

CHAPTER 532
NCMU - NEIGHBORHOOD CENTER MIXED USE ZONE

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532.001. Purpose. The purpose of this Chapter is to create the Neighborhood Center Mixed Use (NCMU) zone, in order to implement the Mixed-Use Comprehensive Plan designation, and to encourage the development of appropriately scaled, pedestrian friendly neighborhood center developments. (Ord No. 20-11)

532.005. Definitions. Unless the context otherwise specifically requires, as used in this Chapter the following mean:

- (a) Contiguous means touching along boundaries.
- (b) Ground floor area means only the floor area of a building or structure devoted to a particular use, measured within the exterior walls that are at the grade plane of the building or structure.
- (c) Major intersection means the intersection of two streets, one of which is designated in the Salem Area Transportation System Plan as a major arterial or minor arterial, and the other designated as a major arterial, minor arterial, or collector.
- (d) Neighborhood Center Master Plan means a comprehensive development plan for a district approved pursuant to SRC Chapter 215.
- (e) District means a lot or parcel, or contiguous lots or parcels that are zoned NCMU and that will be developed as a unit. (Ord No. 20-11)

532.010. Requirements for Application of Neighborhood Center Mixed Use Zone. In addition to all other applicable criteria, proposals to zone land NCMU shall meet the following criteria:

- (a) A district shall have an area that contains a minimum of three acres and a maximum of fifteen acres;
- (b) Districts that are separated by public street right-of-way shall not be considered contiguous; and
- (c) A district shall be located within one-eighth of a mile of a major intersection, as measured from the center of the intersection to the point in the district that is nearest to the intersection. (Ord No. 20-11)

532.015. Uses, Generally.

(a) **Classification of Uses.**

- (1) For the purposes of this Chapter, uses within the NCMU zone are classified under use categories identified in subsection (b) of this section. Each use category includes a description of the characteristics of the use and a list of examples illustrating the scope of the use. The examples are not intended to be exhaustive. A specific use not identified as an example in a category and is considered included in the category if the specific use possesses the characteristics of the category.

(2) Accessory uses are not considered separate uses for the purposes of this Chapter, even though the accessory use might have characteristics that are included in the scope of another use category.

(3) Specific uses, which the Planning Administrator determines cannot be readily classified with reference to a particular use category, shall be referred to the Planning Commission for a formal interpretation pursuant to SRC 113.090(d).

(4) Upon classification pursuant to paragraph (3) of this subsection, a proposed use may be added to a use category without a text amendment if the proposed use would not result in materially greater impacts than the other uses included in the category. Any inclusion of a proposed use within a category that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:

(A) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Use Categories.

(1) Residential.

(A) **Characteristics.** Residential consists of the residential occupancy of a dwelling unit by a household. Tenancy may be on a month-to-month basis or for a longer term. Tenancies with a term shorter than month-to-month are not considered residential uses, but may be allowed under "Retail Sales and Service" as temporary lodging. In addition, residential homes and residential facilities, as defined in ORS 197.660, are included as types of residential use.

(B) **Examples.** Single family detached dwelling; single family attached dwelling (townhouse); manufactured home; two family dwelling (duplex); multiple family (apartments); residential home; and residential facility.

(2) Senior Care Facility.

(A) **Characteristics.** A Senior Care Facility consists of facilities that provide multi-family housing meeting the Federal Fair Housing Act definition of "housing for older persons," in conjunction with the provision of residential care, where medical care is not a major element.

(B) **Examples.** Assisted living.

(3) Retail Sales and Service.

(A) **Characteristics.** Retail Sales and Service consists of the sale, lease, or rental of new or used products to the general public or the provision of personal services, entertainment, or the repair or service of consumer and business goods.

(B) **Examples.** Retail Sales and Service permitted activities include the following activities:

(i) **Retail Sales-Oriented.** Stores selling, leasing, or renting consumer home and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware and home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, or video.

(ii) **Personal Service-Oriented.** Banks; urgent medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; business, martial arts, and other trade schools; dance or music studios; and veterinarians and animal grooming.

(iii) **Entertainment-Oriented.** Restaurants, cafes, delicatessens, taverns, and bars; health clubs and gyms; membership clubs, lodges, and temporary lodging establishments with five or fewer guest rooms.

(iv) **Product Repair or Service Oriented.** Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailors; locksmiths; and upholsterers.

(4) **Office.**

(A) **Characteristics.** Office consists of uses conducted in an office setting and generally involves business, professional, medical, or financial services.

(B) **Examples.** Lawyers; accountants; engineers; architects; lenders; brokerage houses; bank headquarters; real estate agents; data processing; sales offices; medical and dental clinics; and medical and dental laboratories.

(5) **Institutional.**

(A) **Characteristics.** Institutional consists of activities of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, institutional provides the service on the site or has employees at the site on a regular basis. The service is ongoing, and not just for special events.

(B) **Examples.** Daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; religious institutions; libraries; postal services; transit shelters; fire stations, police stations and other structures providing necessary municipal services.

(6) **Parks and Open Space.**

(A) **Characteristics.** Parks and Open Space consists of natural areas, large areas consisting mostly of vegetative landscaping or outdoor recreation features or facilities, community gardens, or public squares, used for public recreational activities or for the preservation or enhancement of areas having scenic, biological or ecological significance.

(B) **Examples.** Playgrounds; parks; public squares; plazas; recreational trails; botanical gardens; and nature preserves.

(7) **Public Utilities.**

(A) **Characteristics.** Public Utilities consist of water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, and cable television service lines, mains, pumping stations, reservoirs, poles, underground transmission facilities, substations, and related physical facilities which do not include buildings regularly occupied by employees, parking areas, or vehicle, equipment or material storage areas.

(B) **Examples.** Water; gas; sanitary sewer; storm sewer; electricity; telephone and wire communication service; cable television service lines; service mains; service poles; and underground transmission facilities. (Ord No. 20-11)

532.020. Uses Allowed with Neighborhood Center Master Plan. The uses set forth in Table 532-1 are only allowed in the NCMU zone as a part of a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215, and are allowed based on whether the location of the building or structure housing the use is located inside or outside of the Core Area designated in the Master Plan. (Ord No. 20-11)

TABLE 532-1

NCMU ZONE USES WITH MASTER PLAN

Table 532-1: NCMU Zone Uses with Master Plan			
Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Residential Use			
Single Family Detached Dwelling	N	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	N	P	
Single Family Attached Dwelling (Townhouse)	N	P	
Manufactured Home	N	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	P	
Multiple Family	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
Residential Facility	P	N	Must be located in a mixed-use building above ground floor Retail Sales and Service, Office, or Institutional uses.
All other Residential Uses	N	N	
Senior Care Facility Use			
Senior Care Facility	P	C	
Retail Sales and Service Use			
Retail Sales and Service	P	N	<p>Retail Sales and Service uses are permitted within the core area, except for the following uses which are prohibited.</p> <ul style="list-style-type: none"> ▪ Outdoor facilities for the sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles; ▪ Vehicle services such as motor vehicle repair, gas station, or car wash; ▪ Recycling drop-off, except that recycling drop-off facilities that are accessory to a retail store shall be permitted; ▪ Taxidermists; ▪ Mortuaries; ▪ Kennels; ▪ Casinos; ▪ Temporary lodging establishments with more than 5 guest rooms; ▪ Recreational vehicle parks; ▪ Indoor firing ranges; ▪ Theaters greater than 5,000 square feet; ▪ Pool halls; <p>Indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades.</p>

Table 532-1: NCMU Zone Uses with Master Plan

Use	Status		Limitations & Qualifications
	Inside Core	Outside Core	
Office Use			
Office	P	N	
Institutional Use			
Institutional	P	C	
Parks and Open Space Use			
Parks and Open Space	P	P	Parks and Open Space uses are permitted inside and outside the core area, except for the following uses which are prohibited: <ul style="list-style-type: none"> ▪ Cemeteries; ▪ Open areas used for grazing.
Public Utilities Use			
Public Utilities	P/C	P/C	Public Utilities uses are permitted inside and outside the core area, except for the following uses that are allowed inside and outside the core area as a conditional use: <ul style="list-style-type: none"> ▪ Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
<u>LEGEND</u>			
P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 117); N – Prohibited Use.			

532.025. Uses Allowed in Lieu of Neighborhood Center Master Plan. The uses set forth in Table 532-2 are allowed in the NCMU zone in lieu of development pursuant to a Neighborhood Center Master Plan and are subject to the development standards set forth in SRC 532.035. (Ord No. 20-11)

TABLE 532-2

NCMU ZONE USES IN LIEU OF MASTER PLAN

Table 532-2: NCMU Zone Uses In Lieu of Master Plan		
Use	Status	Limitations & Qualifications
Residential Use		
Single Family Detached Dwelling	P	One single family dwelling, other than a manufactured home, per lot.
Residential Home	P	
Single Family Attached Dwelling (Townhouse)	N	
Manufactured Home	S	One manufactured home per lot.
Two Family Dwelling (Duplex)	N	
Multiple Family	N	
Residential Facility	N	
All other Residential Uses	N	
Senior Care Facility Use		
Senior Care Facility	N	
Retail Sales and Service Use		
Retail Sales and Service	N	
Office Use		
Office	N	
Institutional Use		
Institutional	N	
Parks and Open Space Use		
Parks and Open Space	P	
Public Utilities Use		
Public Utilities	P/C	Public Utilities uses are permitted, except for the following uses that are allowed as a conditional use: Public utility structures and buildings limited to pump stations, reservoirs, radio microwave relay stations, telephone substations, and electric substations.
<u>LEGEND</u>		
P – Permitted Use; S – Special Use (Subject to SRC Chapter 119); C – Conditional Use (Subject to SRC Chapter 117); N – Prohibited Use.		

532.030. Development in a NCMU District.

(a) Except for development undertaken pursuant to SRC 532.035, development within a district shall comply with the Neighborhood Center Master Plan.

(b) The following activities may be undertaken in a NCMU district without approval of the Neighborhood Center Master Plan:

- (1) Site grading;
- (2) Environmental remediation;
- (3) Use or reuse of existing structures; or
- (4) Installation of utilities serving adjacent properties. (Ord No. 20-11)

532.035. Development Standards for Residential Development in Lieu of Neighborhood Center Master Plan. In lieu of developing the property through a Neighborhood Center Master Plan, residential development that meets the standards set forth in this section and SRC Chapter 63 is permitted without a Neighborhood Center Master Plan approved in accordance with SRC Chapter 215. In the event of a conflict between SRC Chapter 63 and this section, the standards in this section shall control.

(a) **Lot Standards.** All lots shall comply with the standards set forth in Table 532-3.

**TABLE 532-3
LOT STANDARDS**

Table 532-3: Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area	Min. 7,000 sq. ft.	Exclusive of any accessway.
Lot Width	Min. 70 ft.	Exclusive of any accessway.
Lot Depth	Min. 70 ft.	Exclusive of any accessway.
	Min. 120 ft.	Exclusive of any accessway. Applicable to double frontage lots.
	Max. 300% of average lot width.	
Street Frontage	Min. 70 ft.	

(b) **Setbacks; Lot Coverage; Height.** All development shall comply with the setback, lot coverage, and building height requirements set forth in Table 532-4. For purposes of this subsection, setbacks shall be measured from the most interior of the following lines:

- (1) The property line; or
- (2) The most interior access easement line, if an access easement exists.

**TABLE 532-4
SETBACKS; LOT COVERAGE; HEIGHT**

Table 532-4: Setbacks; Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
Setbacks		
Abutting Street		
Buildings	Min. 12 ft.	Applicable along streets other than collector or arterial streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Accessory Structures	None.	Applicable to accessory structures extending no more than 4 feet above grade.
	Same as for Main Building.	Applicable to accessory structures extending more than 4 feet above grade.
Interior Front		
Buildings	Min. 12 ft.	
Accessory Structures	Min. 12 ft.	

Table 532-4: Setbacks; Lot Coverage; Height

Requirement	Standard	Limitations & Qualifications
Interior Side		
Buildings	Min. 5 ft.	
Accessory Structures	Min. 5 ft.	Minimum setback does not apply to accessory structures having at least one wall which is an integral part of a fence.
Interior Rear		
Buildings	Min. 14 ft.	For any portion of a main building not more than one story in height.
	Min. 20 ft.	For any portion of a main building greater than one story in height.
Accessory Structures	Min. 0 ft.	Applicable to accessory structures not more than 9 feet in height. Accessory structures shall be set back a minimum of one foot from an alley.
	Min. 0 ft., plus one foot for each one foot of height over 9 ft.	Applicable to accessory structures greater than 9 feet in height. Accessory structures shall be set back a minimum of one foot from an alley, unless a greater setback is required based on the accessory structure height.
Lot Coverage		
Buildings	Max. 60%	Maximum lot coverage includes attached accessory structures.
Accessory Structures	Max. 600 sq. ft.	Applicable when main building contains a gross floor area not more than 1,200 square feet in size.
	Max. 50% of main building gross floor area or 1,000 square ft., whichever is less.	Applicable when main building contains a gross floor area greater than 1,200 square feet in size.
Height		
Buildings	Max. 28 ft. or existing building height, whichever is greater.	Applicable to existing buildings.
	Max. 35 ft.	Applicable to new buildings.
Accessory Structures	Max. 15 ft.	

(c) Garages and Setbacks.

(1) Each single family dwelling, other than manufactured homes on individual lots, shall have, at the time of construction, a garage that is constructed of the same materials and color as the dwelling, and that may be attached to, or detached from, the dwelling. Nothing in this paragraph shall prevent the removal or conversion of a garage, so long as the minimum number of on-site parking spaces required for the single family dwelling is provided.

Exception to this requirement may be made if, at the time of the building permit review, the applicant shows the construction of the single family dwelling is being provided by a not-for-profit organization to families at or below the City's sixty percent median income level as defined by the U.S. Department of Housing and Urban Development; provided, however, that provisions shall be made for a minimum of four hundred and eighty cubic feet of storage in a portion of the single family dwelling or on-site in a detached accessory structure. Such exemption shall only be made for those single family dwellings built on lots created through a subdivision.

(2) Setbacks. Garages for single family dwellings, or garages or carports for manufactured homes on individual lots, that have a vehicle entrance facing a street or accessway shall be set back at least twenty feet from the following line that is closest to the entrance of the garage or carport:

- (A) The right-of-way line, property line abutting an accessway, or most interior access easement line;
- (B) The outside curblineline; or
- (C) The edge of the sidewalk furthest from the street.

(3) Paving. Between the line specified in paragraph (2) of this subsection and the required garage or carport, there shall be a driveway serving the garage or carport for each dwelling with a minimum paved area of nine feet by twenty feet and available for the parking of a vehicle.

(d) Signage. Signage shall comply with SRC 62.360. (Ord No. 20-11)

532.040. Other Provisions. Additional standards may apply to development in the NCMU zone as a result of regulations found in the following chapters. In the event of a conflict between the standards contained in the NCMU zone and those contained within other chapters of the SRC, the standards contained in the NCMU zone shall apply.

(a) Signs	SRC Chapter 62
(b) Preservation of Trees and Vegetation	SRC Chapter 68
(c) Landslide Hazards	SRC Chapter 69
(d) Trees and Shrubs	SRC Chapter 86
(e) Home Occupations	SRC Chapter 124
(f) Wetlands	SRC Chapter 126
(g) General Development Standards	SRC Chapter 130
(h) Accessory Structures	SRC Chapter 131
(i) Landscaping	SRC Chapter 132
(j) Off-Street Parking, Loading, and Driveways	SRC Chapter 133
(k) Flood Plain Overlay Zones	SRC Chapter 140

(Ord No. 20-11)

