall encompass the entire site as defined in Section 164.030.~~

- (a) Setbacks. The minimum building setback from a lot line abutting a lot zoned Residential Agriculture (RA) or Single Family Residential (RS) is 30 feet unless otherwise approved in the Neighborhood Center Master Plan. All other front, rear and side yard setbacks for development shall be established by the Neighborhood Center Master Plan.
- (b) Lot standards. The lot standards (SRC 63.145 and SRC 63.155) shall not apply to Neighborhood Center Master Plans. Lot standards for development shall be established by the Neighborhood Center Master Plan.
- (c) Lot Coverage. There are no minimum or maximum lot coverage requirements for lots or parcels. Lot coverage for development shall be established by the Neighborhood Center Master Plan.
- (d) Building height. Except as allowed pursuant to subsection (f)(2), below, new structures shall not exceed 35 feet in height. Heights of accessory structures shall meet the requirements of SRC chapter 131.
- (e) Architectural Features. The design character of buildings within the NCMU zone shall be compatible with the neighboring buildings within the zone. Attention shall be paid to similarities and contrasts between the following architectural elements: building forms and massing; building height; rooflines and parapet features; special building features (e.g., towers, arcades, entries, canopies, signs, and artwork); window size, orientation and detailing; materials and color; the buildings' relationship to the site. All new buildings other than detached single family dwellings shall incorporate discernible architectural features, such as, but not limited to: cornices, bases, fenestration, fluted masonry, bays, recesses, arcades, display windows, unique entry areas or other architectural treatments for visual interest, to create community character and to promote a sense of pedestrian scale. The overall

design shall recognize that the simple relief provided by window cutouts or sills on an otherwise flat facade, in and of itself, does not meet the requirements of this subsection. If all building elevations are not submitted as a part of the Neighborhood Center Master Plan, to ensure the harmonious design of future phases, this standard shall be addressed by a “Design Elements Guidebook”. The Design Elements Guidebook shall be prepared by the applicant and shall establish a palette of color, materials, and design elements for future phases of development under the approved Neighborhood Center Master Plan.

- (f) Core Area Requirements. ~~All Neighborhood Center Master Plans shall identify a~~ A Core Area, which has been designed to provide services at a neighborhood scale within a compact, pedestrian-friendly environment, shall be provided within the site in accordance with the standards below.
- (1) The total area of the Core Area within the site shall not be less than one (1) acre or greater than five (5) acres in size. The size of the Core Area equals the sum of all land within a site occupied by Retail Sales and Service, Office or Institutional building(s) and the required parking area(s) for those uses. Other uses may be provided within the Core Area (e.g., Parks and Open Space, public rights-of-way); however, the area of these uses shall not be included in the total area calculation.
 - (2) Within the Core Area, building height may be increased to a maximum of 45 feet provided the visual impact of the additional building height is mitigated by the site’s unique physical attributes such as changes in topography or significant stands of large trees.
 - (3) Within the Core Area, buildings shall be located as close to the edge of designated Pedestrian Streets as practicable given final topographic contours and the location and size of vehicular accessways, or shall have their entries be oriented towards abutting public streets. Pedestrian Streets shall be designated pursuant to subsection (i).
 - (4) Within the Core Area, along designated Pedestrian Streets, buildings shall be designed to provide some protection from sun and rain through the use of canopies, arcades, pergolas or similar features, and one or more pedestrian-scaled amenities are required every one hundred (100) feet in the sidewalk area, including but not limited to street furniture, plantings, distinctive paving, drinking fountains, and sculpture.
 - (5) Within the Core Area, primary building entrances shall be oriented toward a designated Pedestrian Street or other public streets. Direct and convenient pedestrian pathways shall be provided from parking areas to building entrances.
- (g) Residential Uses.
- (1) There are no minimum lot sizes or dimensions; however, residential density for the entire site, including the Core Area, shall not exceed six (6) dwelling units per acre, unless a density bonus pursuant to subsection (3) has been granted.
 - (2) Residential density bonus. The maximum residential density may be increased to eight (8) dwelling units per acre for the entire site (including the Core Area) if the

Neighborhood Center Master Plan includes the entire site and provides both increased riparian area protection and additional tree conservation, as described in (A) and (B), below. If the Master Plan does not include either riparian areas or trees suitable for conservation, as defined by subsections (A) and (B), below, the residential density bonus may be achieved by dedicating additional public open space, as defined by subsection (C).

(A) Additional riparian area protection.

- (i) The riparian corridor boundary shall be measured 75 feet horizontally from the top of bank on each side of a waterway as defined in SRC 68.020.
- (ii) The riparian corridor shall be delineated on the Neighborhood Center Master Plan as a separate tract, and shall not be a part of any parcel that is proposed for future development.
- (iii) A restoration plan for the riparian corridor delineated pursuant to subsection ii, above, shall be submitted as part of the Neighborhood Center Master Plan and shall include a tree and vegetation planting or replanting plan consistent with SRC 68.100.

(B) Additional tree conservation. The tree conservation plan, as required by SRC 164.160(n)(1), shows at least ~~seventy-five~~ fifty percent retention of all existing trees as defined in SRC Chapter 68 on the property, *excluding* trees retained within any riparian corridor.

Discussion Point #9:

The Planning Commission recommends reducing the percentage of trees to be preserved from 75% to 50%. The proposed amendment clarifies that the applicable definition of “tree” is in Chapter 68. In Chapter 68, trees are defined as follows:

(t) Tree means any living, woody plant, that grows to fifteen feet or more in height, typically with one main stem called a trunk, which is ten inches or more dbh, and possesses an upright arrangement of branches and leaves. Tree also means any tree planted under SRC 68.100, regardless of dbh. For the purposes of this chapter, in a riparian corridor, the definition of tree also includes a dead or dying tree that does not qualify as a hazardous tree.

Using this definition, only trees 10 inches or greater in diameter at breast height (dbh) would be counted in the 50%. Trees within the 50’ riparian corridor are already protected and are therefore not proposed to be included in the count.

Question: Should trees in the riparian area be included in the count?

(C) Additional public open space. For purposes of this section, “public open space” is defined as a common area designated on the final plan of a Neighborhood Center Master Plan, permanently set aside for the common use of the public through an easement or dedication. The additional public open space required by this section:

- (i) May be a landscaped open area and/or an open area left with a natural vegetative cover in which no streets or parking area are located.

- (ii) Shall be appropriate to the scale and character of the development proposed in the Neighborhood Center Master Plan, considering its size, types of uses, and the number and types of dwellings being proposed, as well as appropriate for the neighborhood or area of the City within which the Neighborhood Center is proposed.
 - (iii) Shall not be less than 10% of the gross site area; and,
 - (iv) Shall not include the natural resource protection and open space areas required by subsection (n)(1) or private open space required by subsection (n)(2).
- (h) Circulation. The Neighborhood Center Master Plan shall include a traffic circulation plan for pedestrian, bicycle, and vehicular movement within and through the site that meets the needs of future residents and visitors. The emphasis of the circulation plan shall be on pedestrian mobility and accessibility and shall demonstrate an effective and convenient system of pedestrian pathways leading into, and within the neighborhood center. To meet the connectivity objectives of the NCMU zone, the circulation plan will:
 - (1) Demonstrate how the on-site transportation system will connect to the existing and planned facilities in the City of Salem’s Transportation System Plan;
 - (2) Except where precluded by existing development, natural features or topography, provide for block lengths within the site that do not exceed three hundred thirty (330) feet between public or private streets, pedestrian pathways, as measured along the nearside curb line of the public or private street or the centerline of the pedestrian pathways. The standards for block length and width (SRC 63.135) shall not apply to Neighborhood Center Master Plans.
 - (3) Provide connections to existing or planned streets and undeveloped properties adjacent or along the border of the site subject to the requirements of SRC 63.225(p); and,
 - (4) Demonstrate how the proposal will provide for bicycle and pedestrian connections and efficient automobile movements to and through the site. Those routes providing direct access to key pedestrian attractors (e.g., nearby schools, transit, retail areas) shall be designated as “Pedestrian Streets”.
- (i) Streets. Except as noted below, all street improvements shall be designed and constructed in conformance with City of Salem Public Works Street Design Standards and the specifications and standards on file in the office of the director of public works. Pedestrian streets shall be designed to encourage interaction among residents of the development and adjoining neighborhoods. Minimum sidewalk widths of eight (8) feet are required unless otherwise approved in the Neighborhood Center Master Plan. Pedestrian amenities are integral elements of the enhanced streetscape design. Amenities such as public plazas, sitting areas, covered walkways, public art, pedestrian scaled lighting, and significant water features (e.g., creek and fountain) shall be incorporated within the streetscape and shall be proportionately scaled to the surrounding walkways, landscaping and buildings. Along all streets, pedestrian scale street lighting shall be provided.

- (j) Street Trees. Within the NCMU zone, street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers. All street trees shall be placed outside utility easements.
- (k) Transit Accessibility. The Neighborhood Center Master Plan shall show pedestrian connections to existing and planned public transit routes and stops that facilitate access. If transit service to or through the site is planned, the Master Plan may also be required to include on-site planned facilities and improvements to public transit system.
- (l) Parking. Off-street parking, loading and driveways shall be provided in the NCMU zone pursuant to SRC Chapter 133. Because parking requirements in SRC Chapter 133 are established by reference to the Standard Industrial Classification (SIC) manual, the Planning Administrator shall determine the most appropriate SIC classification, based on comparison with uses and examples listed this Chapter. In addition, the standards in the following sections apply:
 - (1) SRC 146.120 Driveways for Dwellings; and
 - (2) SRC 146.130 Garages and Setbacks.
- (m) Signage. Except as allowed below, signage shall meet the requirements set forth in SRC 62.360 Signs Permitted in Residential Districts.
 - 1. Signage for non-residential uses approved as part of a Neighborhood Center Master Plan shall meet the requirements set forth in SRC 62.372.
- (n) Guidelines. The following guidelines shall be met unless the applicant can demonstrate that an alternative proposal better meets the intent purposes of the NCMU zone as described in SRC 164.010 and the purpose of the Neighborhood Center Master Plan in SRC 164.090(a):
 - 1. Natural Resource Protection and Open Space. At a minimum, 20% of the area of the Mixed Use Neighborhood Center shall be provided as useable open space, landscaped areas, and/or protected natural areas. Useable open space shall not include sidewalks, parking areas, driveways and streets. Private open space associated with individual residential dwellings shall not be included in this calculation. A tree conservation plan, pursuant to SRC 68.100 is required. The Neighborhood Center Master Plan shall demonstrate how development in the NCMU zone will be designed to preserve and enhance natural features, such as riparian areas and wetlands, pursuant to applicable sections of the SRC and this chapter, and in a manner that meets the objectives of the NCMU zone.

2. Private Open Space. Proposed residential development must meet the private open space standards in Section 3, Compact Development, of the Development Design Handbook.
3. Landscaping. Proposed development must meet the landscaping standards in Section 3, Compact Development, of the Development Design Handbook.
4. The Core Area shall not be located within 50 feet of lots or parcels which are zoned Single Family Residential (RS) or Residential Agriculture (RA).
5. The Ground Floor Area of each individual structure located in the Core Area shall not be greater than 50,000 square feet.
6. Within the Core Area, parking areas shall be located either behind buildings or screened from view by landscaping or architectural features such as a low wall. Parking areas shall not be located between buildings and streets.
7. Hours of Operation. Hours of operation for Retail Sales and Service, Office and Institutional uses are limited to the time between 6:00 AM and 11:00 PM, Sunday through Thursday, and between 6:00 AM and 1:00 AM Friday and Saturday.

Discussion Point #10: The issue of appropriate hours of operation for a neighborhood center should be addressed. One suggestion is to limit the hours to no later than 10:00 pm on any day of the week.

Question: Should hours of operation be further limited? If so, to what time?

8. The total amount of land used for residential uses (composed of only building footprint(s) yard area(s), and parking area(s)) shall not be less than one (1) acre.
 9. Pedestrian street lights shall be no taller than twenty (20) feet unless otherwise approved as part of the Neighborhood Center Master Plan.
- (o) Additional Standards. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU shall apply.
- (1) Preservation of Trees and Vegetation SRC 68
 - (2) Landslide Hazards SRC 69
 - (3) Trees and Shrubs SRC 86
 - (4) Home Occupations SRC Chapter 124
 - (5) Wetlands SRC Chapter 126
 - (6) General Development Standards SRC Chapter 130
 - (7) Accessory Structures SRC Chapter 131
 - (8) Landscaping SRC Chapter 132
 - (9) Off-street Parking, Loading, and Driveways SRC Chapter 133
 - (10) Flood Plain Overlay Zones SRC Chapter 140

164.170. Limited Residential Development Standards.

As an alternative to obtaining approval of a Neighborhood Center Master Plan in accordance with SRC 164.090 – 164.160, a site may be developed in conformance with the clear and objective standards of this section and the Salem Subdivision Code (Chapter 63).

- (a) Permitted Uses. Pursuant to SRC 164.050, the following uses are permitted in the NCMU zone without an approved Neighborhood Center Master Plan:
 - (1) One single family dwelling, other than a manufactured home, per lot;
 - (2) Residential Homes;
 - (3) Accessory uses and structures such as:
 - (A) Customary residential accessory buildings and structures for private use of the property and its occupants;
 - (B) A private garage or parking area;
 - (C) Storage for not more than one commercial vehicle per dwelling unit;
 - (D) Sleeping quarters for domestic employees of the resident of the main building;
 - (E) Guest houses and guest quarters not in the main building provided 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;
 - (F) Swimming pools for private use;
 - (G) Home occupations;
 - (H) 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.
- (b) Special Uses. The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the NCMU Zone:
 - (1) Antennas attached to existing or approved structures.
 - (2) Manufactured homes, one per lot.
- (c) Building height. New dwellings shall not exceed 35 feet in height. Heights of accessory structures shall meet the requirements of SRC chapter 131.
- (d) Lot area and dimensions.
 - (1) Lot area. The minimum lot area requirement for single family dwellings is 7,000 square feet, exclusive of any accessway.
 - (2) Lot dimensions, single family dwellings. Each single family dwelling shall be located on a lot having a minimum width of 70 feet and an average lot depth

between the front and rear lot lines of not less than 70 feet and not more than 300 percent of the average width between the side lot lines, exclusive of accessway. For flag lots, the dimensional requirements are tied to two perpendicular directions, running generally parallel to the lot boundaries, one having an average length across the lot of 70 feet and the other having an average length across the lot of 70 feet. In all cases, minimum lot area requirements shall also be met.

(e) Lot coverage. No single family dwelling, including attached accessory structures, shall occupy more than 60 percent of the lot area.

(f) Setbacks.

(1) Front yards and yards abutting to streets:

(A) Along the full extent of each front lot line and lot line abutting a street, there shall be a minimum required yard 12 feet in depth.

(B) Within 20 feet from the street right-of-way no more than two abutting lots shall have the same setback line from the right-of-way for the main building of each lot. The setbacks for main buildings shall vary at least four feet in depth between abutting lots. A single family dwelling having a side yard abutting a street shall not be considered as affecting or affected by setbacks of abutting buildings under this subsection.

(C) Notwithstanding the provisions of subsections (A) and (B) of this section, there shall be a minimum required yard 20 feet in depth from the right-of-way of a designated parkway, arterial or collector street.

(D) Setbacks for accessory structures shall be subject to the requirements of SRC 131.040.

(E) Along the full extent of each front lot line not abutting a street, such as a flag lot or lot along a private accessway there shall be a minimum required yard 12 feet in depth measured from the most interior of the following lines:

(i) The property line; or

(ii) The most interior access easement line, if an access easement exists.

(2) Interior side yards.

(A) Each lot having an interior side lot line shall have a minimum required side yard of:

(i) Five feet for a building or structure; and

(B) All side yard setbacks shall be measured from the property line or the most interior access easement line, whichever is most interior to the lot.

(C) Setbacks for accessory structures shall meet the requirements of SRC 131.050.

(3) Interior rear yards.

(A) Each lot having an interior rear lot line shall have a minimum required rear yard of:

- (i) Fourteen feet for any portion of a main building not more than one story in height; and
 - (ii) Twenty feet for any portion of a main building of more than one story.
- (B) Setbacks for accessory structures shall meet the requirements of SRC 131.060.
- (C) A duplex located on a corner lot with each unit facing a different street may, at the option of the developer, designate the required rear yard.
- (g) Garages and Parking. The following sections apply:
- (1) SRC 146.120 Driveways for Dwellings, and
 - (2) SRC 146.130 Garages and Setbacks.
 - (3) Off-street parking, loading and driveways shall be provided in the NCMU zone pursuant to SRC Chapter 133.
- (h) Signage. Signage shall meet the requirements set forth in SRC 62.360 Signs Permitted in Residential Districts.
- (i) Additional Standards. Additional development standards may be found in the following chapters of the SRC:
- (1) Preservation of Trees and Vegetation SRC 68
 - (2) Landslide Hazards SRC 69
 - (3) Trees and Shrubs SRC 86
 - (4) Home Occupations SRC Chapter 124
 - (5) Wetlands SRC Chapter 126
 - (6) General Development Standards SRC Chapter 130
 - (7) Accessory Structures SRC Chapter 131
 - (8) Landscaping SRC Chapter 132
 - (9) Off-street Parking, Loading, and Driveways SRC Chapter 133
 - (10) Flood Plain Overlay Zones SRC Chapter 140