

CHAPTER 142
COMMERCIAL/RURAL URBAN DEVELOPMENT OVERLAY ZONES

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142.010 Intent and Purpose. The Commercial/Rural Urban Development Overlay Zones set forth particular development standards to guide development, redevelopment, and changes in land use so as to minimize impacts on existing residential uses.

142.020. Definitions. As used in this chapter, except as the content otherwise requires:

(a) **"Change of use"** means making a different or more intense use of any building, structure, or land than that which existed on August 26, 1987, and for which permission may be required pursuant to this code.

(b) **"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 commercial 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.

To "develop" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued as of August 26, 1987, and under which substantial construction has been undertaken by March 1, 1988;
- (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 building, increase building height, or substantially alter the appearance of the structure.

142.040. Establishment of Commercial/Rural Urban Development Overlay Zones. For purposes of placing special restrictions on the use of land within districts shown on the official zoning map, the following overlay zones are created:

- (a) Area I. Bounded by Superior Street, Commercial Street, Rural Avenue, and the alley between Saginaw and Commercial Streets.
- (b) Area II. Bounded by West Nob Hill Street, Oxford Street, Commercial and Liberty Streets.
- (c) Area III. Bounded by West Nob Hill Street, Hoyt Street, Commercial Street and Oxford Street.
- (d) Area IV. Bounded by Hoyt Street, West Nob Hill Street, McGilchrist Street, and Commercial Street.

142.050. Uses in Commercial/Rural Urban Development Overlay Zones. Any use permitted in the underlying zone shall be permitted in the overlay areas. Any change of use or development in an overlay

area shall additionally meet the use and development standards applicable to that area.

VARIANCES

142.070. Variances. Any person desiring to develop or make a change of use contrary to the regulations prescribed in this chapter may make application in accordance with the procedures in Chapter 110. The hearings officer may vary any of the provisions of SRC 142.200 to 142.500 upon a finding that the variance criteria of Chapter 115 have been met.

DEVELOPMENT STANDARDS

142.200. Development Standards for Area I.

(a) Setbacks.

- (1) A structure shall set back one foot for each one foot of building height, but in no event less than 12 feet but no more than 20 feet in depth required. Setback requirements shall apply to Superior, Commercial, and Rural Streets.
- (2) All new structures shall set back a minimum of 50 feet from the west right-of-way line of the alley.
- (3) All parking areas shall set back a minimum of 12 feet from the street right-of-way and 10 feet from the alley.

(b) Landscaping.

- (1) All areas not occupied by structure, parking area, or driveways shall be landscaped with living plant material.
- (2) All landscaping shall be maintained.
- (3) All plant material that dies or is diseased shall be replaced.
- (4) A 10 foot wide landscaped yard with a sight-obscuring screen (that is a 4-foot high fence, wall or berm) shall be provided abutting the alley. The sight-obscuring screen should stop 25 feet from either end of the alley and there shall be a 10 foot vision clearance area at the intersection of the alley and Rural and Superior Streets.
- (5) Landscaping within the 10 foot wide strip shall meet the requirements of SRC Chapter 132 in addition to the following minimum requirements for plant materials:

Plant Type	Number of Plant Units Per 100 Linear Feet of Boundary or Lot Line
Canopy Trees	2
Understory Trees	6
Shrubs	9
Evergreens and Conifers	6

Plant units shall be distributed not less than three units per each 20 linear feet of boundary or lot line.

(c) **Height.** All structures shall be limited to a maximum of 35 feet.

(d) Access.

- (1) Ingress and egress shall be limited to the following accesses:
 - (A) Three permanent driveways onto Commercial Street with specific locations to be determined by the Public Works Department as properties develop.
 - (B) One driveway each onto Rural and Superior Streets located no closer than 100 feet west of Commercial Street.
 - (C) No commercial driveways shall be allowed to the alley between Rural and Superior Streets.

If properties develop individually, parcel access developed from Commercial Street may be allowed until permanent accesses A and B above can be developed.

As development, redevelopment or change of use of the property occurs within Area I, reciprocal and irrevocable easements for access and parking shall be authorized by the appropriate property owners to accommodate a traffic/parking layout which allows each property access to a public street. These easements shall be recorded with the County Recorder's Office.

(2) To encourage traffic to utilize Commercial Street, no parking shall be permitted on the south side of Superior and the north side of Rural between the alley and Commercial Street.

(3) Traffic control measures should be installed at the intersection of Superior and Saginaw Streets when traffic intrusion problems develop.

(e) Screening.

(1) All parking and loading areas shall be screened from adjacent residential uses and from public streets by a sight-obscuring fence, wall or berm. There shall be a 10 foot vision clearance area along all driveways and the alley.

(2) All trash receptacle areas shall be screened from adjacent residential uses and from public streets.

(f) Lighting. Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development shall within 50 feet of the base of the light standard be either:

(1) Completely shielded from direct view, or

(2) Not greater than five foot-candles.

(g) Existing vegetation. Existing trees over eight-inch caliper as measured approximately 4 feet above the ground shall be maintained wherever possible.

(h) Existing buildings. Existing residential building shall be maintained wherever possible and if converted to office use shall maintain their residential character.

(i) Location of off-street parking facility. Off-street parking facilities shall be permitted only within the same block as the primary use. (Ord No. 48-89; Ord No. 62-95)

142.300 Development Standards for Area II.

(a) Setbacks.

(1) A structure shall set back one foot for each one foot of building height, but in no event less than 12 feet but no more than 20 feet in depth required. Setback requirements shall apply to Commercial, Liberty, and Oxford Streets.

(2) All new structures shall set back from West Nob Hill Street a minimum of 20 feet.

(3) Parking areas shall set back from the street right-of-way line a minimum of 12 feet.

(b) Landscaping.

(1) All areas not occupied by structures or paving shall be landscaped with living plant material.

(2) All landscaped areas shall be maintained.

(3) All plant material that dies or is diseased shall be replaced.

(4) Specific landscaping performance standards along the western side of West Nob Hill Street:

(A) Required landscaping along the western frontage of properties on West Nob Hill Street shall be in the form of a 12-foot wide, continuous landscaped strip, exclusive of either sidewalks running perpendicular to the street or utility structures.

(B) A retaining wall or berm a maximum of four feet in height greater than the elevation at the right-of-way line shall be constructed at the 12-foot setback line only where the finish elevation at the setback line is four feet or less in height than

the elevation at the right-of-way. The retaining wall shall contain a landscaped, sight-obscuring berm constructed within the landscaped strip.

(C) Landscaping within the 12 foot wide strip shall meet the requirements of SRC Chapter 132 in addition to the following minimum requirements for plant materials.

Plant Type	Number of Plant Units Per 100 Linear Feet of Boundary or Lot Line
Canopy Trees	2
Understory Trees	6
Shrubs	9
Evergreens and Conifers	6

Plant units shall be distributed not less than three units per each 20 linear feet of boundary or lot line.

(D) Required landscaping shall meet the vision clearance provisions of the Salem Revised Code.

(c) **Height.** All structures shall be limited to a maximum of 35 feet.

(d) **Access.** Ingress and egress shall be limited to one access on West Nob Hill Street and one access on Oxford Street.

(e) **Screening.**

(1) All parking and loading areas shall be screened from adjacent residential uses by a sight-obscuring fence, wall, or hedge. Fences and walls shall not be higher than four feet in height. A hedge shall not exceed four feet in height.

(2) All trash receptacle areas shall be screened from adjacent residential uses and from public streets.

(f) **Lighting.** Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development shall within 50 feet of the base of the light standard be either:

(1) Completely shielded from direct view, or

(2) Not greater than five foot-candles.

(g) **Existing Vegetation.** Existing trees over eight-inch caliper as measured approximately 4 feet above the ground shall be maintained wherever possible.

(h) **Location of off-street parking facility.** Off-street parking facilities shall be permitted only within the same block as the primary use. (Ord No. 62-95)

142.400 Development Standards for Area III.

(a) **Land use.**

(1) All activities shall be oriented away from West Nob Hill Street.

(2) No drive-up windows shall be permitted.

(3) Hours of operation shall be limited to 6:00 a.m. to 12:00 midnight.

(b) **Setbacks.**

(1) That all new structures be set back from the west line of West Nob Hill Street a minimum of 20 feet.

(2) Parking areas shall set back a minimum of 12 feet from the west right-of-way line of West Nob Hill Street.

(c) Landscaping.

(1) All areas not occupied by structures or paving shall be landscaped with living plant material.

(2) All landscaped areas shall be maintained.

(3) All plant material that dies or is diseased shall be replaced.

(4) Specific landscaping performance standards along the western side of West Nob Hill Street:

(A) Required landscaping along the west frontage of properties on West Nob Hill Street shall be in the form of a 12-foot wide, continuous landscaped strip, exclusive of either sidewalks running perpendicular to the street or utility structures.

(B) On properties where the finish elevation at the 12 foot setback line is a difference of four feet or less, higher or lower than the elevation at the right of way line, a retaining wall shall be constructed at the setback line which shall be at a minimum, four feet in height greater than either the elevation at the right-of-way line or the 12 foot setback line, whichever is less. The retaining wall shall contain a landscaped, sight-obscuring berm constructed within the landscaped strip.

(C) Landscaping within the 12 foot wide strip shall meet the requirements of SRC Chapter 132 in addition to the following minimum requirements for plant materials.

Plant Type	Number of Plant Units Per 100 Linear Feet of Boundary or Lot Line
Canopy Trees	2
Understory Trees	6
Shrubs	9
Evergreens and Conifers	6

Plant units shall be distributed not less than three units per each 20 linear feet of boundary or lot line.

(5) If retaining walls are required, they shall not exceed a height of four feet. If greater wall height is required, the retaining walls shall be terraced and dirt areas shall be planted with living plant material.

(d) Height. All structures shall be limited to a maximum of 35 feet.

(e) Access.

(1) No vehicle access shall be permitted to West Nob Hill Street.

(2) Access to or from Commercial Street shall be limited to the following:

(A) The two existing driveways on the block between Oxford and Rural Streets.

(B) One "entrance only" driveway on the block between Hoyt and Fawk Streets.

(C) No driveways on the two blocks between Rural and Fawk Streets. If properties with no allowed access to Commercial Street develop individually, temporary parcel access may be permitted until permanent access to Rural, Jerris, or Fawk is secured.

As development, redevelopment, or change of use of such properties occurs, reciprocal and irrevocable easements for access and parking shall be authorized by the appropriate property owners to accommodate a traffic/parking layout which allows each property access to a public street.

(f) Screening.

(1) All parking and loading areas shall be screened from adjacent residential uses to the east.

(2) Screening shall include the use of both living plant material and sight-obscuring fence, wall, or berm.

(3) All trash receptacles shall be screened from adjacent residential uses and from public streets.

(g) **Lighting.** Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development shall within 50 feet of the base of the light standard be either:

(1) Completely shielded from direct view, or

(2) Not greater than five foot-candles.

(h) Location of off-street parking facility. Off-street parking facilities shall be permitted only within the same block as the primary use. (Ord No. 62-95)

142.500 Development Standards for Area IV.

(a) Land use.

(1) All activities shall be oriented away from West Nob Hill Street.

(2) No drive-up windows shall be permitted.

(3) Hours of operation shall be limited to 6:00 a.m. to 12:00 midnight.

(b) Setbacks.

(1) That all new structures be set back from the west line of West Nob Hill Street a minimum of 20 feet.

(2) Parking areas shall set back a minimum of 12 feet from the west right-of-way line of West Nob Hill Street.

(c) Landscaping.

(1) All areas not occupied by structure, parking area, or driveways shall be landscaped with living plant material.

(2) All landscaping shall be maintained.

(3) All plant material that dies or is diseased shall be replaced.

(4) Specific landscaping performance standards along the western side of West Nob Hill Street:

(A) Required landscaping along the western frontage of properties on West Nob Hill Street shall be in the form of a 12-foot wide, continuous landscaped strip, exclusive of either sidewalks running perpendicular to the street or utility structures.

(B) A four foot high retaining wall shall be constructed at the 12 foot setback line to contain a landscaped sight-obscuring berm constructed within the landscaped strip.

(C) Landscaping within the 12 foot wide strip shall meet the requirements of SRC Chapter 132 in addition to the following minimum requirements for plant materials:

Plant Type	Number of Plant Units Per 100 Linear Feet of Boundary or Lot Line
Canopy Trees	2
Understory Trees	6
Shrubs	9
Evergreens and Conifers	6

Plant units shall be distributed not less than three units per each 20 linear feet of boundary or lot line.

- (d) **Height.** All structures shall be limited to a maximum height of 35 feet.
- (e) **Access.**
- (1) All properties with frontage along Commercial Street shall be allowed one driveway onto Commercial Street.
 - (2) No new driveways onto West Nob Hill Street shall be allowed from lots having Commercial Street access or access to McGilchrist, Judson, or Hoyt Streets.
- (f) **Screening.**
- (1) All parking and loading areas shall be screened from adjacent residential uses to the east.
 - (2) Screening shall include the use of both living plant material and sight-obscuring fence, wall, or berm.
 - (3) All trash receptacles shall be screened from adjacent residential uses and from public streets.
- (g) **Lighting.** Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development shall within 50 feet of the base of the light standard be either:
- (1) Completely shielded from direct view, or
 - (2) Not greater than five foot-candles.
- (h) **Location of off-street parking facility.** Off-street parking facilities shall be permitted only within the same block as the primary use. (Ord No. 62-95)

