

CHAPTER 137

RIVERFRONT OVERLAY ZONE

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137.010. Intent and Purpose. The Riverfront Overlay Zone sets forth development standards for development, redevelopment, and changes in land use to establish a mixed-use residential and commercial district with emphasis on pedestrian access to and along the riverfront. High Density residential development is the focus west of Front Street with office and commercial uses east of Front Street. Unless otherwise provided, the overlay development standards are in addition to generally applicable standards provided elsewhere in this code. (Ord No. 85-98)

137.020. Definitions.

"**Abandonment,**" as it applies to industrial uses and structures in this chapter, means the cessation of the use or structure for a continuous period of one year or a change of use or structure to a non-industrial use. Vacant property within the overlay zone west of Commercial Street and designated industrial on December 1, 1998 shall not be deemed abandoned and may be converted to industrial use.

"**Change of use**" means making a different use of any building, structure or land than which existed on December 1, 1998 and for which permission may be required pursuant to this code.

"**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 buildings; any 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. "Develop" or "Development" does not include:

- (1) Completion of a structure or use of land for which a valid permit has been issued and substantial construction undertaken by December 1, 1998;
- (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 a building, increase building height, or alter the appearance of a structure.

"**Drive through use**" means a business activity involving the buying and selling of goods or the provision of services to a motorist customer or the customer's motor vehicle and typically involving queuing lanes, service windows, service islands, and service bays.

"**Front**" means the portion of a building that faces a public right-of-way.

"**Parking structure**" means a private or public garage with at least two levels of parking whose principal use is intended for the temporary storage of motor vehicles.

"**Primary building entrance**" means the principal pedestrian passage from a public right-of-way into a building. A building may have more than one primary entrance. Primary building entrance shall not include service or employee only entrances.

"**Project**" means a single development built in a single phase. A project may involve single or multiple buildings.

"**Public right-of-way**" means property dedicated to the public for ingress and egress.

"**Public street right-of-way**" means a public right-of-way improved with a road or street.

"**Side street**" means any public street that intersects Front Street within the Riverfront Overlay Zone. (Ord No. 85-98)

137.030. Establishment of Riverfront Overlay Zone. For the purposes of placing special restrictions on the use of land within districts shown on the official zoning map, the Riverfront Overlay Zone is created, to wit:

(a) Area (I). Beginning at the point of intersection of the ordinary low water mark of the Willamette River in Township 7 South, Range 3 West of the Willamette Meridian, Marion County, Oregon and the westerly extension of the south line of Union Street NE; thence northerly along the ordinary low water mark of the Willamette River to a point of intersection with the center line of Mill Creek; thence easterly along the center line of Mill Creek to a point of intersection with the east line of Front Street NE; thence southerly along said east line of Front Street NE to a point of intersection with the south line of Union Street NE; thence easterly along said south line of Union Street to the point of beginning.

(b) Area (II). Beginning at the point of intersection of the ordinary low water mark of the Willamette River in Township 7 South, Range 3 West of the Willamette Meridian, Marion County, Oregon and the center line of Mill Creek; thence northerly along the ordinary low water mark of the Willamette River to a point of intersection of a line that is 132.80 feet more or less north of the north line of Hood Street NE, if measured perpendicular thereto, thence easterly and parallel of said Hood Street to the point of intersection with the west line of Commercial Street NE; thence southerly along said east line of Commercial Street to the point of intersection with the south line of Union Street; thence westerly along said south line of Union Street to the point of intersection with the east line of Front Street; thence northerly along said east line of Front Street to the point of intersection with the center line of Mill Creek; thence westerly along said center line of Mill Creek to the point of beginning. (Ord No. 85-98)

137.040. Approval Process.

(a) An application for development within the North Downtown Riverfront Overlay Zone shall conform to either 1) the prescriptive design standards or 2) design guidelines or the intent of such guidelines contained in the City of Salem Development Design Handbook. Both the design standards and guidelines found in the City of Salem Development Design Handbook are in addition to all other applicable city code requirements.

(b) Industrial uses existing within the overlay zone area that conform to the zoning code on December 1, 1998 are exempt from the approval process and requirements contained in this section and the Development Design Handbook. The requirements of this section and the Development Design Handbook shall apply upon abandonment of industrial uses or structures or change of an industrial use to a non-industrial use.

(c) Approval of development applications that conform to prescriptive design standards are processed by the city administratively. Approval of development applications that conform to performance design guidelines are processed through the city's design review program with required review and approval by the Planning Commission. A pre-application conference with city staff is required prior to submittal of application materials to provide the applicant an opportunity to discuss with city staff development review procedures, requirements and options early in the development process. (Ord No. 85-98; Ord No. 15-06; Ord No. 19-08)

137.050. Uses in the Riverfront Overlay Zone.

- (a) Permitted uses
- (1) Any use permitted in the underlying zone
- (2) Parking structures
- (3) Industrial uses subject to SRC 137.060
- (4) Retail trade in Area I

- (A) News dealers and newsstands (5994)
- (B) Florists (5992)
- (C) Tobacco stores and stands (5993)
- (D) Eating and drinking places (581) provided that no drive-in or drive-through facilities are permitted
- (E) Food stores (54)
- (F) Drug and proprietary stores (591)
- (G) Misc. shopping goods stores (594)
- (H) Used merchandise stores (593)
- (I) Street vendors pursuant to SRC chapter 31
- (5) Services in Area I
 - (A) Beauty shops (723)
 - (B) Barber shops (724)
 - (C) Shoe repair and hat cleaning shops (725)
 - (D) Photocopying and duplicating services
 - (E) Computer programming and other software services (7372)
 - (F) Radio and television repair shops (7622)
 - (G) Watch, clock and jewelry repair shops (7622)
 - (6) Finance, insurance and real estate in Area I
 - (A) Depository institutions (60)
 - (B) Insurance agents, brokers and service (64)
 - (C) Real estate (65)
 - (b) Prohibited uses
 - (1) Uses prohibited in the underlying zone
 - (2) Outdoor advertising signs
 - (3) Drive-through uses (Ord No. 85-98)

137.060. Conforming Uses. Industrial uses existing within the overlay zone area that conform to the zoning code on December 1, 1998 and those classified as Standard Industrial Classification 203, "Canned, Frozen and Preserved Fruits, Vegetables and Food Specialities" are deemed allowed uses and conforming structures within the overlay zone under the zoning code. Structures and signs owned or leased by an industrial use may be altered, enlarged or rebuilt and may be extended onto vacant land or intensified provided such alteration, enlargement, rebuilding, extension or intensification otherwise complies with the regulations specified by the Salem Zoning and Sign Codes for the zone in which the use is permitted. Abandonment or change to a non-industrial use shall remove the use, structure, sign and the legal lot associated with such use from the scope of this section. Vacant parcels and parking lots associated with uses permitted by this section may be developed subject to the regulations of the zone in which the use is permitted. (Ord No. 85-98)

137.070. Development Standards.

(a) Land Use.

(1) Residential uses shall be developed at a minimum density of 20 dwelling units per acre. All multiple family projects, either newly created or deemed as a change of use within an

existing building, shall comply with either the applicable standard or guidelines of the Development Design Handbook.

(2) Retail service and office activities within Area I shall be restricted to the ground floor of a building.

(3) Retail, service and office activities within Area I shall not exceed 50 percent of gross floor area of a project.

(4) Food stores in Area I shall not contain more than 15,000 square feet in gross floor area for each establishment.

(5) Outdoor business activities are permitted within the public right-of-way subject to SRC 42.140, Sidewalk Sales Permit, and 42.160, Sidewalk Café Permit. In addition:

(A) Fixtures, tables and chairs must be set back from a curb a minimum of 3 feet.

(B) Outdoor storage is not permitted within the public right-of-way.

(b) Height

(1) New buildings and structures shall be permitted up to a maximum height of 70 feet.

(c) Signs

(1) Signs permitted within the underlying zone are allowed in the overlay zone pursuant to SRC Chapter 62 except:

(A) Outdoor advertising signs are prohibited.

(B) Illuminated signs are prohibited on the riverfront side of structures.

(2) Freestanding signs shall be restricted to five feet in height and 24 square feet of total sign area. Freestanding signs shall be set back as least five feet from a street property line.

(3) Wall signs shall be limited to a greater of 32 square feet or 2 percent of gross face area on the building to which it is attached. A maximum of one wall sign per street or parking lot frontage is permitted. Wall signs along a parking lot frontage shall be limited to 24 square feet in total sign area.

(4) Signs along the public right-of-way shall be designed in accordance with a master plan for the Riverfront District. (Ord No. 85-98; Ord No. 86-2002)

137.080. Variances. Any person desiring to develop contrary to the regulations prescribed in this chapter may make application in accordance with the procedures in SRC chapter 110. The Hearings Officer may vary development standards upon finding that the variance criteria of SRC chapter 115 have been met. (Ord No. 85-98)