

**CHAPTER 122**  
**INCREASED RESIDENTIAL DENSITY**

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**122.010. Intent and Purpose.** The council finds that the cost of housing in the Salem area has drastically increased in recent years to the point that many families are no longer able to afford to own their own homes. This cost is due, in part, to the high cost of land and the high cost of developing under conventional density and lot development standards. It is, therefore, the intent of this chapter to encourage the development of more affordable housing through the increase of allowable density and relaxation of lot development standards for new subdivisions in all residential districts other than RH. In order to assure that these more liberal standards will not be the source of continuing development of unacceptable living areas, a "sunset" provision requires review and read option of these standards by July 1, 1991. (Ord No. 21-84;Ord No. 127-86; Ord No. 9-91)

**122.020. Densities Permitted.**

(a) Notwithstanding any provision in this zone code relating to density of dwelling units, percent of lot coverage, or minimum lot size, the following densities are permitted in RA, RS, RD, and RM districts for new subdivisions as provided in SRC 122.090:

(1) **RA and RS Districts.** Subdivisions may be developed at a density of not more than eight dwelling units per gross acre of land contained within the subdivision.

(2) **RD District.** Subdivisions may be developed at a density of not more than 12 dwelling units per gross acre of land contained within the subdivision.

(3) **RM District.** Subdivisions may be developed at a density of not more than 20 dwelling units per gross acre of land contained within the subdivision.

(b) In determining allowable density of a subdivision, the entire area of the subdivision expressed in acres or fractions thereof within each district shall be multiplied by the allowable density for that district as set forth in subsection (a) of this section. The result is the number of dwelling units permitted for the area of the subdivision thus zoned, except that fractions of a dwelling unit shall be disregarded.

(c) No variance or adjustment purporting to authorize or having the effect of allowing an increase in the densities prescribed in this section shall be granted.(Ord No. 127-86)

**122.030. Uses Permitted.** All uses permitted in the underlying zoning district, including special and conditional uses subject to the conditions prescribed therefor, shall be permitted in subdivisions developed under this chapter; provided that "rental dwellings" as defined in SRC 31.993, and mobile homes shall not be permitted.

**122.040. Yards and Setbacks; Driveways; Vision Clearance.** The following special yard, setback, driveway and vision clearance provisions shall supersede any more restrictive provision of this zoning code:

(a) All buildings, recreation areas except paths of 5 feet or less in width, driveways, parking areas, and access ways, including zero side yard dwellings, shall have a landscaped yard along the boundaries of the subdivision with the following depths:

- (1) In an RA or RS district, 14 feet for buildings 35 feet or less in height; 20 feet for all other dwelling units.
- (2) In an RD or RM district, ten feet for buildings 35 feet or less in height; 14 feet for all other dwelling units.
- (b) Dwelling units need not comply with any other yard or setback provision of this zoning code except as otherwise provided in this section.
- (c) The special setback lines established in SRC 130.180 shall be adhered to, provided the cumulative setback shall be five feet plus the distance specified in Table 130-1.
- (d) Garages having vehicle entrances facing the street shall be set back at least 20 feet from the furthest from the street of the following lines:
  - (1) The right-of-way line;
  - (2) The outside curbline; or
  - (3) The edge of the sidewalk farthest from the street.
- (e) Driveways serving garages for single family residences shall, within 20 feet of the line specified in subsection (c) of this section, contain no area where a paved rectangle at least seven and one-half feet by twenty feet is not available for the parking of a vehicle.
- (f) At each side of a driveway serving any number of parking spaces a vision clearance triangle shall be provided having 15-foot legs along the driveway and the edge of the sidewalk farthest from the street; or, where there is no sidewalk adjacent to the street, along the curbline. The vision clearance triangles shall be unobstructed as provided in SRC 130.280.
- (g) Vision clearance triangles at street and alley intersections shall be provided as required by SRC 130.280; provided that where a street has less than 60 feet of right-of-way, or an improved curb-to-curb width of less than 30 feet, the legs of such vision clearance triangles along such streets shall be 30 feet for intersections with alleys and with driveways serving off-street parking areas having space for more than three vehicles, and 40 feet for street intersections. (Ord No. 48-89)

**122.050. Building Mass.** No building shall exceed 150 feet in any dimension measured along an exterior wall; provided that a building may extend up to 200 feet if there is provided an offset or jog in the wall at least six feet in depth within 50 feet of the center of such dimension. For purposes of this section, attached buildings shall be considered a single building.

**122.060. Parking and Driveways.** Parking shall be provided at a minimum of two and one-half spaces per dwelling unit in the subdivision. Parking areas may be located anywhere within the subdivision without regard to the limitation as to location specified in SRC 133.050. Where more than two vehicle parking spaces are served by a common driveway, adequate space as determined by the director of public works shall be provided in the parking and driveway area for backing and turning of vehicles so that they may exit the driveway front first. Not more than one-half space per dwelling unit in the subdivision may be provided by on street parking on streets with not less than the right-of-way and improvement width specified in SRC 63.235(a) and (b), or by parallel parking bays on other streets.

**122.070. Pedestrian/Bicycle Ways.** A paved pedestrian/bicycle system which may, but need not necessarily be conventional curbline or property line sidewalks, shall be provided connecting all buildings other than accessory buildings, parking areas, common facilities on the site, and the city's pedestrian/bikeway system as existing or planned. Such pedestrian/bikeway system shall be designated on the plat of the subdivision as open to the public, but need not be dedicated public right-of-way. The design of such pedestrian/bikeway system and its connections to the city's pedestrian/bikeway system shall be approved by the planning administrator as part of the subdivision review process. In addition to the provisions of SRC 63.245, the planning administrator may require that lighting for pedestrian/bikeways be provided. Operation and maintenance of lighting systems serving pedestrian/bikeways which are not within dedicated public right-of-way shall not be the responsibility of the city. (Ord No. 127-85)

**122.080. Homeowners' Association.** Where there is any common property or facility in the subdivision, there shall, as part of the covenants, conditions, and restrictions recorded with the subdivision, be a provision that all property owners within the subdivision shall be members of a homeowners' association. The association shall, at a minimum, be responsible for the perpetual maintenance and operation of all common property and facilities in the development, including but not limited to: open space, parking areas, recreational facilities, private streets, privately owned pedestrian/bikeways, and common buildings. Such association shall have the power to levy and assess against privately owned property in the development all necessary costs for maintenance and operation of common property and facilities. The documents creating such association shall have the approval of the city attorney. Except as provided in this section, a homeowners' association shall be optional.

**122.090. Designation of Increased Density Subdivisions.** At the time of filing a subdivision application, the applicant may designate his development for increased residential density as allowed by this chapter. Such application shall be referred to the planning administrator and processed as provided in SRC 63.046. The planning administrator shall have no power to deny increased density designation if the subdivision meets the criteria specified in SRC 122.020. The planning administrator may impose conditions as provided in this chapter, or as necessary to insure conformance with the applicable provisions of SRC Chapter 63, and the purposes set forth in SRC 63.020. The planning administrator may deny tentative plan approval for the reasons specified in SRC 63.046(c), upon written findings and conclusions being made as specified in SRC 63.046(d). (Ord No. 127-85;Ord No. 48-89)

