

**CHAPTER 138**  
**BROADWAY/HIGH STREET OVERLAY ZONE**

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**138.010. Intent and Purpose.** The Broadway/High Street Overlay Zone sets forth development standards to guide development, redevelopment, and changes in land use to establish a pedestrian oriented mixed-use residential and commercial district and provide a transition from lower density development to the east and higher density development to the west. (Ord No. 85-98)

**138.020. Definitions.**

**"Change of use"** means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code.

**"Develop" or "Development"** means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any buildings; any extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. "Develop" or "Development" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998.
- (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (3) Reasonable emergency procedures necessary for the safety or operation of property;
- (4) Interior remodeling and such exterior remodeling that does not increase square footage of a building, increase building height, or alter the appearance of a structure.

**"Drive through use"** means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's vehicle and typically involving queuing lanes, service windows, service islands, and service bays for vehicular use.

**"Parking structure"** means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

**"Primary building entrance"** means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance.

**"Project"** means a single development built in a single phase. A project may involve single or multiple buildings.

**"Public right-of-way"** means a public right-of-way improved with a road or street.

**"Side street"** means within the Broadway/High Street Overlay Zone, any public street that intersects Broadway Street. (Ord No. 85-98)

**138.030. Establishment of Broadway/High Street Overlay Zone.** For the purpose of placing special restrictions on the use of land within districts shown on the official zoning map on January 1, 1999, the Broadway/High Street Overlay Zone is created, to wit:

- (a) Area I. Beginning at the intersection of the north line of Belmont Street NE and the center line of the alley between Broadway Street NE and Fourth Street NE; thence northerly along the center line of said alley between Broadway Street NE and Fourth Street NE to a point which measures 132.0 feet more or less from the intersection of the north line of Belmont Street NE and the alley between Broadway Street NE and Fourth Street NE; thence westerly 122.50 feet

more or less to the point of intersection with the east line of Fourth Street NE; thence northerly 330.80 feet more or less along the east line of Fourth Street to a point; thence easterly 130.50 feet more or less to a point along the center line of the alley between Broadway Street NE and Fourth Street NE; thence northerly 132.80 feet along said center line of the alley between Broadway Street NE and Fourth Street NE to a point north of the north line of Hood Street NE, if measured perpendicular thereto; thence easterly and parallel to the north line of Hood Street NE 490.50 feet more or less to the point of intersection with the west line of Fifth Street NE; thence southerly 986.14 feet more or less along said west line of Fifth Street to a point; thence westerly 130.50 feet more or less to the point of intersection with the center line of the alley between Fifth Street NE and Broadway Street NE; thence southerly 132.0 feet more or less to the point of intersection of said alley and the north line of Belmont Street NE; thence westerly 360.0 feet more or less along the north line of said Belmont Street NE to the point of beginning.

**(b)** Area II. Beginning at a point 279.20 feet southwest of the intersection of the west line of Liberty Street NE and the West line of Broadway Street NE; thence westerly 20.0 feet more or less to a point; thence northerly 730.0 feet more or less along a line perpendicular to Broadway Street NE to the point of intersection with south line of Belmont Street NE; thence easterly 398.73 feet more or less along the south line of Belmont Street NE to the point of intersection of the south line of Belmont Street NE and the center line of the alley between Broadway Street NE and Fifth Street NE; thence southerly 655.0 feet more or less along the center line of said alley to a point; thence westerly 229.50 feet more or less to a point along the west line of Broadway Street NE; thence northerly 170.0 feet more or less to the point of intersection of the west line of Liberty Street NE and the west line of Broadway Street NE; thence southwestly 279.20 feet more or less along the west line of Liberty Street to the point of beginning.

**(c)** Area III. Beginning at the intersection of the north line of Union Street NE and the center line of the alley between High Street NE and Liberty Street NE; thence northerly along the northerly 773.32 feet more or less along the extended center line of said alley to the point of intersection with the north bank of Mill Creek; thence westerly along said north bank of Mill Creek to the point of intersection with the east line of Liberty Street NE; thence northeasterly 638.70 feet more or less along said east line of Liberty Street NE to the point of intersection of the east line of Liberty Street NE and the west line of High Street NE; thence southerly 220.60 feet more or less along said west line of High Street NE to a point; thence westerly 134.0 feet more or less from said point to a point; thence easterly 115.0 feet more or less to a point; thence southerly 100.0 feet more or less to the point of intersection with the north line of Willow Street NE; thence easterly 60.0 feet more or less to a point; thence southerly 140.0 feet more or less to a point; thence easterly 110.0 feet more or less to the point of intersection with the west bank of Mill Creek; thence westerly and southwestly along said west bank of Mill Creek to the point of intersection with the center line of the alley between High Street and Church Street NE; thence southerly along said center line of the alley between High Street NE and Church Street NE to the point of intersection with the north line of Union Street NE; thence easterly 447.74 feet more or less along said north line of Union Street to the point of beginning.

**(d)** Area IV. Beginning at the intersection of the north line of Market Street NE and the east line of Fifth Street NE; thence northerly 448.0 feet more or less along said east line of Fifth Street NE to the point of intersection of a line that is 116.40 feet more or less north of the north line of Hood Street NE, if measured perpendicular thereto; thence easterly and parallel to the north line of Hood Street NE 130.50 feet more or less to a point; thence northerly 16.40 feet more or less to point; thence easterly 125.00 feet more or less to the point of intersection with the west line of Church Street NE; thence southerly 463.80 feet more or less along said west line of Church Street to the point of intersection with the north line of Gaines Street NE; thence westerly 130.50 feet more or less along said north line Gaines Street NE to a point; thence southerly 331.60 feet more or less to the point of intersection with the north line of Market Street NE; thence westerly 130.50 feet more or less along said north line of Market Street to the point of beginning. (Ord No. 85-98)

**138.040. Approval Process.**

(a) An application for development within the Broadway/High Street overlay zone shall conform to either the prescriptive design standards or performance design guidelines contained in the City of Salem Development Design Handbook. Both the design standards and guidelines found in the City of Salem Development Design Handbook are in addition to all other applicable city code requirements.

(b) Approval of development applications that conform to prescriptive design standards are processed by the city administratively. Approval of development applications that conform to performance design guidelines are processed through the city's design review program with required review and approval by the Planning Commission. A pre-application conference with city staff is required prior to submittal of application materials to provide the applicant an opportunity to discuss with city staff, development review procedures, requirements and options early in the development process. (Ord No. 85-98; Ord 15-06; Ord No. 19-08)

**138.050. Uses in Broadway/High Street Overlay Zone.**

(a) Permitted uses

- (1) Any use permitted in the underlying zone
- (2) Apartment houses, court apartments and condominiums
- (3) Parking structures
- (4) Office, retail and service uses in Area II:
  - (A) Permitted subject to the provisions of SRC 119.700
- (5) Office, retail and service uses in Area IV:
  - (A) Permitted only in combination with residential uses pursuant to SRC 119.700 or parking structures.

(b) Prohibited uses

- (1) Outdoor advertising signs
- (2) Drive-through uses (Ord No. 85-98)

**138.060. Development Standards.**

(a) Land Use

- (1) Within Area II
  - (A) Office, retail and service uses are limited to the ground floor of a building.
  - (B) At least 50 percent of the floor area of each new building shall include dwelling units. All multiple family projects, either newly created or deemed a change of use within an existing building, shall comply with either the applicable standard or guidelines of the Development Design Handbook.

(b) Height

- (1) All new structures shall be limited to a maximum height of 50 feet.

(c) Signs

- (1) Signs permitted within the underlying zone are allowed in the overlay zone pursuant to SRC Chapter 62 except:
  - (A) Outdoor advertising signs are prohibited.
  - (B) Trailer reader boards are prohibited.
  - (C) Roof mounted signs are prohibited
  - (D) Sign towers are prohibited
- (2) Freestanding signs shall be restricted to five feet in height and 24 square feet of total sign area. Freestanding signs shall be setback at least five feet from a street property line.
- (3) Wall signs shall be limited to a greater of 32 square feet or 2 percent of gross face area of the building to which it is attached. A maximum of one wall sign per street or parking lot frontage is permitted. Wall signs along a parking lot frontage shall be limited to 24 square feet in total sign area.

(4) Signs along the Broadway/High Street public right-of-way shall be designed in accordance with a streetscape program for Broadway and High Streets. (Ord No. 85-98; Ord No. 86-2002)

**138.070. Variances.** Any person desiring to develop contrary to the regulations prescribed in this Chapter may make application in accordance with the procedures in SRC Chapter 300. The Hearings Officer may vary development standards upon finding that the variance criteria of SRC Chapter 115 have been met.

The Comprehensive Plan Designations of those properties described in the attached Exhibit A are amended as specified in the exhibit. (Ord No. 85-98; Ord No. 1-10)