

TITLE X

ZONING

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CHAPTER 110
GENERAL ZONING PROVISIONS

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REVISION NOTE:

The Salem Zoning Code was adopted as Title X of the Salem Revised Code by Ordinance No. 186-82, effective February 1, 1983. Chapter and section numbers which are used in the following Title X may, in many cases, be the same as chapter and section numbers appearing in the former "Salem Zoning Ordinance," previously codified as SRC Title X. Reuse of chapter and section numbers is not intended to in any manner relate back to or otherwise coincide with the provisions of any such former chapters and sections. For the user's convenience, all current replacement pages in Title X of the Salem Revised Code bear the legend "last printing 1/83" or later in the lower right corner of the face page of the sheet. Any pages not so captioned should be discarded. This explanation is inserted as required by Sec. 23, Ord. No. 186-82, and does not constitute a part of the Salem Revised Code.

110.010. Short Title. Chapters 110 to 162 of this Code shall be known as the "Salem Zoning Code." (Ord No. 186-82; Ord No. 1-05; Ord No. 47-08)

110.020. Intent and Purpose. It is the intent and purpose of the regulations, restrictions, and procedures contained in this zoning code:

- (a) To codify the primary regulatory instrument with which to implement the comprehensive plan;
- (b) To promote and to protect the public health, safety, and general welfare of the community;
- (c) To classify by zone all property in such manner as to reflect its present suitability for particular uses, and to provide a process whereby property may be reclassified to reflect other suitable uses consistent with the comprehensive plan and changing conditions and community values;
- (d) To provide sanctions for violation of the provisions of this zoning code. (Ord No. 186-82)

110.030. Application and Construction of Regulations.

- (a) The regulations set forth in this zoning code, are intended and shall be construed as minimum regulations, and shall apply uniformly to each class or kind of use, structure or land unless varied or otherwise conditioned as allowed in this zoning code.
- (b) Where a compliance period or other time for performing an act is expressed as a certain number of days after a certain date or event, such reference shall mean consecutive calendar days beginning with the first day after the date or event from which the period begins, and ending at five o'clock p.m. on the last day of the number of days stated, unless the last day is not a city business day, in which case the last day of the period shall be the first city business day following the last of the consecutive calendar days. A period expressed in terms of "city business days" shall mean consecutive city business days calculated as above.
- (c) Where a period of time is expressed as between particular hours, the period shall begin and end on the same day unless the first hour mentioned is after noon and the second hour is before noon, in which case the period shall end at the second hour stated on the day following the first hour stated. (Ord No. 186-82)

110.040. Effect on Other Public and Private Regulations and Restrictions. This zoning code shall be construed and applied independently of, and without regard to any private easement, deed restriction, covenant or other legally enforceable restriction imposed on the use or development of land. It is not intended by this zoning code to in any way impair or interfere with any other provision of public regulatory law or ordinance relating to the use of buildings or land, or relating to the construction or alteration of any buildings or improvements. (Ord No. 186-82; Ord No. 57-2000)

110.050. Formal Interpretations.

(a) When, in the administration of this zoning code, the administrator deems it appropriate that a question as to its intent be formally rather than administratively resolved, the administrator may request an interpretation of the provision by the commission as provided in this section. Alternatively, any person, upon application, may request such interpretation. Upon such request, or on its own motion, and following notice applicable to zone code text amendments, in the case of general interpretations and affected property owner notification, in the case of applicant-initiated requests, the commission may issue a formal interpretation if it has determined that such interpretation is within its ability and is not a legislative act. The commission shall, in the event it does not render an interpretation, either refer the question to the council with any explanation it deems appropriate, or recommend to the council appropriate revisions to this zoning code to resolve the question, or to revise or supplement a policy issue.

(b) The purpose of a formal interpretation is to clarify the intent of this zoning code and its application in particular circumstances; and the commission shall not, by interpretation, vary or modify any clear and unambiguous provision thereof, nor supplement the provisions thereof by adding new restrictions, standards, or policies not apparent or necessarily implied within this zoning code itself.

(c) The commission may, in rendering an interpretation, solicit the advice of any person or organization, including city staff, whose advice it deems of benefit; and may cause to be researched any public records which may disclose the historical basis of the provision in question, and the legislative intent expressed therein.

(d) In rendering interpretations, the commission shall always consider the comprehensive plan where applicable, and shall render no interpretation inconsistent with either its provisions or its intent.

(e) Formal interpretations by the commission shall be in writing, and a copy shall be placed before the council for its information. The administrator shall keep a permanent file of all such interpretations. Further copies shall be distributed as directed by the commission, the administrator, or both.

(f) The council may, upon its own motion or in response to an interpretation made by the commission, render its own interpretation as to the meaning, intent or application of any provision of this zoning code.

(g) Formal interpretations made by the commission shall control future administrative interpretation and enforcement of this zoning code unless superseded by subsequent commission formal interpretations, or vacated or superseded by the council. The commission shall give great weight to prior formal interpretations when considering any subsequent issue for interpretation.

(Ord No. 186-82; Ord No. 56-90; Ord No. 1-91)

110.900. Compliance Required; Responsibility for Violations.

(a) No property shall be developed, redeveloped, or changed in use; no building structure or premises shall be used or occupied; and no building or structure or part thereof shall hereafter be erected, constructed, moved, structurally altered, or enlarged unless in conformity with all applicable regulations herein specified, and all conditions imposed in the granting of any applicable land use action, and then only after applying for and securing all permits and licenses required by all applicable laws and ordinances.

(b) It shall be unlawful for any person to violate, or to cause, suffer, or permit any violation of the provisions of subsection (a) of this section.

(c) Proof of the existence of a violation of subsection (a) of this section shall be deemed prima facie evidence that such violation is that of the occupant of the premises as well as that of the owner or with such owner's consent. Prosecution or lack thereof of either the owner or of the occupant shall not relieve the liability of the other for any violation of this zoning code. (Ord No. 186-82)

110.990. Violations. Violation of subsection (a) of SRC 110.320; SRC 110.900; or subsection (b) of SRC 114.130 is an infraction and is punishable by a fine of not less than \$100 and not more than \$250. The second and subsequent violation in any one year period is punishable by a fine of not less than \$250. In addition to any other penalty provided by law, a person adjudged responsible for violation of subsection (a) of SRC 110.320; SRC 110.900; or subsection (b) of SRC 114.130 may be ordered by the court to correct the violation. (Ord No. 186-82; Ord No. 47-97)

