

CHAPTER 162
SWMU – SOUTH WATERFRONT MIXED-USE

- 162.010. Intent and Purpose
- 162.020. Definitions
- 162.030. Classification of Uses
- 162.040. Permitted Uses
- 162.050. Special Uses
- 162.060. Administrative Conditional Uses
- 162.070. Mix of Uses Required
- 162.080. Height
- 162.090. Lot Size
- 162.100. Lot Coverage
- 162.110. Setbacks
- 162.120. Design Approval
- 162.130. Additional Standards

162.010. Intent and Purpose. The South Waterfront Mixed-Use (SWMU) zone is an implementing zone of the River-Oriented Mixed-Uses plan map designation on the Salem Area Comprehensive Plan. The intent and purpose of the SWMU zone is to further economic development and support the creation of a vibrant downtown within the City of Salem. Development within the SWMU zone should contribute to a visually stimulating public realm and an active and lively pedestrian environment by locating uses which attract pedestrians and by creating visual interest along key streets and intersections. The SWMU zone is intended to strike an appropriate balance between certainty and flexibility, and to promote a mix of land uses to link with and support existing downtown and waterfront uses. (Ord No. 47-08)

162.020. Definitions. As used in this Chapter, unless the context otherwise specifically requires, the following mean:

- (a) "Development Site" means a single building, all or a portion of a single lot, or all or a portion of multiple lots within a single ownership or control (i.e., lands included within the land use application), as determined by the applicant.
- (b) "Ground Floor Area" means only the floor area of a building devoted to a particular use measured within the exterior walls that are at grade plane of the building or structure.
- (c) "Total Floor Area" means the floor area of a building devoted to a particular use as measured within the exterior walls of all stories of a building or structure.
- (d) "Use" is the primary, general type of economic or residential activity that may be carried out on the property. (Ord No. 47-08)

162.030. Classification of Uses.

- (a) For the purposes of this Chapter, each use includes a grouping of specific activities that illustrate the scope of the use. The examples are provided to illustrate the scope of the use; however, the list is not intended to be exclusive. A specific activity not identified in such a grouping shall be considered part of the grouping if the activity is similar to the other specific activities that illustrate the scope of the use and if the activity has impacts to surrounding properties and city infrastructure that are similar in type and magnitude to the other specific activities that illustrate the scope of the use.
- (b) Accessory, ancillary or subordinate activities that are necessary for the successful operation of a specific economic or residential activity are considered part of that activity, and not considered separate uses for the purposes of this Chapter, even though the accessory, ancillary or subordinate

activity might have characteristics that could result in its being considered part of a grouping of specific economic or residential activities illustrating the scope of another use.

(c) Specific activities which the Planning Administrator determines cannot be readily classified with reference to a particular use description in this zoning code shall be referred to the Commission for a formal interpretation pursuant to SRC 113.090(d). Upon classification, a proposed activity may be added to a grouping without a text amendment if the proposed activity would not result in materially greater impacts than the other activities included in the grouping.

(d) Any inclusion of a proposed activity within a grouping that does not require a text amendment shall be entered in a registry of uses made available to the public and setting forth:

- (1) The street address or other easily understood geographic reference to the property upon which the specific economic activity will occur;
- (2) The date of the decision; and
- (3) A description of the decision made.

(e) Because parking requirements in SRC Chapter 133 are established by reference to the Standard Industrial Classification (SIC) manual, the Planning Administrator shall classify uses to the analogous SIC classification, based on comparison with examples of uses listed in this Chapter. (Ord No. 47-08)

162.040. Permitted Uses. The following uses are permitted in the SWMU Zone:

(a) **Retail Sales and Service.** Retail Sales and Service means the sale, lease or rent of new or used products to the general public, the provision of personal services, the provision of entertainment, or the provision of product repair or services for consumer and business goods. Retail Sales and Service shall be limited to a maximum area of 40,000 square feet Ground Floor Area, except as specifically permitted pursuant to SRC 162.040(a)(2):

(1) Examples of Retail Sales and Service include:

(i) **Retail Sales Oriented.** Examples of Retail Sales Oriented uses include:

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 home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, video.

(ii) **Personal Service Oriented.** Examples of Personal Service Oriented uses include: 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; veterinarians; and animal grooming.

(iii) **Entertainment Oriented.** Examples of Entertainment Oriented uses include: restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; theaters; pool halls; health clubs, gyms, membership clubs, and lodges; hotels, motels, and other temporary lodging with an average length of stay of less than thirty days.

(iv) **Product Repair or Service Oriented.** Examples of Product Repair or Service Oriented uses include: repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; quick printing; tailor; locksmith; upholsterer.

(2) Notwithstanding any other provision of this Chapter, the following uses are permitted as follows:

(i) Grocery Store: Maximum 60,000 square feet Ground Floor Area.

(ii) Indoor Sales or Leasing of Vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles: Maximum 20,000 square feet Total Floor Area.

(iii) Entertainment Oriented Uses: Maximum of 60,000 square feet Ground Floor Area.

(iv) Hotels, Motels, and Other Temporary Lodging: No maximum area, but may not have an average length of stay greater than thirty days.

(v) Product Repair or Service Oriented Uses: Maximum of 40,000 square feet in Ground Floor Area.

(3) The following uses are not permitted under Retail Sales and Service:

(i) Outdoor sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.

(ii) Vehicle servicing such as motor vehicle repair, gas station, or car wash.

(iii) Recycling drop-off.

(iv) Taxidermists.

(v) Mortuaries.

(vi) Kennels.

(vii) Casinos.

(viii) Recreational vehicle parks.

(ix) Indoor firing ranges.

(x) Drive-through/drive-up facilities for uses that are less than 10,000 square feet in Total Floor Area.

(b) Office Use. Office Use means uses conducted in an office setting and generally focuses on business, professional, medical, or financial services. Examples of Office Use include: professional services such as lawyers, accountants, engineers, or architects; financial businesses such as lenders, brokerage houses, bank headquarters, or real estate agents; data processing; sales offices; TV and radio studios; medical and dental clinics, medical and dental laboratories; blood collection facilities.

(c) Residential Use. Residential Use means the residential occupancy of a dwelling unit by a household. Occupancy may be through a landlord/tenant relationship, or through fee title ownership. Occupancy for periods of time shorter than thirty days are not considered Residential Use, but are considered temporary lodging under Retail Sales and Service. Residential Homes and Residential Facilities as defined by Oregon law are considered Residential Use.

(1) Examples of Residential Use include: apartments and retirement center apartments (including those with accessory services such as food service, dining rooms, and housekeeping); duplexes; residential condominiums; townhouses.

(2) The following uses are not permitted under Residential Use:

(i) Detached single-family dwellings.

(ii) Manufactured housing.

(d) Institutional Use. Institutional Use means activities of a public, nonprofit, or charitable nature which are generally providing a local service to the community. Generally, Institutional Uses provide services onsite or have employees onsite on a daily, weekly, or monthly basis. The provision of service is ongoing, not only provided for special events. Examples of Institutional use include: daycare, preschools, and nursery schools; adult daycare; public and private schools and colleges; senior centers; community centers; nature/interpretive centers; religious institutions; libraries; transit shelters and park-and-ride facilities; fire stations, police stations and other structures providing necessary municipal services.

(e) Commercial Parking. Commercial Parking means providing parking that is not accessory to another permitted use. A fee may or may not be charged. Examples of Commercial Parking include: short-term and long-term parking facilities, commercial shuttle parking and mixed parking facilities, facilities intended to be used partially for a specific use, and partially for rent of parking stalls to others.

(1) Commercial Parking is permitted as follows:

(i) Within structures existing as of January 7, 2009, provided the existing structure is rehabilitated or remodeled to allow for the use of the structure for parking;

- (ii) Within underground parking structures; or
- (iii) Within all other structures, up to twenty-five percent of the parking spaces may be used for commercial parking provided the total number of parking spaces within the structure does not exceed the maximum of the amount of parking allowed for each use pursuant to SRC 133.100(b).

(2) The following uses are not permitted under Commercial Parking:

- (i) Commercial parking in surface parking lots.
- (ii) Truck parking, except within parking structures, or for short-term parking for freight delivery to tenants.

(f) Manufacturing and Production. Manufacturing and Production means the manufacturing, processing, fabrication, packaging, or assembly of goods in facilities with less than 10,000 square feet in Total Floor Area per use. Natural, man-made, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold onsite, but if so, they are incidental and subordinate to and dependent on the main use. Relatively few customers come to the manufacturing site.

(1) Examples of Manufacturing and Production include: processing of food and related products; catering establishments; breweries, distilleries, and wineries; weaving or production of textiles or apparel; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, or glass materials or products; movie production facilities; production or fabrication of metals or metal products including enameling and galvanizing; manufacture or assembly of machinery, equipment, or instruments; production of artwork and toys; sign making; manufacturing of computers and electronic devices; production of energy; paper products processing.

(2) The following uses are not permitted under Manufacturing and Production:

- (i) Slaughter houses and meat packing.
- (ii) Feed lots and animal dipping.
- (iii) Lumber mills, pulp and paper mills, and other wood products manufacturing.
- (iv) Concrete batching and asphalt mixing.
- (v) Production of pre-fabricated structures, including manufactured homes.

(g) Industrial Service. Industrial Service means the repair or servicing of industrial, business or consumer machinery, equipment, products or by-products in facilities with less than 10,000 square feet in Total Floor Area. Firms that service consumer goods do so by mainly providing centralized services for separate retail outlets. Contractors and building maintenance services and similar uses perform services off-site. Few customers, especially the general public, come to the site.

(1) Examples of Industrial Service include: tool repair; electric motor repair; repair of scientific or professional instruments; sales, repair or storage for building, heating, plumbing or electrical contractors; printing, publishing and lithography; janitorial and building maintenance service; research and development laboratories; laundry, dry-cleaning, and carpet cleaning plants; photo-finishing laboratories.

(2) The following uses are not permitted under Industrial Service:

- (i) Salvage or wrecking of heavy machinery, metal, and building materials.
- (ii) Towing and vehicle storage.
- (iii) Auto and truck salvage and wrecking.
- (iv) Heavy truck servicing and repair.
- (v) Tire re-treading or recapping.
- (vi) Truck stops.
- (vii) Solid fuel yards.
- (viii) Welding shops.
- (ix) Machine shops.

- (x) Recycling operations.
- (xi) Fuel oil distributors.
- (xii) Exterminators.

(h) Parks and Open Space. Parks and Open Space means 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.

(1) Examples of Parks and Open Space include: parks, public squares, plazas, recreational trails, botanical gardens, and nature preserves.

(2) The following uses are not permitted under Parks and Open Space:

- (i) Cemeteries.
- (ii) Animal grazing.

(i) Public Utilities. Public Utilities means equipment, service lines, structures or buildings not intended for occupancy by employees, not including parking areas, or structures or buildings intended primarily for storage. Examples of Public utilities include: water, gas, sanitary sewer, storm sewer, electricity, telephone and wire communication service, cable television service lines, service mains, pumping stations, reservoirs, service poles, underground transmission facilities, substations, and related physical facilities. (Ord No. 47-08)

162.050. Special Uses. The following uses, when restricted, developed and conducted as required in SRC Chapter 119, are permitted in the SWMU Zone:

- (a) Antennas attached to existing or approved structures.
- (b) Mobile food unit. (Ord No. 47-08)

162.060. Administrative Conditional Uses. The following uses, with administrative conditional use approval as provided in SRC Chapter 116, are permitted in SWMU Zone: freestanding support structures between thirty-six feet and seventy feet in height and equipment enclosures. (Ord No. 47-08)

162.070 Mix of Uses Required.

(a) A minimum of fifteen percent of each Development Site shall be nonresidential and a minimum of fifteen percent of each Development Site shall be residential. The percentage shall be calculated by determining the percentage of total habitable building floor area devoted to residential uses and non-residential uses, relative to the total habitable building floor area, exclusive of parking structures and other non-habitable space. Total habitable building floor area used for hotels, motels, and other temporary lodging with an average length of stay of thirty days or less may be substituted for up to twenty-five percent of the required residential area.

(b) The Planning Administrator may allow a reduction in the percentage of uses required by subsection (a) of this section to a minimum of five percent provided all of the following criteria are met:

- (1) There is a vertical mix of uses in one or more mixed-use buildings. The mix shall include space for nonresidential uses on at least a portion of the ground floor and residential uses on one or more upper floors; and
- (2) All ground floor residential units facing a public street shall maintain a minimum structural ceiling height of twelve feet to provide the opportunity for future conversion to nonresidential uses.

(c) A Development Phasing Plan shall be submitted to the Planning Administrator for multi-phased developments where the required mix of uses is proposed to be met in phases.

- (1) The Development Phasing Plan shall demonstrate:

- (i) How the required mix of uses will be provided through phasing, including the approximate locations, amount in square feet (a size range may be provided), and timing of each use.
 - (ii) How onsite circulation, parking, landscaping and other onsite improvements will function, after the completion of each phase and following complete build-out of the development site.
 - (iii) If a size range(s) for a use(s) is provided, the Development Phasing Plan shall demonstrate how both the minimum and maximum amounts enabled by the range meet the requirements of this section.
- (2) The Development Phasing Plan shall also identify the timeframe, in what order and how proposed public utilities, public facilities and other improvements and amenities necessary to support the project will be constructed, dedicated or reserved.
- (3) A Development Phasing Plan does not convey subsequent phases of a project with any vested rights to the proposed development.
- (4) If a development application for a subsequent phase is submitted which is not consistent with a previously approved Development Phasing Plan for that site, a revised Development Phasing Plan must be submitted which meets the requirements of this section. The revised Development Phasing Plan shall include the entire site area shown in the original Development Phasing Plan. Development that has occurred in prior phases of the original Development Phasing Plan may be used by the applicant in the percentage calculations of the revised Development Phasing Plan, regardless of property ownership or control at the time of the resubmittal. It is not necessary that owners of previously developed lots shown on the original Development Phasing Plan sign the review application for the revised Development Phasing Plan unless the revised Development Phasing Plan would impact the mix of uses or onsite circulation, parking, landscaping and other onsite improvements on the previously developed lot.
- (5) Development Phasing Plans shall be reviewed in accordance with the Type II procedures in SRC 163. (Ord No. 47-08)

162.080. Height. There is no maximum building height for buildings within the SWMU Zone. (Ord No. 47-08)

162.090. Lot Size. There are no minimum lot sizes required for lots in the SWMU Zone. (Ord No. 47-08)

162.100. Lot Coverage. There are no maximum lot coverage requirements for lots or parcels in the SWMU Zone. (Ord No. 47-08)

162.110. Setbacks. Unless otherwise specified in the City of Salem Development Design Handbook, there are no minimum front, side or rear yard setbacks for a building or structure. (Ord No. 47-08)

162.120 Design Approval.

- (a) Within the SWMU Zone, the construction or alteration of the exterior facade of any building or structure shall be consistent with the standards or guidelines contained in the City of Salem Development Design Handbook. This section shall not apply to relocatable structures not attached to a permanent foundation.
- (b) Lawful non-conforming buildings or structures may be structurally altered or enlarged provided such new development reduces the degree of non-conformity, and meets all other provisions of the Zoning Code and other laws, ordinances and regulations. (Ord No. 47-08)

162.130. Additional Standards. Additional standards may apply to development in the SWMU Zone. In the event there is any conflict between the standards of this Chapter and those contained in other chapters of the Salem Revised Code, the provisions of this Chapter shall control. Chapters that provide additional standards include, but may not be limited to:

Sign Code	SRC Chapter 62
Home Occupations	SRC Chapter 124
General Development Standards	SRC Chapter 130
Accessory Structures	SRC Chapter 131
Landscaping	SRC Chapter 132
Off-Street Parking, Loading, and Driveways	SRC Chapter 133
Floodplain Overlay Zones	SRC Chapter 140
Willamette Greenway	SRC Chapter 141

(Ord No. 47-08)

