

**CHAPTER 135**  
**WEST SALEM INDUSTRIAL OVERLAY ZONE**

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**135.010. Intent and Purpose.** The West Salem Industrial Development Overlay Zone sets forth particular development standards to guide development, redevelopment, and changes in land use so as to minimize impacts on existing residential uses. (Ord No. 71-89)

**135.020. Definitions.** As used in this chapter, except as the content otherwise requires:

(a) "Change of use" means making a different or more intense use of any building, structure, or land than that which existed on November 1, 1989, and for which permission may be required pursuant to this code.

(b) "Develop" or "Development" means to divide a parcel of land into two or more parcels; the construction, reconstruction, structural alteration, relocation, or enlargement of any industrial buildings; and extension of any use of land or any clearing, grading, landscaping, curb cutting, or other use of land for which permission may be required pursuant to this code. To "develop" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued as of November 1, 1989, and under which substantial construction has been undertaken by May 1, 1990;
  - (2) Maintenance and repair, usual and necessary for the continuance of an existing use;
  - (3) Reasonable emergency procedures necessary for the safety or operation of property;
  - (4) Interior remodeling and such exterior remodeling that does not increase square footage of building, increase building height, or substantially alter the appearance of the structure.
- (Ord No. 71-89)

**135.040. Establishment of West Salem Industrial Development Overlay Zone.** For purposes of placing special restrictions on the use of land within the district shown on the official zoning map, the following overlay zone is created:

(a) Beginning on the south line of 7th Street, 160 feet west of the west line of Patterson Avenue; thence easterly along the south line of 7th Street to the west line of Patterson Avenue; thence southerly along the west line of Patterson Avenue to the north line of Edgewater Street; thence westerly along the north line of Edgewater Street to the east line of McNary Avenue; thence northerly along the east line of McNary Avenue to the north line of the alley in Block D, town plat of West Salem; thence easterly along the north line of the alley in Block D to a point 160 feet westerly of the west line of Patterson Avenue; thence northerly parallel to the west line of Patterson Avenue to the point of beginning. Also including a strip of land measured 50 feet easterly and parallel to the centerline of Patterson Avenue from the centerline of the extension of Elm Street to the south line of 7th Street, such strip, or portions thereof, to be included until land on the west side of Patterson Avenue NW is converted to an industrial use. (Ord No. 71-89)

**135.050. Uses in West Salem Industrial Overlay Zone.** Any use permitted in the underlying zone shall be permitted in the overlay area. Industrial uses in the overlay area shall additionally meet the use and development standards set forth under SRC 135.200. (Ord No. 71-89; Ord No. 69-2002)

**135.070. Variances.** Any person desiring to develop or make a change of use contrary to the regulations prescribed in this chapter may make application in accordance with the procedures in Chapter 110. The hearings officer may vary any of the provisions of SRC 135 upon a finding that the variance criteria of Chapter 115 have been met. (Ord No. 71-89)

**135.200. Development Standards.**

**(a) Boundary Setbacks.**

- (1) The minimum setback between any new structure or addition and the boundary of an abutting residential zone which is not within the West Salem Industrial Overlay Zone shall be fifty feet.
- (2) The minimum setback between any parking area and the boundary of the Overlay Zone shall be ten feet.

**(b) Land Use.**

- (1) All industrial structures and paved parking lots shall be oriented away from McNary Avenue.
- (2) No outside storage of industrial materials and equipment is permitted.
- (3) No warehouses shall be permitted along Edgewater Avenue NW.

**(c) Height.** As specified in the underlying zone, but not to exceed the maximum height specified in the RM (Multiple Family Residential) zone for an apartment house or fifty foot maximum height.

**(d) Access.** The following criteria shall guide the access permit process.

- (1) No ingress or egress shall be permitted directly onto McNary Avenue.
- (2) Alley access in the block between 3rd Street and Elm Street shall be limited to no more than two access points on the improved easterly half of the alley. Alley access on the alley in the block between 2nd Street and 3rd Street shall be limited to no more than two access points on the easterly half of the alley.
- (3) Access to 3rd Street shall be limited to no more than two access points on each side of 3rd Street. Access on 3rd Street shall be no closer to McNary Avenue than the east half of the block between Patterson and McNary Avenues.

**(e) Screening.**

- (1) All parking and loading areas shall be screened from adjacent residential uses by a sight obscuring fence, wall or hedge in accord with SRC 131.130. There shall be a ten foot vision clearance area along all driveways.
- (2) All trash receptacle areas shall be screened from adjacent residential uses and from public streets.

**(f) Landscaping.**

- (1) All areas not occupied by structure, parking area, or driveways shall be landscaped with living plant material.
- (2) All landscaping shall be maintained.
- (3) All plant material that dies or is diseased shall be replaced.
- (4) Existing trees over eight inch caliper as measured four feet above ground, shall be maintained wherever possible or replaced with an evergreen or conifer tree.
- (5) Required landscaping shall meet the vision clearance provisions of the Salem Revised Code.
- (6) Landscaping shall be reviewed by the Planning Administrator. No building permit for a development subject to this section shall be issued until a landscaping plan has been approved by the Planning Administrator.
- (7) Landscaping within the boundary setbacks shall be as follows:

(A) Landscaping shall meet the requirements of SRC Chapter 132 in addition to the following minimum requirements for plant materials.

Plant Type	Number of Plant Units Per 1,000 Square Feet or 100 Linear Feet of Boundary or Lot Line
Canopy Trees	2
Understory Trees	6
Shrubs	9
Evergreens and Conifers	6

Plant units shall be distributed not less than three units per each 200 square feet or twenty linear feet of boundary or lot line.

(B) At the property line there shall be a sight obscuring fence, wall or hedge in accordance with SRC 131.130.

(C) Canopy and understory trees shall grow to a height of at least ten feet within five years after planting. At least fifty percent of the evergreen and conifer trees shall grow to a height of at least ten feet within five years after planting.

**(g) Lighting.**

(1) Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above ground at five feet outside the boundary of the industrial development shall within fifty feet of the base of the light standard be either:

- (A) Completely shielded from direct view, or
- (B) Not greater than five foot candles.

**(h) Signs.**

- (1) The face of wall signs shall be located so as to not be visible from the residential area across McNary Avenue.
- (2) Signs shall not cause glare to adjacent residential uses.

**(i) Parking Lot Development.**

(1) No unpaved parking lots shall be permitted. All development shall be in compliance with SRC Chapter 133. All graveled parking lots shall be improved within five years from November 1, 1989.

(2) Parking lot access points shall be consolidated with reciprocal and irrevocable easements authorized by the appropriate property owners to limit the number of access points on streets and alleys. Access points shall be reviewed and approved by the Public Works Department. As parking lot redevelopment occurs, existing residential driveways shall be relocated and/or closed to limit the number of street or alley access points.

(3) Parking lot development or redevelopment shall serve vehicles only. No industrial vehicles shall be permitted.

(4) Signs placed at the entrance of each parking lot shall indicate "Passenger Vehicles Only".

(5) Parking lots shall be maintained and be kept free from trash.

(6) Parking lots not in use during work hours shall be closed by means of a chain or gate.

(7) In addition to the setback from the boundary of the Overlay Zone, parking lots shall have a minimum setback of five feet from all interior lot lines, except that where the rear lot line is the boundary of an alley, parking areas may be located along the rear property line.

The five-foot setback shall be contained by a sight-obscuring fence, wall or hedge in accord with SRC 131.130.

**(j) Transitional Use Requirements.** As transition occurs to non-residential uses through the removal of existing residential structures, the screening requirement shall be required. Lots that remain undeveloped shall either be fenced or have other means of preventing its use for parking, and the residential driveways which served the property shall be closed. (Ord No. 71-89; Ord No. 69-2002; Ord No. 42-09)