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**113.010. Establishment of Zoning Districts.**

(a) For the purposes expressed in SRC 110.020, the City is divided into certain distinctive land use categories which may be applied to geographic areas of the City and recorded on an official zoning map. The zoning district names, their respective zone map designations and the chapters in which their respective special regulations are set forth are as follows:

<b>Zoning District Name</b>	<b>Designation</b>	<b>Chapter</b>
Flood Plain Overlay Floodway	FW	140
Floodway Fringe	FF	140
Willamette Greenway Overlay	WG	141
Residential Agriculture	RA	145
Single Family Residential	RS	146
Duplex Residential	RD	147
Multiple Family Residential	RM	148
High Rise Multiple Family Residential	RH	149
Commercial Office	CO	150
Neighborhood Commercial	CN	151
Retail Commercial	CR	152
General Commercial	CG	153
Central Business	CB	154
Industrial Commercial	IC	155
Industrial Business Campus	IBC	156
Industrial Park	IP	157

General Industrial	IG	158
Intensive Industrial	II	159
Public Amusement	PA	160
Public and Private Cemeteries	PC	160
Public and Private Educational Facilities	PE	160
Public and Private Health Services	PH	160
Public Service	PS	160
Capitol Mall Area	PM	160
Employment Center	EC	161
South Waterfront Mixed-Use	SWMU	162
Neighborhood Center Mixed-Use	NCMU	215

(b) Whenever the terms "R" districts, "C" districts, "I" districts, or "P" districts are used in this Code, they shall be deemed to refer to all districts containing that letter as the first letter designation in their names. For example, the term "R districts" shall include all residential districts, including RA, RS, RD, RM, and RH. R districts are also referred to as "residential," C districts as "commercial," I districts as "industrial" and P districts as "public" or "public use."

(c) The above ordering of districts does not rank them as to their desirability or need to be included within the City. All districts are hereby deemed to be appropriate as offering a range of available use classifications which may be applied in individual cases to promote the health, safety, and general welfare of the City and its people and to implement the objectives set forth in the comprehensive plan.

(d) Certain districts listed above are intended to overlay or combine with others. They are listed by a title followed by the word "overlay." They are designed to be combined with non-overlay districts to satisfy certain natural conditions or stated community objectives and needs. (Ord No. 178-82; Ord No. 186-82; Ord No. 68-83; Ord No. 1-05; Ord No. 47-08; Ord 20-11)

### **113.020. Adoption and Form of Official Zoning Map.**

(a) An official zoning map entitled, "Zoning Map of the City of Salem February 1, 1983" is hereby adopted and made a part of this zoning code. The location and boundaries of all zoning districts, overlay-combining districts and all other information required by this chapter shall be noted on such zoning map. The official zoning map shall be filed with the administrator or subject to his control if electronically stored as provided in subsection (c) of this section. The administrator shall, when necessary, certify to the accuracy of copies of the official map or portions thereof.

(b) The zoning map may consist of several sheets or pages, each of which shall bear a distinctive identifying number assigned by the administrator.

(c) Notwithstanding the provisions of subsection (b) of this section, the council may, by resolution, order digital electronic programming and storage of the official zoning map in a data processing (computer) system. In such event, a copy of the information so programmed and retrieved in the form of a map or maps shall be compared by the administrator with the prior official zoning map. If the map thus retrieved from electronic data to be accurate, the administrator shall certify that the official zoning map has been accurately programmed for permanent electronic storage, and thereafter the data thus stored shall be the only official zoning map.

(d) The administrator shall adopt rules governing access to and storage of the official zoning map (if electronically stored) to insure against accidental or unauthorized modification or loss of the data. (Ord No. 186-82)

**113.030. Amendments to Official Map.**

(a) Except as provided in subsection (b) of this section, when particular property is rezoned, a copy of the action effecting the change shall be filed with the administrator who shall note on the official zoning map a clear indication that an amendment affecting the particular property has been made, and shall keep on file a copy of the action accomplishing such amendment so indexed that by reference to the location of the property, the action may be readily retrieved.

(b) If the official map is kept in electronic data processing, amendments shall be programmed as provided in SRC 113.020(c) together with adequate reference to the date of the amendment and the specific action resulting in such change as to a particular property so that by reference to the information thus programmed, the action may be readily retrieved from the file kept by the administrator. The administrator shall certify that a retrieved copy of such amended portion of the map is accurate, and the data as thus amended shall thereafter be the official zoning map. (Ord No. 186-82)

**113.040. Addition of Annexed Areas to Official Map.**

(a) When property is annexed to the City of Salem, and such annexation becomes final and effective, the administrator shall add to the official zoning map the area annexed, together with such zoning as has been adopted by ordinance of the council. The area added to the official map shall be annotated to the effect that it is an addition citing the action annexing the property to the city and the actions establishing the zones.

(b) The added map or sheet shall be certified and filed in the same manner as set forth in SRC 113.030. (Ord No. 186-82; Ord No. 51-96)

**113.050. Replacement of Pages of Official Map.** The administrator may, from time to time, cause a comprehensive update of electronic data comprising the official map, or replacement pages for the official zoning map to be prepared engrossing without specific reference all lawful changes in zoning to a certain date. Such replacement data or pages shall be carefully compared with the official zoning map by the administrator who shall, if satisfied that they are correct, certify the same. Each replacement page or update of electronic data shall bear the date of its preparation. Any pages thereby replaced, and a copy prepared from the electronic data before being updated shall be retained in a separate file by the administrator. The file may be either physical retention of the pages replaced, microfilm, or other photographic reduction, or electronic data processing. (Ord No. 186-82)

**113.060. Replacement of Entire Map.**

(a) In the event the official zoning map becomes damaged, destroyed, or lost, or when it is necessary or desirable for some other reason, the council, upon recommendation of the commission, may adopt all or part of a replacement zoning map by ordinance, and such map shall supersede the prior official zoning map. Reference in this zoning code to the official zoning map "as of the date of its adoption" shall mean the most recent such replacement map as of the date of its adoption.

(b) The replacement zoning map shall be certified and filed in the same manner as set forth in SRC 113.020.

(c) The superseded zoning map, or any portion thereof which has not been damaged, destroyed or lost, shall be retained in a separate file by the administrator as provided in SRC 113.050. (Ord No. 186-82)

**113.070. Status of Official Map; Effect of Copies.**

(a) Regardless of the existence of purported copies of the official zoning map which may from time to time be made or published, there shall be only one official zoning map, which shall be the map kept on file by the administrator or electronically programmed and stored as provided in

SRC 113.020 to 113.060. The official zoning map shall be the final authority as to the zoning status of all land and water area, buildings and other structures within the city as of the date of its first adoption. As to amendments to the map, it shall be deemed prima facie evidence of the zoning status of the area shown by the amendment; but in the event of a conflict between the map and the action effecting the amendment, the action shall control.

(b) Uncertified copies of the map are furnished for informational purposes only, and no representation as to their accuracy is made or implied. Persons wishing to verify the zoning status of a particular property may request a certified copy of the official zoning map showing the zoning status as of a particular date, which the administrator shall furnish, charging any fee otherwise prescribed for certified copies of the public records of the city.

(c) Certified copies of the official map or portions thereof shall note thereon the date as of which the zoning status is represented by the copy. Such copies shall be deemed primary evidence of the official zoning map, having like effect as the original from which the copy was made. (Ord No. 186-82)

**113.080. Rules for Interpretation of District Boundaries.** Where uncertainty exists as to the boundaries of districts as shown on the official zoning map, the following rules shall apply:

(a) Boundaries indicated as approximately following the centerlines of streets, highways, or alleys shall be construed to follow such centerlines;

(b) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;

(c) Boundaries indicated as approximately following city limits shall be construed as following city limits;

(d) Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks;

(e) Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

(f) Boundaries indicated as parallel to or extensions of features indicated in subsections (a) through (e) above shall be so construed. Distances not specifically indicated on the official zoning map shall be determined with reference to the scale of the map;

(g) In all cases where a zoning or rezoning action was made with reference to a specific property description, that description shall establish the district boundary; and where two or more property descriptions would apparently establish conflicting boundaries, the most recent action shall control;

(h) Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by subsections (a) through (f) of this section, the administrator shall interpret the district boundaries, and, if need be, may refer the matter to the commission for its interpretation as provided in SRC 110.050. (Ord No. 186-82)

**113.090. Classification and Interpretation of Uses.**

(a) Within each zoning district, uses are classified procedurally as "permitted," "conditional," and "special." Further, uses are functionally classified by description of the particular activity (such as "single family residence"), or by generic category with reference to the "Standard Industrial Classification Manual." Uses functionally classified with reference to the Standard Industrial Classification Manual (SIC) are described with the SIC title for the particular subdivision thereof, followed by the index number assigned in the manual for such subdivision. Uses described without reference to SIC are described with ordinary words of common usage which, where it is necessary that their definitions be clarified or restricted for purposes of this zoning code, are defined in SRC Chapter 111. Where a use is not described with reference to

SIC or otherwise defined in SRC Chapter 111, the words of this zoning code describing such use are to be given their ordinarily accepted meaning except where the context in which they are used otherwise clearly requires. In many cases, uses are listed under convenient categories, often the divisions of the SIC, which appear in capital letters or boldface type. Such catchlines of subsections do not indicate nor shall they be construed as meaning that they themselves independently designate permitted, special, or conditional uses. They are provided for ease of reference only, and only those more specific uses listed thereunder shall be deemed part of this zoning code.

(b) SIC classifications are based upon the primary activity of the uses which fall thereunder. The primary activity is determined by the principal product or group of products produced or distributed or services rendered. Ancillary or subordinate activities, conducted in furtherance of the primary activity, shall not be considered in determining the SIC classification for purposes of this zoning code, even though such secondary and dependent activities may be separately classifiable under the SIC were they not secondary to and dependent on the principal use. A more detailed guideline for determining "principal activity" is found in the Introduction to the SIC, and may be considered by the Administrative body in rendering an interpretation as to a particular use; however, those guidelines are advisory only, and the administrative body may find other factors equally or more persuasive in rendering interpretations as to classification of particular uses.

(c) That certain document entitled "Standard Industrial Classification Manual, 1987," published by the Executive Office of the President, Office of Management and Budget (U.S. Government Printing Office Order No. 87-100012), together with the 1977 supplement thereto, is, by this reference, adopted as part of this zoning code for the purpose of identifying those uses described in this zoning code with reference to such manual. References in this zoning code to the "Standard Industrial Classification Manual" or "SIC" mean the document adopted by this subsection. One copy of the SIC shall be kept on file by the city recorder, and at least one copy shall be kept on file by the administrator.

(d) Uses which the administrator determines cannot be readily classified with reference to SIC or a particular description in this zoning code shall be referred to the commission for a formal interpretation as provided in SRC 110.050 as the need arises. Where such a use is so similar in character and intensity to another use described in this zoning code that it is clear that the same intent in classifying and conditioning the already-described use is equally applicable to the use in question, the commission may determine that the use in question shall be deemed equivalent to such similar use, and in all respects governed by the same provisions of this zoning code applicable to such similar use. (Ord No. 186-82; Ord No. 71-91)

## **ZONE CHANGES**

### **113.100. Zone Changes, Intent and Purpose.**

(a) It is recognized that because of normal and anticipated growth of the city, changing development patterns and concepts, governmental policy decisions affecting land use, community needs, and other factors whose specific future application at any given time cannot be precisely anticipated and implemented legislatively, the zoning pattern on the official zoning map cannot remain static. The council deems it generally inappropriate to make site-specific legislative decisions as to the zoning of undeveloped and underdeveloped property in anticipation of future needs. For those reasons, it is necessary that procedures be established whereby zoning designations of particular properties may be reviewed and, if appropriate, changed.

(b) Notwithstanding the foregoing, no zone change to RD shall ever be made. (Ord No. 186-82)

**113.110. Zone Changes, How Made.** A zone change may be made only in one of the following ways:

- (a) By order of the hearings officer incorporated in a decision rendered pursuant to SRC 113.140 or SRC 113.200 to 113.260;
- (b) By order of the commission incorporated in a resolution adopted pursuant to SRC 113.130 or SRC 113.140;
- (c) By resolution of the council;
- (d) By ordinance; or
- (e) By operation of law upon the happening of certain conditions as provided in SRC 113.160. (Ord No. 186-82; Ord No. 148-84; Ord No. 1-10)

**113.120. Council-Initiated Zone Changes.**

- (a) A zone change may be initiated by the council only when the change proposed is for some governmental, educational, religious, or philanthropic purpose.
- (b) Zone change proceedings initiated by the council shall be initiated by resolution, and the resolution shall be referred to the commission for public hearing.
- (c) After the hearing, the commission shall make a timely recommendation or report to the council.
- (d) Following public hearing, the council shall either dismiss the proceeding, or, by ordinance, deny or effect the zone change or enter a conditional zone change declaration pursuant to SRC 113.200 to 113.260. (Ord No. 186-82; Ord No. 1-10)

**113.130. Commission-Initiated Zone Changes.**

- (a) A zone change may be initiated by resolution by the commission only when the proposed change is in the public interest and would be of general benefit.
- (b) When the proceedings are initiated by the commission, the commission shall hold a hearing on the proposed change.
- (c) After the hearing, the commission may dismiss the proceeding as provided in SRC 114.180, or, by resolution, deny or effect the zone change or enter a conditional zone change declaration pursuant to SRC 113.200 to 113.260. (Ord No. 186-82; Ord No. 1-10)

**113.140. Application-Initiated Zone Changes.** Any person entitled to submit an application as provided in SRC 110.230 may file a zone change application. Upon acceptance of the application as provided in SRC 110.240(b), the administrator shall schedule the matter for public hearing before the hearings officer. In the case of a zone change application requiring a comprehensive plan change, the administrator shall schedule both matters at the same meeting of the planning commission. (Ord No. 186-82; Ord No. 53-83; Ord No. 148-84; Ord No. 62-96; Ord No. 57-2000; Ord No. 1-10)

**113.150. Quasi-Judicial Zone Changes; Burden of Proof and Criteria.**

- (a) The applicant for any quasi-judicial zone change, other than a zone change which involves the classification of zoning for newly annexed areas that most closely corresponds to the county zoning, has the burden of proving justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.
- (b) The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the comprehensive plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the comprehensive plan; and any standards imposed by state land use law. In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:
  - (1) The existence of mistake in the compilation of any map, or in the application of a land use designation to the property;

- (2) A change in the social, economic, or demographic patterns of the neighborhood or the community;
  - (3) A change of conditions in the character of the neighborhood;
  - (4) The effect of the proposal on the neighborhood;
  - (5) The physical characteristics of the subject property, and public facilities and services; and
  - (6) Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.
- (c) That consideration given to the factors set forth in subsection (b) of this section will depend on the degree of impact of the proposed change, and the greater the impact on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate. (Ord No. 186-82; Ord No. 1-10)

**113.160. Newly Developed Areas in an RA District.** Any land which is within an RA District and which is subject of:

- (a) A subdivision plat approved and recorded with the county clerk as provided in the Salem Subdivision Code; or
- (b) A manufactured dwelling home park permit issued pursuant to SRC 123.040, shall be classified automatically as an RS District on the date of such recording or upon issuance of the final occupancy permit. (Ord No. 186-82; Ord No. 57-2000)

**113.170. Scope of Action in Zone Change Proceedings.** . In any zone change proceeding, including appeal or review by council of a hearings officer's decision, the administrative body may:

- (a) Deny any zone change;
- (b) Grant the zone change as initiated, without conditions;
- (c) Grant a zone change to any zone which is both between RA and II in the listing of zones in subsection (a) of SRC 113.010, and which is also, according to that listing, between the zones from which and to which the zone change was initiated;
- (d) Grant a zone change with conditions, specifying the zone for which the change was initiated or any other zone as provided in subsection (c) of this section; or
- (e) Dismiss the proceeding. (Ord No. 186-82; Ord No. 1-91; Ord No. 1-10)

## **CONDITIONAL ZONE CHANGE**

### **113.205. Zone Changes with Conditions.**

- (a) The hearings officer, planning commission and council shall have the authority to grant zone changes subject to certain conditions.
- (b) The deciding body may impose conditions as to any of the following matters:
  - (1) Uses permitted;
  - (2) Size, height, and location of buildings and accessory structures;
  - (3) Landscaping when necessary to provide screening from incompatible adjacent uses or from public right-of-way;
  - (4) Protection and preservation of existing trees, vegetation, water resources, wildlife habitat, and other significant natural resources;
  - (5) Size, location, screening, drainage, and surfacing of driveways, parking and loading areas, and street access;
  - (6) Size, height, location, and illumination of signs;
  - (7) Size, height, location, and materials for the construction of fences to screen the subject property from incompatible adjacent uses or from public right-of-way;
  - (8) Location and intensity of outdoor lighting;
  - (9) Hours of operation or conduct of particular activities;

- (10) Abatement, mitigation, or prevention of nuisances;
- (11) Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm drainage, water, and mass transportation; provided, however that no condition imposed under this paragraph shall obligate the applicant to construct or fund, in whole or in part, public improvements in public right-of-way or easements not on or abutting the subject property. Conditions under this paragraph may, however, require that all or part of the development or use be deferred until the happening of certain events such as the availability to the subject property of a certain level of urban service.

(A) If the dedication of right-of-way or public improvements is required as a condition under this section, such dedication or improvements shall be the obligation of the applicant but shall be deferred until the property owner applies for a building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the planning administrator may allow further deferral of all or a portion of public improvements required as a condition under this section, beyond building permit or certificate of occupancy until a stated time or until required by council, whichever is earlier. An applicant seeking deferral under this section shall sign an improvement deferral agreement which specifies the terms of deferral. Said agreement shall be in a form approved by the city attorney and shall be filed in the deed records of the appropriate county.

(c) Such conditions shall be stated with at least the same specificity and narrowness as would be required of a regulatory ordinance enacted in the exercise of the city's police power; shall be reasonably related to the public health, safety, and welfare; and shall be designed to reasonably effectuate their intended purpose.

(d) The deciding body shall not impose any permanent condition which would have the effect of limiting use of the subject property to one particular owner, tenant, or business. Such permanent conditions may limit the subject property as to use, but shall not be so restrictive that they may not reasonably be complied with by other occupants who might devote the property to the same or a substantially similar use.

(e) The conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of the subject property. Modification of use conditions shall be by the zone change application and review procedure under this chapter. Variances from all other conditions, including full or partial release therefrom, may be applied for and granted as provided for variances, generally, in SRC Chapter 115. (Ord No. 1-91)

(CHAPTER 114 RESERVED FOR EXPANSION)