

CHAPTER 143D

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143D.010. Intent, Purpose and Scope. The Edgewater Street/Wallace Road Overlay Zone establishes particular development standards to guide development, redevelopment, and changes of land use within the overlay zone. The overlay zone promotes a mixture of activities, including retail, commercial, and residential development within close proximity to one another in order to facilitate walking and produce less reliance on the automobile. This chapter contains development standards to reduce the potential conflicts between the activities permitted in the overlay zone. Unless otherwise provided, the overlay zone development standards are in addition to generally applicable standards provided elsewhere in this code. (Ord No. 69-2002)

143D.020. Definitions.

(a) “Mixed-Use Development” means a combination of retail, office or residential uses in a single building or separate buildings on the same lot or contiguous lots. For purposes of this chapter, Mixed-Use Developments may include Mixed-Use Buildings as defined in SRC 119.700.

(b) “Change of Use” means changing an activity from one Standard Industrial Classification (SIC) Division to another.

(c) “Develop”, “Development”, “Redevelop”, or “Redevelopment” means to divide a parcel of land into two or more parcels; to construct, reconstruct, alter the structure, relocate, or enlarge any building; to extend any use of land or to engage in any clearing, grading, landscaping, curb cutting, or to engage in any other use of land for which a permit may be required pursuant to this code. “Develop”, “Development”, “Redevelop”, or “Redevelopment” does not include:

(1) Maintenance and repair, usual and necessary for the continuance of an existing use;

(2) Reasonable emergency procedures necessary for the safety or operation of property; or

(3) 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.

(d) “Owner” means the person holding fee title or a beneficial interest under a trust deed or mortgage, or the purchaser under a contract for sale of real estate.

(e) “Pedestrian Pathway” means a continuous, unobstructed, reasonably direct route between two points that is intended and suitable for pedestrian use.

(f) “Tuck-Under Parking” means parking placed at grade with a building constructed above.

(g) “User” means the user of property in the overlay zone as of December 1, 2002. (Ord No. 69-2002)

143D.030. Establishment of Edgewater Street/Wallace Road Overlay Zone. For the purposes of placing special restrictions on the use of the land designated on Figure 143D-1, the Edgewater Street/Wallace Road Overlay Zone is hereby created. (Ord No. 69-2002)

143D.040. Continued Uses. Uses and structures existing within the Edgewater Street/Wallace Road Overlay Zone that conform to the zoning code and development regulations existing on December 1, 2002, are deemed continued uses and structures within the

zone. Continued uses or structures may be intensified, enlarged, rebuilt, or the exterior altered, provided such intensification, exterior alteration, enlargement, or rebuilding complies with the zoning code and any applicable development regulations. *The owner or user of property on December 1, 2002, may extend the uses or structures existing on that date onto any vacant land owned by such owner or user on December 1, 2002.* A change of use or a determination by the Building Official that a building is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the use on the lot or parcel, and any new use or structure on the lot or parcel shall comply with the development standards of this chapter and other provisions of this zoning code. The owner shall have the burden to demonstrate the existence of a continued use under this section. (Ord No. 69-2002)

143D.045. Variances. The Hearings Officer may grant a variance from the standards contained in this chapter, subject to the provisions of SRC Chapter 115. (Ord No. 69-2002)

GENERAL OVERLAY ZONE DEVELOPMENT STANDARDS

143D.050. Project Enhancements.

(a) When applicable, development within the Edgewater Street/Wallace Road Overlay Zone must include and maintain at least four of the following project enhancements:

- (1) Closure of one driveway along Edgewater Street or Wallace Road;
- (2) Development of a joint use parking agreement pursuant with SRC 133.130 or implementation of a plan for alternate modes of transportation pursuant to SRC 133.150;
- (3) Construction of freestanding (monument) signs five (5) feet or less in height;
- (4) Except along the Edgewater Street Corridor, provision of weather protection along more than 50 percent of the building facade adjacent to sidewalks and pedestrian pathways;
- (5) Use of cast iron or wrought iron fencing materials adjacent to Edgewater Street or Wallace Road;
- (6) Development of pedestrian pathways:
 - (A) With pavers, scored or colored cement, and/or stamped asphalt;
 - (B) By elevating the pathway above the parking area and driveway; or
 - (C) By defining the pedestrian pathway with landscaping or building features such as canopies, awnings, or arcades;
- (7) Redevelopment of property and new development replacing existing surface parking lots;
- (8) Provision of one of the following pedestrian-oriented design features on private property adjacent to Edgewater Street:
 - (A) Pedestrian scale lighting, not to exceed 16 feet in height; or
 - (B) Open areas to create plazas or facilities open to the public;
- (9) Provision of a minimum of 7 percent interior landscaping within parking lots smaller than 50,000 square feet; or minimum of 10 percent interior landscaping within parking lots larger than 50,000 square feet;
- (10) Provision and installation of a landscape design and irrigation plan by a licensed Oregon landscape architect;
- (11) Development of a mixed-use building as defined in SRC 119.700;
- (12) Except along the Edgewater Street right-of-way, placement of at least 50 percent of the building at the minimum building setback line;
- (13) Construction of planter bays within parking lots at least fifty (50) square feet in area;

- (14) Construction of planter bays below the surface grade of parking lots to accommodate surface water run off;
- (15) Construction of buildings at least two stories in height;
- (16) Use of native plant materials to meet minimum landscaping requirements;
- (17) Along the Edgewater Street right-of-way, placement of at least 75 percent of the building at the minimum setback line; or Provision of underground, tuck-under, or structured parking. (Ord No. 69-2002)

143D.060. Pedestrian Access. Development within the Edgewater Street/Wallace Road Overlay Zone shall comply with the following standards:

- (a) At least one pedestrian connection shall be provided from the public sidewalk to the primary building entrance;
- (b) Pedestrian connection(s) shall be a minimum of five feet in width and defined by visual contrast or tactile finish texture;
- (c) When more than one building is located on a lot or parcel, or upon contiguous lots or parcels, at least one pedestrian connection shall be provided to connect the buildings, which shall be the most practical direct route between the buildings;
- (d) A pedestrian connection through a parking area to the primary building entrance shall be provided when a vehicular use area, as defined in SRC 132.230, is greater than sixty (60) feet in depth;
- (e) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent encroachment of automobiles onto pedestrian connection(s). (Ord No. 69-2002)

DISTRICT DEVELOPMENT STANDARDS

AREA 1 - WALLACE ROAD CORRIDOR

143D.070. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone. (Ord No. 69-2002)

143D.080. Signs. Within Area 1, freestanding signs shall be limited to ten (10) feet in height above grade, including structural, framing and design elements attached to or supporting the sign. Total sign area is limited to forty (40) square feet in area. Outdoor advertising signs as defined in SRC 62.050 are prohibited. (Ord No. 69-2002)

143D.090. Design Approval. Development within Area 1 shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Historic Landmarks and Design Review Commission pursuant to the guidelines contained in the Development Design Handbook. (Ord No. 69-2002; Ord No. 15-06)

AREA 2 - WEST SALEM GATEWAY

143D.100. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone. (Ord No.69-2002)

143D.110. Signs. Outdoor advertising signs as defined in SRC 62.050 are prohibited.
(Ord No. 69-2002)

AREA 3 - WEST SALEM GENERAL INDUSTRIAL AREA

143D.120. Uses.

(a) Except as provided in subsection (b) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone.

(b) The following uses are permitted uses in Area 3:

- (1) Eating and drinking places and entertainment establishments;
- (2) Beauty Shops (723);
- (3) Barber Shops (724);
- (4) Business Services (73);
- (5) Membership sports and recreation clubs (7997);
- (6) Medical and dental laboratories (807);
- (7) Outpatient facilities (8093);
- (8) Engineering, accounting, research, management and related services (87);
- (9) Executive offices (911);
- (10) Executive and legislative combined (913);
- (11) Police protection (9221), BUT EXCLUDING jail facilities;
- (12) Public finance, taxation and monetary policy (93);
- (13) Administration of human resources programs (94);
- (14) Administration of environmental quality and housing programs (95);
- (15) Administration of economic programs (96);
- (16) National security and international affairs (97);
- (17) Used merchandise stores (593);
- (18) General merchandise stores (53);
- (19) Food stores (54);
- (20) Apparel and accessory stores (56);
- (21) Furniture, home furnishings and equipment stores (57);
- (22) Miscellaneous retail (59);
- (23) Miscellaneous repair services (76);
- (24) Building materials, hardware, garden supply, but excluding mobile home dealers (52); and
- (25) Services not elsewhere classified (899).

(c) In addition to the prohibited uses in the underlying zone, the following uses are prohibited in Area 3:

- (1) Agricultural production crops (071);
- (2) Crop services (072);
- (3) Timber tracts (081);
- (4) Forest nurseries and gathering of forest products;
- (5) Chemicals and allied products (28);
- (6) Motorcycle dealers (557);
- (7) Automotive dealers, not elsewhere classified (559);
- (8) Fuel Dealers (598);
- (9) Outdoor advertising services (7312);
- (10) Disinfecting and pest control services (7342);

- (11) Building cleaning and maintenance services not elsewhere classified (7349);
- (12) Recycling Depots;
- (13) Scrap and waste material establishments (5093);
- (14) Livestock, except dairy, poultry, and animal specialties (021);
- (15) Air transportation, Non-scheduled (452);
- (16) Crude petroleum and natural gas extraction (131);
- (17) Surface mining operations;
- (18) Meat products (201);
- (19) Animal and marine fats and oils (2077);
- (20) Logging camps and logging contractors (241);
- (21) Sawmills and planing mills (242);
- (22) Paper and allied products (26);
- (23) Agricultural chemicals (287);
- (24) Miscellaneous chemical products (289);
- (25) Petroleum and coal products (29);
- (26) Cement hydraulic (324);
- (27) Iron and steel foundries (332);
- (28) Primary smelting and refining nonferrous metals (333);
- (29) Secondary smelting and refining nonferrous metals (334);
- (30) Rolling, drawing, and extruding of nonferrous metals (335);
- (31) Ordnance and accessories, except vehicles and guided missiles (348);
- (32) Storage batteries (3691);
- (33) Primary batteries, dry and wet (3692);
- (34) Livestock (5154);
- (35) Chemicals and allied products (516);
- (36) Racing, including track operation (7948); and
- (37) Solid waste transfer stations. (Ord No. 69-2002)

143D.130. Signs. Outdoor advertising signs as defined in SRC 62.050 are prohibited. (Ord No. 69-2002)

143D.140. Outdoor Storage. In addition to other requirements of the zoning code, the following development standards apply to uses listed in 143D.150(b):

- (a) Open storage of materials and equipment is prohibited within required yards and bufferyards;
- (b) Where permitted, open storage shall be screened with a sight obscuring fence, wall, berm or hedge, located at the minimum building setback line;
- (c) Storage of materials and equipment shall not exceed fourteen (14) feet above grade elevation;
- (d) Materials or equipment stored 6 feet or more above grade elevation shall be screened by sight obscuring landscaping. (Ord No. 69-2002)

143D.150. Screening. In addition to other requirements of the zoning code, the following development standards apply to uses listed in 143D.150(b):

- (a) Concertina or barbed wire fencing is prohibited within sixty (60) feet of any public street right-of-way unless such fencing is obstructed by a building or structure and screened from public view and adjacent property by sight-obscuring landscaping;

(b) All trash receptacles shall be screened from adjacent residential uses and public streets by a sight obscuring fence, wall or hedge. (Ord No. 69-2002)

143D.160. Landscaping. In addition to other requirements of the zoning code, the following development standards apply to uses listed in 143D.150(b):

(a) Within parking lots, planter bays or islands shall have a minimum planting area of fifty (50) square feet;

(b) Within parking lots larger than 50,000 square feet in area, one tree per eight parking spaces is required, of which 25 percent may be evergreen trees. Required trees must be planted within 20 feet of the parking lot perimeter. (Ord No. 69-2002)

143D.170. Site Area. Uses listed in Section 143D.150(b) shall be limited to parcels six acres or less in gross area unless approved pursuant to SRC Chapter 117 or 118. (Ord No. 69-2002)

AREA 4 - PATTERSON STREET CORRIDOR

143D.180. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone. (Ord No. 69-2002)

AREA 5 - EDGEWATER STREET CORRIDOR

143D.190. Uses.

(a) Except as provided in subsection (b) and (c) of this section, no building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone. Otherwise permitted uses in Area 5 may not be conducted as drive-through uses, defined as business activities typically involving queuing lanes, service windows, service islands, and service bays. The additional prohibited uses, identified under subsection (c) of this section that existed within Area 5 as of February 11, 2008 are deemed permitted uses within Area 5 on the lot or parcel where they are located on such date. Such uses may be intensified, enlarged, or rebuilt, but may not be expanded onto another lot or parcel within Area 5 that were not previously utilized for such use.

(b) The following uses are permitted uses in Area 5:

(1) Mixed use developments as defined in this chapter; and

(2) Dwellings meeting the density standards of Section 143D.210.

(c) In addition to the prohibited uses in the underlying zone, the following uses that are allowed in the underlying zone are prohibited in Area 5:

(1) Agricultural production - crops (01);

(2) Landscape and horticultural services (078), but excluding landscape counseling and planning (0781);

(3) Timber tracts (081);

(4) Forest nurseries and gathering of forest products (0831);

(5) Crude petroleum and natural gas extraction (131);

(6) Gas production and distribution (492);

(7) Lumber and other building materials dealers (521);

- (8) Automotive dealers and gasoline service stations (55), but excluding auto and home supply stores (retail sales only, no service or installation)(5531);
- (9) Hotels and motels (701), but excluding hotels, bed and breakfasts, and inns;
- (10) Camps and recreational vehicle parks (703);
- (11) Carpet and upholstery cleaning (7217);
- (12) Equipment Rental and Leasing (7359);
- (13) Automotive rental and leasing, without drivers (751);
- (14) Automotive repair shops (753);
- (15) Automotive services, except repair (754);
- (16) Motorcycle repair service;
- (17) Professional sports clubs and promoters (7941);
- (18) Temporary motor vehicle and recreational vehicle sales;
- (19) Utilities - secondary truck parking and material storage yard;
- (20) Recycling depots;
- (21) Solid waste transfer stations. (Ord No. 69-2002; Ord No. 88-07)

143D.200. Signs. Outdoor advertising signs as defined in SRC 62.050 are prohibited. Freestanding signs shall be limited to ten (10) feet in height above grade, including structural, framing and design elements attached to or supporting the sign. Total sign area is limited to forty (40) square feet in area. (Ord No. 69-2002)

143D.210. Development Density.

(a) The number of dwelling units permitted on a lot or parcel shall be calculated by dividing the area in square feet by 43,560 and multiplying that figure by the minimum or maximum density identified in subsections (b) or (c) of this section. A calculation of density resulting in a fraction shall be rounded to the next highest whole number.

(b) Within Area 5, residential uses, except for mixed-use developments, shall be developed at a minimum density of eight (8) dwelling units per acre up to a maximum of fourteen (14) dwelling units per acre.

(c) Residential uses within mixed-use buildings shall be developed at a minimum density of one (1) dwelling unit per acre. There is no maximum residential density requirement.

(d) Development density shall be a non-variable standard. (Ord No. 69-2002; Ord No. 127-07)

143D.220. Design Approval. Development shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Historic Landmarks and Design Review Commission pursuant to the guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to other development standards contained in this chapter and of the zoning code. (Ord No. 69-2002; Ord No. 15-06)

AREA 6 - SECOND STREET CORRIDOR

143D.230. Uses.

(a) Except as provided in subsection (b) of this section, No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone.

- (b) The following uses are permitted uses in Area 6:
- (1) Home occupations pursuant with 143D.240. (Ord No. 69-2002)

143D.240. Home Occupations. Home occupations within Area 6 shall be those uses listed under SRC 124.020 (m). On-site sales of commodities associated with professional services, artists, and craftsman is permitted within Area 6 when conducted pursuant to SRC 124.020(a)-(n). (Ord No. 69-2002)

AREA 7 - WALKER SCHOOL RESIDENTIAL AREA

143D.250. Uses. No building or structure shall be used, erected, structurally altered or enlarged, or any land used, for any use not allowed as a permitted, special, administrative conditional, or conditional use in the underlying zone. (Ord No. 69-2002)

143D.260. Design Approval. Development shall meet either the development design standards contained in the City of Salem Development Design Handbook or shall be reviewed and approved by the Historic Landmarks and Design Review Commission pursuant to the guidelines contained in the Development Design Handbook. Development design guidelines and standards are in addition to other development standards contained in this chapter and of the zoning code. (Ord No. 69-2002; Ord No. 15-06)