

CHAPTER 143A
COMMERCIAL/HIGH DENSITY RESIDENTIAL OVERLAY ZONE

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143A.010. Intent, Purpose and Scope. The purpose of the Commercial/High Density Residential (CHR) zone is to implement the Broadway District high density residential land use concept contained in the North Downtown Plan (July 1997). The intent of this chapter is to accommodate commercial, office, and small warehouse uses while promoting high density residential development. This chapter sets forth particular development standards to guide development, redevelopment, and changes in land use so as to minimize conflicts between commercial, wholesaling, and residential activities. Unless otherwise provided, uses and development standards provided in this chapter supercede the uses and development standards provided in SRC Chapter 153. (Ord No. 29-2001)

143A.020. Definitions.

(a) "**Congregate Residence**" means any building or portion thereof that contains facilities for living, sleeping, and sanitation, and may include facilities for eating and cooking, for occupancy other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels or lodging houses.

(b) "**Change of Use**" means making a different use of any building, structure or land than which existed on November 30, 1998 and for which permission may be required pursuant to this code.

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

(d) "**Floor Area**" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. The floor area of a structure or portion thereof not provided with surrounding exterior walls shall be the useable area under the horizontal projection of the roof or floor above.

(e) "**Floor Area Ratio**" means the floor area of all buildings on a lot divided by the lot area.

(f) "**Mixed-use Development**" means a combination of retail, office or residential uses in a single building or separate buildings on the same site.

(g) "**Redevelopment**" means the structural alteration, enlargement, or reuse of buildings, or clearance of structures and buildings for subsequent development. Redevelopment does not include maintenance and repair, usual and necessary for the continuation of an existing use; reasonable emergency procedures necessary for the safety an operation of the property; and interior remodeling that does not increase the square footage or height of buildings.

(h) "**Residential Structure**" means dwellings, hotels, apartment houses, and congregate residences. (Ord No. 29-2001)

143A.030. Establishment of Overlay Zone. For the purposes of providing for commercial uses and placing special restrictions on the use of land within the City's North Downtown Planning District, the Commercial/High Density Residential Overlay Zone is created, to wit:

Area 1

Beginning at the point of intersection of the north right-of-way line of Belmont Street NE and the west right-of-way line of Liberty Street NE, also being the southwest corner of tax lot 2300, Marion County Tax Assessor's plat 73W22AD; thence north along said west right-of-way line of Liberty Street NE to a point 133.6 feet north of the intersection of the west right-of-way line of Liberty Street NE and the north right-of-way line of Gaines Street NE, also being the northwest corner of tax lot 10200, Marion County Tax Assessor's plat 73W22AA; thence east along the north lot line of said tax lot 10200 to the point of intersection with the east lot line of tax lot 10200; thence south along said east lot line of tax lot 10200 to the point of intersection with the south right-of-way line of Gaines Street NE; thence east along the south right-of-way line of Gaines Street to the point of intersection with the east lot line of tax lot 700, Marion County Tax Assessor's plat 7322AD; thence south along the east lot line of tax lots 700, 800, and 900, Marion County Tax Assessor's plat 7322AD; thence west along the south lot line of said tax lot 900 to the point of intersection with the west right-of-way line of Fourth Street NE; thence south along said right-of-way line to the point of intersection with the south right-of-way line of Market Street NE; thence west along said right-of-way line to the west lot line of tax lot 2300, Marion County Assessor's plat 73W22AD; thence south along the west lot line of said tax lot 2300 to the point of intersection with the north right-of-way line of Belmont Street NE; thence west along said right-of-way line of Belmont Street NE to the point of intersection with the west right-of-way line of Liberty Street NE also being the point of beginning.

Area 2

Beginning at a point on the northwesterly line of North Liberty Street in Salem, Oregon, said point being 560.1 feet South 18°50' West and 279.2 feet South 49°40' West from the southeast corner of Block 10 of the Town Plat of North Salem, recorded in Book 1 page 18, Book of Town Plats, for Marion County, Oregon; thence North 71° West to the center of Mill Creek; thence southeasterly up said Mill Creek to the intersection with the centerline of said North Liberty Street; thence North 49°40' East along said street centerline to a point that is South 71° East of said point of beginning; thence North 71° West to the point of beginning. (Ord No. 29-2001; Ord No. 28-2003)

143A.040. Conforming Uses. Uses and structures existing within the CHR zone area that conform to the zoning code and development regulations existing on November 30, 1998 are deemed allowed uses and conforming structures within the zone. Such uses or structures may be intensified, enlarged, rebuilt, or the exterior altered, provided such intensification, exterior alteration, enlargement, or rebuilding complies with such zoning code and development regulations. The owner of property on November 30, 1998 may extend the uses or structures existing on that date onto any vacant land owned by such owner on November 30,

1998. Change of use or a determination by the Building Official that a building is derelict or dangerous, as defined in SRC 50.600 or 56.230, shall remove the use, structure, and the lot or parcel associated with such use from the scope of this section. Uses and structures not subject to the provisions of this section must comply with the development standards of this chapter and code. The owner shall have the burden to demonstrate conforming use status under this section. (Ord No. 29-2001)

143A.050. Permitted Uses. The following uses, when developed under the general development standards in this zoning code applicable to the CHR overlay zone and to all such uses, generally, are permitted in the CHR overlay zone.

Construction

- (1) Building construction--general contractors and operative builders (15) OFFICES only;
- (2) Construction other than building construction--general contractors (16) OFFICES only;
and
- (3) Construction--special trade contractors (17) OFFICES only.

Printing and Publishing

- (1) Newspapers, Publishing, or Publishing and Printing (271)
- (2) Periodicals: Publishing, or Publishing and Printing (272)
- (3) Books (273)
- (4) Commercial Printing (275)
- (5) Manifold Business Forms (276)
- (6) Greeting Card Publishing (277)
- (7) Bookbinding and Related Work (2789)

Transportation, Communication, Electric, Gas and Sanitary Services

- (1) US Postal Service (431)
- (2) Arrangement of Passenger Transportation (472)
- (3) Telephone Communications (481)
- (4) Telegraph and Other Message Communications (482)

Wholesale Trade

- (1) Furniture and home furnishings (502)
- (2) Professional and commercial equipment and supplies (504)
- (3) Electrical Appliances, Televisions and Radio Sets (5064)
- (4) Hardware (5072, 5074)
- (5) Jewelry, watches, diamonds, and other precious stones (5094)
- (6) Stationary and Office Supplies (5112)
- (7) Drugs, Drug Proprietaries, and Druggist Sundries (512)
- (8) Apparel, piece goods, and notions (513)
- (9) Confectionery (5145)
- (10) Meats and Meat products (5147)
- (11) Fresh fruits and vegetables (5148)
- (12) Groceries and related products, not elsewhere classified (5149)
- (13) Beer, wine, and distilled alcoholic beverages (518)
- (14) Nondurable goods, not elsewhere classified (5199) but EXCLUDING animals, animal and vegetable greases, animal and vegetable oils (except cooking), rennet, crude rubber, nursery stock and every other use which may be classified under this SIC number but is not specifically listed in the description or descriptive list for industry 5199.

Retail Trade

- (1) General Merchandise Stores (53)
- (2) Grocery Stores (541)
- (3) Meat and fish (seafood) markets (5421) provided there is no live animals or slaughtering of live animals permitted on site
- (4) Fruit stores and vegetable markets (543)

- (5) Candy, nut, and confectionary stores (544)
- (6) Retail Bakeries (546)
- (7) Miscellaneous Food Stores including Health food stores (5499)
- (8) Apparel and Accessory Stores (56)
- (9) Furniture, home furnishings, and equipment stores (57)
- (10) Eating and drinking places (58)
- (11) Retail, miscellaneous (59) BUT EXCLUDING fuel and ice dealers (598)

Finance, Insurance and Real Estate

- (1) Depository Institutions (60);
- (2) Nondepository Credit Institutions (61);
- (3) Security and Commodity Brokers, Dealers, Exchanges and Services (62);
- (4) Insurance Carriers (63)
- (5) Insurance Agents, Brokers and Service (64)
- (6) Real estate (65).
- (7) Holding and Other Investment Companies (67)

Services

- (1) Hotels and Motels (701) but excluding casino hotels
- (2) Room and Board facilities serving five or fewer persons
- (3) Laundry, Cleaning and Garment Services (721)
- (4) Photographic and Portrait Studios (722)
- (5) Beauty Shops (723) within mixed use developments only
- (6) Barber Shops (724) within mixed use developments only
- (7) Shoe Repair Shops and Shoeshine Parlors (725) within mixed use developments only
- (8) Miscellaneous Personal Services (729)
- (9) Business Services (73) EXCEPT Heavy Construction Equipment Rental and Leasing (7353), and Equipment Rental and Leasing, Not Elsewhere Classified (7359)
- (10) Miscellaneous Repair Services (76)
- (11) Video Tape Rental (7841)
- (12) Health Services (80) BUT EXCLUDING Nursing and Personal Care Facilities (805) and Hospitals (806)
- (13) Legal Services (81)
- (14) Educational Services (82)
- (15) Membership Organizations (86)
- (16) Engineering, Accounting, Research, Management, and Related Services (87)
- (17) Personal services (72) BUT EXCLUDING power laundries, family and commercial (7211), linen supply (7213), dry cleaning plants, except rug cleaning (7216), carpet and upholstery cleaning (7217), and industrial launderers (7218)
- (18) Amusement and recreation services, (79) BUT EXCLUDING commercial sports (794)
- (19) Social Services (83) EXCEPT Individual and Family Social Services (832)
- (20) Membership organizations (86)
- (21) Museums and art galleries (8412)
- (22) Engineering, Accounting, Research, Management, and Related Services (87) BUT EXCLUDING Research, Development, and testing Services (873)
- (23) Services, not elsewhere classified (899).

Public Administration

- (1) Executive offices (911)
- (2) General government not elsewhere classified (919)
- (3) Fire protection (9224)
- (4) Public finance, taxation, and monetary policy (93)
- (5) Administration of human resource programs (94)
- (6) Administration of environmental quality and housing programs (95)

- (7) Administration of economic programs (96)
- (8) National security and international affairs (97)

Dwellings, dwelling units, and temporary accommodations

- (1) Unlimited number of dwelling units and guest rooms in apartment houses, court apartments, condominiums, and residential hotels; and room and board facilities serving five or fewer persons.
- (2) Residential Home

Other Uses

- (1) Mixed-use development
- (2) Accessory buildings and uses normal and incidental to the uses permitted in the overlay zone
- (3) Transit Stop Shelters
- (4) On-site response actions in accordance with applicable law to discharges of oil and releases of hazardous substances, pollutants, and contaminants. (Ord No. 29-2001)

143A.060. Special Uses.

(a) The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the CHR overlay zone.

- (1) Mixed Use Buildings as defined in SRC Chapter 119;
- (2) Bed and Breakfast establishments;
- (3) Nursing and Personal Care Facilities (805);
- (4) Individual and Family Social Services (832);
- (5) Adult Day Care Center;
- (6) Used merchandise stores (953) with all retail and storage of merchandise and equipment conducted entirely within a building;
- (7) Entertainment establishments;
- (8) Keeping of miniature swine;
- (9) Antennas attached to existing or approved structures;
- (10) Public Automobile Parking Areas;
- (11) General Warehousing and Storage;
- (12) Construction of a replacement single family dwelling unit on an individual lot;
- (13) Ambulance Station;
- (14) Ambulance Service Facility.

(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 or 118. See SRC 119.010. (Ord No. 29-2001; Ord No. 43-06)

143A.070. Conditional Uses. The following uses, with conditional use approval as provided in SRC chapter 117 or 118 as applicable, are permitted in the CHR overlay zone.

- (a) Water Supply (494)
- (b) Historically or architecturally significant buildings as specific conditional uses under SRC chapter 118.
- (c) Child day care centers as specific conditional uses under SRC Chapter 118.
- (d) Drive-through uses
- (e) Automotive repair services and garages (75) (Ord No. 29-2001)

143A.080. Prohibited Uses. Within the CHR overlay zone, no building, structure or land shall be used, erected, structurally altered, or enlarged for any use not permitted under SRC 143A.050 to SRC 143A.070, except as provided in SRC 113.090(b). Prohibited uses expressly include the following:

- (a) Outdoor Advertising Signs (billboards)
- (b) Freestanding support structures less than 70 feet in height and equipment enclosures

- (c) Wildlife rehabilitation facilities
- (d) Outdoor storage of materials and equipment (Ord No. 29-2001)

DEVELOPMENT STANDARDS

143A.090. Development Density.

- (a) Non-residential and mixed-use development shall be developed at a minimum Floor Area Ratio (FAR) of .60 for lots less than 32,000 square feet in area and an FAR of .75 for lots 32,000 square feet or larger in area.
- (b) Residential uses shall be developed at a minimum residential density of 14 dwelling units per acre. This residential density shall be a non-variable standard. (Ord No. 29-2001)

143A.100. Dwellings Required. Development or redevelopment on lots or parcels with frontage on Fourth Street NE shall provide residential structures meeting the development density requirements of 143A.100 if: 1) the lot exceeds 32,000 square feet in area or 2) the lot is vacant or 3) a use is expanded by more than 50 percent of ground floor area. (Ord No. 29-2001)

143A.110. Structure Height and Area. The following height and area restrictions shall apply within the CHR overlay zone:

- (a) Non-residential structures: No structure, erected, altered, or enlarged for non-residential occupancy shall exceed 50 feet in height.
- (b) Mixed use development structures: The height of mixed use development structures shall be limited to the allowable height for type of construction and use as provided in the Uniform Building Code.
- (c) Residential structures: The height and area for residential structures shall be limited to the allowable height and area for type of construction and use as provided in the Uniform Building Code. (Ord No. 29-2001)

143A.120. Yards Adjacent to Streets. There are no required front yards or yards adjacent to streets. (Ord No. 29-2001)

143A.130. Interior Side Yards.

- (a) Interior side yards adjacent to a residentially zoned or used lot or parcel shall be screened at the property line by a sight obscuring fence, wall, or hedge as required in SRC Chapter 131.
- (b) Along the full extent of each interior side lot line there shall be a required yard of zero for common wall construction or a minimum five feet in depth for all other construction. (Ord No. 29-2001)

143A.140. Interior Rear Yards.

- (a) Interior rear yards adjacent to a residentially zoned or used lot or parcel shall be screened at the property line by a sight obscuring fence, wall, or hedge as defined in SRC Chapter 131.
- (b) Along the full extent of each interior lot line there shall be a minimum required yard five feet in depth. (Ord No. 29-2001)

143A.150. Landscaping. All required vehicular use areas shall be landscaped as required in SRC Chapter 132. (Ord No. 29-2001)

143A.160. Screening.

- (a) All trash receptacles shall be screened from adjacent residential uses and public streets.
- (b) Concertina or barbed wire fencing constructed within the CHR overlay zone shall be screened from public view and adjacent property by site obscuring landscaping material. (Ord No. 29-2001)

143A.180. Design Approval. Development subject to the provisions of this chapter shall meet either design standards or guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to all other development standards contained in the zoning code. (Ord No. 29-2001)

143A.190. Variances. The hearings officer may grant a variance from the variable standards contained in this chapter, subject to the provisions of SRC Chapter 115. (Ord No. 29-2001)

143a.200. Reference to Additional Standards.

General Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading, and Driveways	SRC Chapter 133
Development Design Handbook (multiple family residential uses)	

(Ord No. 29-2001)

