

Proposed Code Amendment CA 24-01

Sec. 111.001. Definitions, generally.

Unless the context otherwise specifically requires, terms used in the UDC shall have the meanings set forth in this chapter; provided, however:

- (a) Where chapter specific definitions are included in another chapter of the UDC, those definitions are the controlling definitions; and
- (b) Where a term is not defined within the UDC, the term shall have its ordinary accepted meaning within the context in which it is used. Webster's Third New Int'l Dictionary (unabridged ed. 2002) shall be the standard reference to ordinary accepted meanings.

Abutting means touching along a boundary or point.

Accessory building or structure means a building or structure that is incidental and subordinate to, and dependent upon, the principal use on the same premises.

Accessory dwelling unit means a second dwelling unit that is attached to or detached from a single-family detached dwelling, manufactured home, townhouse, or zero side yard dwelling on the same lot. The accessory dwelling unit is accessory to and is smaller than the primary dwelling unit.

Accessory short-term rental means a type of short-term rental which is operated as an accessory use to a household living use where a resident family rents guest rooms within their dwelling unit, or a guest house if applicable, when they are present as hosts, or rents their entire dwelling unit, including a guest house if applicable, during periods of time when they are away, to overnight guests on a daily or weekly basis for periods of less than 30 consecutive days.

Adjacent means near or close, but not necessarily contiguous with.

Adjoin means to abut.

Adult day care center means day care for adults in a nonresidential structure.

Adult day care home means day care for five or fewer adults provided in the home of the adult day care provider.

Affordable housing means housing that is affordable to households with incomes equal or less than 80 percent of the median family income in the county for which the development is built or for the state, whichever is greater, and in a manner so that no more than 30 percent of the household's gross income will be spent on rent, home loan or mortgage payments, and utilities.

Alley means a public or private way other than a street or flag lot accessway that provides primary or secondary vehicle access to an abutting property where the majority of the width of the alley within a block meets the right-of-way width requirement set forth under SRC Chapter 803, Table 803-1.

Ambulance service facility means a building used for the administrative offices of an ambulance service, the housing of emergency medical personnel, and the ordinary maintenance and repair of emergency vehicles and equipment.

Ambulance station means a building, or a specific portion of a building or development, that is utilized for the housing of on-call emergency medical ambulance personnel.

Apartment means a building that contains three or more dwelling units and which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three or more families living independently of each other and doing their own cooking in the said building; or a building in condominium ownership containing three or more dwelling units.

Application for affordable multiple family housing means, for purposes of SRC 300.810, an application for affordable housing which is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater, and that is:

- (a) A permit or zone change submitted under ORS 227.175;
- (b) For development of a multifamily residential building containing five or more residential units where at least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and
- (c) Subject to a covenant, as required under ORS 197.311, that restricts the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Arcade means a continuous covered arched passageway located parallel to a building, street, or open space, and open and accessible to the public.

Arterial street means a major arterial street or minor arterial street.

Bicycle parking area means an area of a development site used for the parking of bicycles. A bicycle parking area includes the bicycle parking space, or spaces, and the access aisle providing access to, and maneuvering area for, the bicycle parking spaces.

Buildable width means the distance along the street right-of-way, exclusive of side setbacks, wetlands, and riparian corridors, that is sufficiently deep to accommodate a lot depth of 70 feet and meet setback requirements. Where a development fronts on a street which is curved, the buildable width shall be measured radial to the curve.

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building articulation means design emphasis given to walls, roofs, windows, balconies, entries, and other architectural features to divide buildings into smaller identifiable pieces, reduce the appearance of building bulk and mass, provide visual interest, and introduce elements of scale.

Building frontage means the portion of a lot occupied by buildings placed at the front setback line. The front setback line is the line extending across the front of the lot at the front setback distance. For corner lots, building frontage also means the portion of a lot occupied by buildings placed at the setback line applicable to the intersecting street.

Building Official means the Administrator of the Building and Safety Division of the Department of Community Development of the City, or the Building Official's designee.

Building offset means a change in vertical planes along the exterior facade of a building used to divide the building into smaller identifiable pieces and reduce the appearance of building bulk and mass. An offset that does not continue the entire length of the building, and therefore, configured as a "bump out," counts as one building offset. Decks or covers over entryways do not count as building offsets.

Building offset interval means the space between building offsets.

Canopy tree means a deciduous shade tree planted primarily for its high crown of foliage.

Carport means a permanent structure used for the parking or storage of vehicles which is unenclosed on two or more sides.

Central Salem Development Program (CSDP) Area means that area of the City within the following boundaries:

Beginning at the SE corner of 12th Street SE and Mission Street SE in Section 27 Township 7 South Range 3 West in Marion County, Oregon; Thence Northerly along the East line of 12th Street SE to its intersection with the East Right-of-Way line of the Southern Pacific Railroad; Thence continuing Northerly along said East line of Railroad to the North side of "D" Street NE; Thence Westerly along the North side of "D" Street NE to the West Side of Fifth Street NE; Thence Northerly along the West side of Fifth Street NE to the North side of Market Street NE; Thence Easterly along the North side of Market Street NE to an Alley running between Fifth Street NE and Church Street NE; Thence Northerly along Said Alley to the North side of Gaines Street NE; Thence Easterly along the North side of Gaines Street to the West side of Church Street NE; Thence Northerly along the West Side of Church Street to the North line of an Alley running between Hood Street NE and Shipping Street NE; Thence Westerly along the North side of Said Alley to the East bank of the Willamette River; Thence Southerly along the East Bank of the Willamette River and Willamette Slough to the Westerly projection of the South line of Mission Street SE; Thence running Easterly along the South side of Mission Street SE to the Place of Beginning (see Figure 111-3).

Child means a child as defined by ORS 329A.250.

Child day care center means a child care facility as defined in ORS 329A.250, other than a child day care home, that is certified under ORS 329A.280.

Child day care home means a child care facility, as defined in ORS 329A.250, that is registered under ORS 329A.330 or certified under ORS 329A.280 and provides child care in a dwelling unit to not more than 16 children.

Circular driveway means a curved one-way driveway serving a single family, two family, three family, or four family use that has two points of access to a street where one of the points of access is an entrance and the other point of access is an exit.

City infrastructure means public infrastructure providing vehicular and pedestrian transportation, City utilities, and parks.

City utilities means public improvements providing water, wastewater, and stormwater facilities.

Collector street means a street that allows traffic within an area or neighborhood to connect to an arterial street, and designated as such in the Salem Transportation System Plan. Collector streets shall have priority over local streets in the installation of any traffic control devices. Single family and duplex access onto collector streets may be limited according to Public Works Design Standards.

Columnar tree means a tree species that is tall and cylindrical or tapering.

Common open space means open area intended for shared use and enjoyment in a development. Common open space includes landscaping, walkways, play areas, swimming pools, roof gardens, or other open areas which provide active or passive recreational or visual amenities for residents. Common open space does not include parking areas, streets, or other areas designed for motor vehicle circulation or storage.

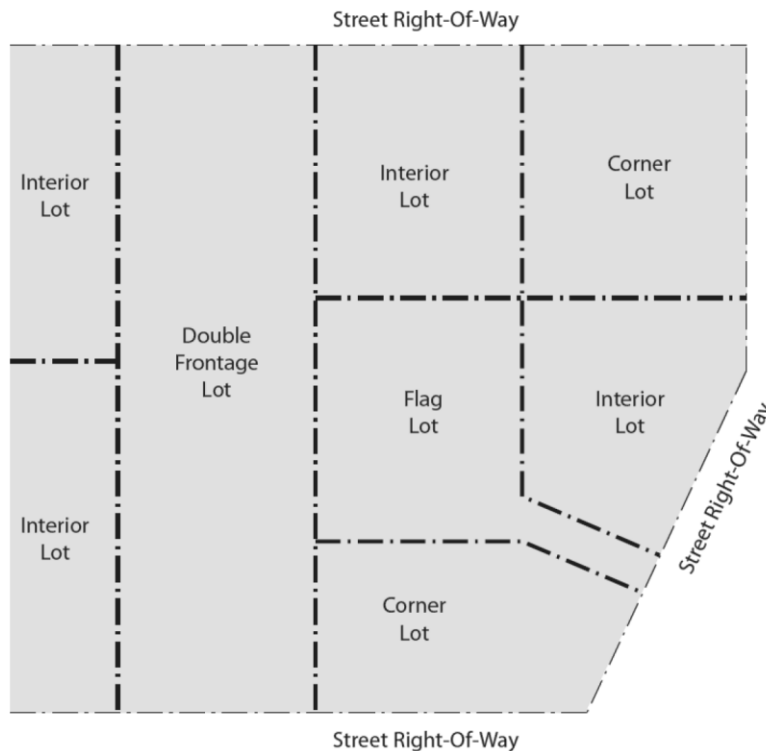
Complex means a group of buildings, structures, or other development that is functionally or conceptually integrated, regardless of the ownership of the development or underlying land, and regardless of whether located on one or more lots or parcels.

Contiguous means touching along a boundary or point. Unless otherwise provide under the UDC, any properties that are separated by public right-of-way shall not be considered contiguous.

Core network means those bus service corridors within the Salem/Keizer Urban Area that represent the highest priority for service as adopted in Resolution No. 2017-10 by the Salem Area Mass Transit District Board of Directors on July 27, 2017.

Corner lot means a lot abutting two or more intersecting streets, where the interior angle formed by the intersection of the streets does not exceed 135 degrees; or a lot having two or more adjacent front lot lines in which the interior angle formed by the extensions of the front lot lines in the direction which they take at their intersections with the side lot lines forms an angle of 135 degrees or less. In the event a street front lot line is a curve at its point of intersection with a side lot line, the tangent to the curve at that point shall be considered the direction of the front lot line (see Figure 111-1).

FIGURE 111-1. LOT TYPES



Cottage cluster means a group of five to twelve detached dwelling units, each with a maximum building footprint of 900 square feet, that are located on an individual lot and include a common courtyard.

Cottage housing means a development consisting of at least two or more attached and/or detached dwelling units on one lot as a legal nonconforming use as of May 15, 1979.

Crime prevention through environmental design means specific measures taken to enhance the safety of residents and minimize the potential for crime through the physical design of a development.

Cul-de-sac means a dead end street having a turnaround area at the dead end.

Curbline means the line indicating the edge of the vehicular roadway within the overall right-of-way.

dbh means the diameter of a tree measured in inches at a height of 4.5 feet above grade. When a fork in the trunk occurs at or above 4.5 feet, the dbh is the smallest diameter at 4.5 feet or below. When the fork occurs below 4.5 feet, or the tree splits into multiple stems at ground level, each stem is considered a separate tree trunk and is measured accordingly. The term "dbh" is also known as "diameter at breast height."

Dead-end street means a street which terminates without a turnaround area and is intended to continue through at some future time.

Development means to construct or alter a structure, to make alterations or improvements to the land or to make a change in use or appearance of land, to divide or reconfigure land, or to create, alter, or terminate a right of access. The term "development" does not include:

- (a) Maintenance and repair, usual and necessary for the continuance of an existing use;
- (b) Reasonable emergency procedures necessary for the safety or operation of property; or
- (c) Interior or exterior remodeling that does not increase the square footage or height of a structure, or substantially alter the appearance of a structure.

Development site means an individual lot or multiple contiguous lots accommodating a single development or a complex.

Double frontage lot means a lot that has frontage on two streets that do not intersect at the lot's boundaries (see Figure 111-1).

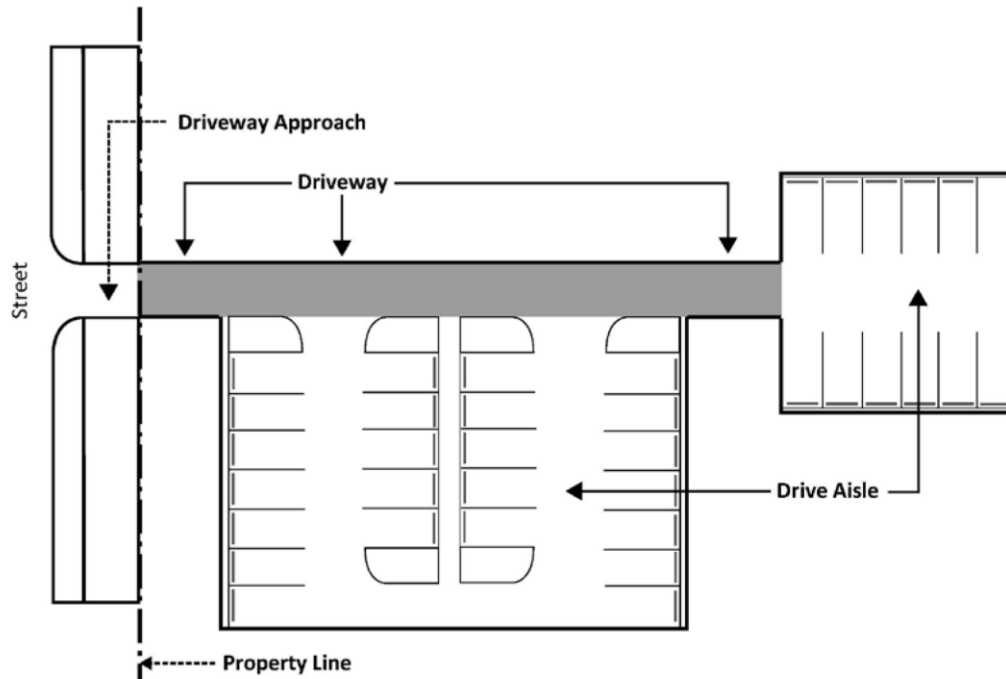
Downhill lot means a hillside lot which slopes downhill from the front lot line.

Downtown Parking District means that certain district, established under SRC chapter 7, which provides for the financing and administration of programs for economic promotion and public parking for motor vehicles in the Central Business District of the City (see Figure 111-4).

Drive-through means a facility where goods or services are provided to a patron of a business while in their motor vehicle, and typically including queuing lanes leading to drive-up service windows or service areas. A drive-through does not include motor vehicle services, as set forth in SRC 400.055(b).

Driveway means an area providing vehicular access to a site that begins at the property line and extends into the site; or an area providing vehicular circulation between parking areas on a site (see Figure 111-2). A driveway does not include maneuvering areas or drive aisles within parking areas.

FIGURE 111-2. DRIVEWAY



Duplex means a building containing two attached dwelling units on an individual lot that share a common wall or common floor/ceiling. For the purposes of this section, a building that contains an accessory dwelling unit attached to a single family detached dwelling, manufactured home, or zero side yard dwelling shall not be considered a duplex.

Dwelling means a building, or portion thereof, which contains one or two dwelling units.

Dwelling unit means a single independent unit providing complete living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. For the purposes of this definition, "independent" means the dwelling unit:

- (a) Is detached from any other dwelling unit or is separated from any other dwelling unit by an approved fire separation as required under the Building Code;
- (b) Includes a kitchen area with a sink and an approved electrical service connection for a stove or range; and
- (c) Does not have a direct interior connection to any other dwelling unit, but may have fire-separated access to a common facility shared with any other dwelling unit.

Employees means all persons, including proprietors, performing work on a premises for compensation. For purposes of SRC chapter 806, employees include all persons, including proprietors, performing work on a premises for compensation during the largest shift at peak season.

Excavation means any act by which earth, sand, gravel, rock, or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated, or bulldozed, including the conditions resulting therefrom.

Existing wildlife rehabilitation facility means any building, structure, or land which is occupied or being used by a wildlife rehabilitator who is licensed by the Oregon Department of Fish and Wildlife and actively engaged in wildlife rehabilitation as of July 14, 1994.

Facade means the vertical plane of one exterior side of a building.

Family means:

- (a) An individual;
- (b) Two or more persons related by blood, marriage, domestic partnership, legal adoption, or guardianship;
- (c) Two or more persons with disabilities, as defined in the Fair Housing Amendments Act of 1988, who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit; or
- (d) Any number of persons who need not be related by blood, marriage, domestic partnership, legal adoption, or guardianship living together in a dwelling unit.

Fence means an unroofed structure used as an enclosure, barrier, or restriction to light, sight, air, or passage.

Fill or *backfill* means a deposit of earth or other natural or manmade material placed by artificial means.

Finished grade means the final grade upon completion of excavation, fill, or paving.

Flag lot means a lot that is set back from the street at the rear or at the side of another lot, with vehicular access to the street provided by a flag lot accessway (see Figure 111-1).

Flag lot accessway means a portion of a lot that provides legal access from a street to one or more flag lots. An accessway may be through fee-simple ownership as part of a flag lot or by an access easement with associated reciprocal and irrevocable access rights for all lots using the accessway.

Floor area means the area within the exterior walls of a building or structure, or portion thereof, exclusive of vent shafts and courts. The floor area of an unenclosed building or structure, or portion thereof, is the usable area under the horizontal projection of the roof or floor above.

Floor area ratio (FAR) means a measure of the intensity of a development, expressed as a ratio of total building floor area to total lot area.

Frontage means that portion of real property which abuts a street, whether or not access to the property is accorded thereby, and whether or not a building or structure faces the street. In context, when coupled with the term "alley," the term "frontage" has the same meaning with respect to an abutting alley.

Garage means a building or portion thereof used for the parking or storage of vehicles.

Grade means the lowest point of elevation of the ground or paved surface excluding stairwells and area wells at the point's contact with a building's foundation, a property line, or a street, depending upon the context.

Grading means the act of excavating and filling.

Guest house means an accessory building maintained for the purpose of providing temporary and gratuitous living accommodations, but dependent upon the main dwelling for cooking or bathroom facilities, or both.

Guest room means any room or rooms used or intended to be used by a guest for sleeping purposes.

Habitable space means space within a structure for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage or utility space, and similar areas are not considered habitable space.

Hillside lot means a lot having an average cross slope of 15 percent or more and that is residentially zoned or developed for uses falling under household living.

Household pet means a domesticated animal that is kept for pleasure rather than for a commercial purpose such as breeding, boarding, grooming, or medical care. Common household pets include cats, dogs, hamsters, gerbils, guinea pigs, canaries, parakeets, parrots, turtles, lizards, and tropical fish.

Infill lot means a residential flag lot created by the partition of land after February 8, 2006.

Interior lot means any lot, other than a corner lot or double frontage lot (see Figure 111-1).

Interior lot line means a lot line that is not adjacent to a street.

Land division means the act of dividing land to create lots or parcels. A property line adjustment is not a land division.

Land use action means the City's process of reviewing an application for a land use or limited land use decision.

Live-work unit means a dwelling unit that includes a designated space for a business or other nonresidential use that is operated by an occupant of that unit. The live-work unit is accessory to the dwelling unit within which it is located.

Livestock means, except as otherwise provided herein:

- (a) One or more members of any species of cattle, swine, sheep, goat, horse or other equine, llama, alpaca or related ruminant, or poultry regardless of the purpose for which they may be kept; and
- (b) Any species of bee, rabbit, or fur-bearing animal kept for sale, for sale of byproducts, for livestock increase, or for value increase.
- (c) Poultry, miniature swine, and bees kept in accordance with SRC chapter 50 shall not be considered livestock.

Loading space means an off-street space for the parking of a vehicle while loading or unloading.

Local street means a street not designated as a collector, minor arterial, major arterial, or parkway in the Salem Transportation System Plan. A local street primarily serves to provide direct access to abutting land and offers the lowest level of traffic mobility.

Lot means a single lawfully established unit of land created by a subdivision of land. Except where otherwise stated, the term "lot" includes the term "parcel."

Lot line means one of the property lines forming the exterior boundaries of a lot.

Major arterial means a street for moving large volumes of intra-city and regional traffic, and designated as such in the Salem Transportation System Plan. A fully improved major arterial serves as the main radial, and provides peripheral routes through the City. The ultimate cross-sectional width of a major-arterial is multi-lane, as shown in the Salem Transportation System Plan.

Manufactured dwelling means a residential trailer, mobile home, or manufactured home. A manufactured dwelling does not include any building or structure constructed to conform to the Oregon Structural Specialty Code or the One and Two Family Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630, or any unit identified as a recreational vehicle by the manufacturer.

Manufactured dwelling park means any place where four or more manufactured dwellings are located on a development site and intended for residential use. The term "manufactured dwelling park"

does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved pursuant to SRC chapter 205.

Manufactured home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed after June 15, 1976, and in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

Marijuana means the plant Cannabis family Cannabaceae, any part of the plant Cannabis family Cannabaceae and the seeds of the plant Cannabis family Cannabaceae. The term "marijuana" does not include industrial hemp, as defined in ORS 571.300.

Marijuana production means the commercial manufacture, planting, cultivation, growing, or harvesting of marijuana for wholesale or retail trade. The manufacture, planting, cultivation, growing or harvesting of marijuana for personal use, or as a state registered medical marijuana grower for up to four state registered patients, as allowed by state law is not included in this definition.

Middle housing means townhouses, two family uses, three family uses, four family uses, and cottage clusters.

Middle housing land division means a partition or subdivision of a lot, parcel, or other lawfully established unit of land which has been, or is proposed to be, developed for middle housing in order to locate each dwelling unit on a separate lot.

Minor arterial means a street providing primarily intra-area and inter-neighborhood access, and designated as such in the Salem Transportation System Plan. A fully improved minor arterial has a minimum of two travel lanes with left-turn pockets and center left-turn lanes.

Mixed-use building means a building that is two or more stories in height and which contains a combination of residential and non-residential use where at least 75 percent of the ground floor area of the building is occupied by non-residential use and residential use is included on the upper floors.

Mobile home means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

Native vegetation means plant species which are indigenous to Oregon and appropriate to local site conditions such as hydrology, soils, light availability, and slope aspect.

Natural grade means the grade of the land in an undisturbed state.

Neighborhood means a localized area within the City with a development pattern that provides infrastructure and services which meets the needs of persons residing or working in the area. A neighborhood encompasses a larger area than vicinity.

Neighborhood association means a neighborhood organization that is officially recognized as provided in SRC chapter 64.

Nightclub means an establishment open at night that provides music and space for dancing, and usually serves alcohol.

Nuisance vegetation means native and non-native plant species with a tendency to dominate plant communities, or which are considered harmful to humans, and which are designated as nuisance vegetation in the tree and vegetation technical manual.

Office complex means a group of businesses falling primarily under the business and professional services use category that form a centralized unit and that have a joint parking area available for use by patrons of any single business.

Off-street parking area means an area of a development site used for short-term off-street parking of vehicles. An off-street parking area includes aisles and maneuvering areas within the parking area.

Open space means land designated to preserve community livability, significant plant materials, and natural resources.

Owner means the owner of record of real property as shown on the latest tax rolls or deed records of the county, and includes a person who furnishes evidence that the person is purchasing property under a written recorded or unrecorded land sale contract.

Parcel means a single lawfully established unit of land created by a partition of land.

Parking space means a designated space in a parking area for the parking of one motor vehicle.

Parking structure means a structure, or portion thereof, that provides two or more levels of parking.

Parkway means a street for moving large volumes of both intra-city traffic and regional traffic at higher speeds, and designated as such in the Salem Transportation System Plan. A fully improved parkway is a divided highway with a minimum of four travel lanes and extremely limited access.

Partition means dividing land to create not more than three parcels of land within a calendar year, but does not include:

- (a) Dividing land as a result of a lien foreclosure, foreclosure of a recorded contract for the sale of real property, or the creation of cemetery lots;
- (b) A property line adjustment;
- (c) Dividing land as a result of the recording of a subdivision or condominium plat;
- (d) Selling or granting by a person to a public agency or public body of property for state highway, county road, city street or other right-of-way purposes if the road or right-of-way complies with the applicable comprehensive plan and ORS 215.213(2)(p) to (r) and 215.283(2)(q) to (s). However, any property sold or granted for state highway, county road, city street or other right-of-way purposes shall continue to be considered a single unit of land until the property is further subdivided or partitioned; or
- (e) Selling or granting by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision, or special district for highways, county roads, city streets, or other right-of-way purposes when the sale or grant is part of a property line adjustment incorporating the excess right-of-way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Pedestrian connection means a continuous, unobstructed, and reasonably direct route between two points that is intended and suitable for pedestrian use.

Pedestrian pathway means any sidewalk, footpath, or trail which provides on-site pedestrian access and circulation.

Pedestrian scale means site and building design elements that are dimensionally less than those intended to accommodate automobile traffic, flow, and buffering. Examples include ornamental lighting of limited height; bricks, pavers or other modules of paving with small dimensions; a variety of planting and landscaping materials; arcades or awnings that reduce the height of walls; and signage and signpost details that can only be perceived from a short distance.

Planning Administrator means the Administrator of the Planning Division, Department of Community Development of the City, or the Planning Administrator's designee.

Plaza means an area generally open to the public on a controlled basis, and usually adjoining and connecting directly to a sidewalk, pedestrian walkway, transit stop, or building entrance, that provides a place for individuals to sit, stand, or rest. Plazas typically include low walls or planters and landscaping to create a semi-enclosed space and to buffer and separate the plaza from adjoining parking lots and vehicle maneuvering areas. Plazas also typically include amenities such as seating, art, and fountains.

Primary building entrance means the principal public pedestrian entrance into a building. A building may have more than one primary building entrance, such as in those situations where a building has multiple individual tenant spaces, each with their own principle public entrance, or a building which has multiple public entrances located at different locations within the building, all of which are of equal significance in providing public entry into the building. A primary building entrance does not include an employee-only or service entrance, unless the use of the building is such that a public entrance does not exist. In those situations where a public entrance does not exist, the main employee-only or service entrance into the building is the primary building entrance.

Primary street means a street that is classified in the Salem Transportation System Plan as an arterial or collector street.

Private open space means a semi-enclosed area which is intended for use by the occupants of an individual dwelling unit. Private open spaces may include porches, patios, balconies, terraces, roof top gardens, verandas, and decks.

Property line means the boundary line between two units of land.

Public right-of-way or right-of-way means the present and future streets, roadways, alleys, public highways, avenues, and pedestrian ways in the City, which may be held by the City in fee, easement, or dedication.

Public utilities means privately owned improvements providing the following services: natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television.

Quadplex means a building containing four attached dwelling units on an individual lot. Each dwelling unit must share a common wall or common floor/ceiling with at least one other dwelling unit.

Recreational vehicle means:

- (a) A vehicle, with or without motive power, that is designed for sport or recreational use, or human occupancy on an intermittent basis, such as motor homes, off-road vehicles, dune buggies, boats, snowmobiles, and other similar vehicles; or
- (b) A portable vehicular structure designed for sport or recreation use, or for human occupancy on an intermittent basis, that is capable of being towed or transported on the highway by a

motor vehicle, such as travel trailers, fifth-wheel trailers, campers, and other similar portable vehicular structures.

Recycling depot means a building, or portion thereof, not more than 1,000 square feet in floor area used for the collection, sorting, and temporary storage of waste and discarded materials which may be reprocessed elsewhere into usable raw materials. The term "recycling depot" does not include a structure maintained solely to provide shelter for no more than three types of recyclable material, such as paper, tin cans, and bottles, deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere.

Resident family means a family who occupies a dwelling unit as their primary residence on a non-transient long-term basis for 30 or more consecutive days. A resident family must be either the owner or the tenant of the dwelling unit.

Residential facility means as defined under ORS 197.660, a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential home means as defined under ORS 197.660, a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Residential trailer means a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.

Riparian corridor means the area adjacent to a waterway, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. The riparian corridor boundary is measured:

- (a) 50 feet horizontally from the top of bank on each side of a waterway with less than 1,000 cubic feet per second average annual stream flow; and
- (b) 75 feet horizontally from the top of bank on each side of a waterway with 1,000 or more cubic feet per second average annual stream flow (Willamette River).

Riparian restoration means actions undertaken to improve degraded, or recover lost, ecological or habitat functions in the area adjacent to a waterway in the zone of transition from an aquatic ecosystem to a terrestrial ecosystem, determined by the City to provide net ecological benefits, not reduce the stream's capacity to convey flood flows in a floodplain or floodway, nor pose an impediment to fish passage.

Scrap and waste materials dealers means establishments primarily engaged in the assembling, breaking up, sorting, and wholesale distribution of scrap and waste materials.

Screening means a method of blocking or obscuring view of an area through the use of fencing, walls, berms, densely planted vegetation, or a combination thereof.

Secondary street means a street that is classified in the Salem Transportation System Plan as a local street.

Setback means the distance between a building, accessory structure, vehicle use area, or other structure or area and a property line, special setback line, flag lot accessway, easement, or other specified point.

Shopping center means a group of businesses falling primarily under the retail sales and service use category that form a centralized unit and that have a joint parking area available for use by patrons of any single business.

Short-term rental means short-term commercial lodging where a single family dwelling unit, or guest room(s) within a single family dwelling unit, are rented to overnight guests on a daily or weekly basis for periods of less than 30 consecutive days. For purposes of this definition, a dwelling unit within a condominium is considered a single family dwelling unit.

Single family dwelling means a detached freestanding dwelling unit located on its own lot.

Single-room occupancy means a residential use where no fewer than four attached, lockable, rooms providing living and sleeping space for the exclusive use of an occupant are rented independently, and food preparation and/or sanitary facilities are required to be shared by the occupants.

Solid waste disposal site means land used for disposal of solid waste, including lumber; tile; bricks; concrete rubble; siding; roofing; asphalt; structural metal work; plaster and gypsum board; mortar stones; concrete blocks; pipe; plumbing fixtures; electrical wiring and fixtures; and shredded or split tires. A solid waste disposal site does not include land used for the disposal of leaves, prunings, and grass clippings; household appliances; machinery; motor vehicles and parts, other than shredded or split tires; or any putrescible substance. Solid waste disposal sites do not involve the collection or storage of items for sale or reuse in any form.

Solid waste transfer station means a fixed or mobile facility normally used as an adjunct of a solid waste collection system or resource recovery system between a collection route and a disposal site, including, but not limited to, a large hopper, railroad gondola, or barge. See ORS ch. 459 and OAR ch. 340.

Story means the horizontal division of a building, making up the area between two adjacent levels, but excluding that portion of the building that comprises the horizontal division that is the roof, unless that area includes living space.

Stream enhancement means to modify the stream channel width, length, depth, alignment, location, profile, bank shape, or in-stream structures for the purpose of improving ecological or habitat functions determined by the City to be degraded or lost in the immediate project area, specific stream corridor, or watershed.

Street means a public or private way that is created to provide ingress or egress to one or more lots, parcels, areas, or tracts of land, excluding a private way that is created to provide ingress or egress to land in conjunction with the use of the land for forestry, mining, or agricultural purposes. The term "street" includes the terms "highway," "thoroughfare," "parkway," "throughway," "road," "avenue," "boulevard," "lane," "court," "place," "loop," "drive," "circle," and other such terms. The term "street" does not include alleys or flag lot accessways.

Street tree means a tree planted in proximity to a street in order to provide canopy over the street, to provide shade, and soften the street environment.

Structural alteration means any alteration, addition, or removal of any structural member of a building, other than a minor alteration. As used in this definition:

Minor alteration means the alteration, replacement, or repair of a structural member so as not to alter structural integrity or the manner in which structural integrity was achieved before the alteration, replacement, or repair;

Structural integrity means the capacity of the building and its component parts, other than non-bearing walls, fixtures, electrical systems, plumbing systems, mechanical systems, openings, and ornamental appendages, to withstand the forces, stresses, and loads which are contemplated in the Oregon Structural Specialty Code for the type of construction involved; and

Structural member means any component part of a building which contributes to structural integrity.

Structure means that which is built or constructed; an edifice or building of any kind; or any piece of work artificially built up or composed of parts joined together in some definite manner; any of which is an addition to or fixture on real property. The term "structure" does not include paving, or mobile homes.

Subject property means the real property that is the subject of any land use proceeding. For purposes of mailed notice, subject property includes not only the real property that is the subject of the land use proceeding for which notice is required, but also any contiguous property in which the applicant or owner holds a legal or equitable interest.

Temporary means unless otherwise provided under the UDC, a limited duration more than two hours but less than six months, and which does not involve the construction or alteration of any permanent structure.

Townhouse means a dwelling unit that is part of a row of two or more attached units, where each dwelling unit is located on its own lot and shares a common side wall or walls with the adjacent units. A townhouse is also called a rowhouse.

Triplex means a building containing three attached dwelling units on an individual lot. Each dwelling unit must share a common wall or common floor/ceiling with at least one other dwelling unit.

Turnaround area means a paved area of a sufficient size and configuration that a motor vehicle having a curb-to-curb turning radius of 30 feet or less may maneuver around to head in the opposite direction without having to move in reverse more than once.

Unit of land means a lot, parcel, or other tract of land described by a metes and bounds, which is lawfully established and which has been recorded. A lot, parcel, or tract is lawfully established only if:

- (a) The lot or parcel was created in compliance with all applicable legal requirements for a land division in effect at the time it was created; or
- (b) The lot, parcel, or tract has been validated pursuant to SRC 205.060.

Uphill lot means a hillside lot which slopes uphill from the front lot line.

Use standard means any standard or condition imposed by the UDC, or a decision in a land use action, which regulates, restricts, prohibits, or allows the conduct of a use. A use standard does not include a development standard.

Utility or utilities means water; wastewater; stormwater facilities; natural gas; electricity; telephone, internet, and other electronic data or communication services; and cable television. As the context requires, the term "utility" or "utilities" may include City utilities or public utilities.

Vehicle display area means an area of a development site where motor vehicles, recreational vehicles, trailers, boats, or other vehicles are displayed for sale or lease.

Vehicle storage area means an area of a development site used for the storage of motor vehicles, utility trailers, recreational vehicles, boats, aircraft, or other vehicles.

Vehicle use area means an area of a development site used for parking, storage, display, loading, maneuvering, access, or circulation of vehicles. A vehicle use area includes off-street parking areas, vehicle storage areas, vehicle display areas, loading areas, driveways, and drive-through lanes.

Vertical window means a window with a vertical dimension greater than its horizontal dimension.

Vicinity means land that is surrounding, near, or within close proximity of a particular place. Vicinity is smaller in size than a neighborhood.

Vision clearance area: the area adjacent to the intersection of a street, alley, flag lot accessway, or driveway where an unobstructed clear field of vision is required to ensure safe visibility for vehicular, bicycle, and pedestrian traffic.

Visible transmittance (VT) means a measurement of the amount of light in the visible portion of the spectrum that passes through glass. The higher the number, the greater the amount of light that is passing through the glass.

Waterway means any river, perennial stream, or creek within the City as designated by the Director.

Wetland means an area inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland restoration means to restore former wetlands, create new wetlands, or enhance existing wetlands for the purpose of improving ecological or habitat functions. Restoration means to reestablish wetland hydrology to a former wetland. Creation means to successfully convert an area that has never been a wetland to wetland conditions. Enhancement means the alteration and/or active management of degraded wetlands for the sustainable recovery or improvement of lost or degraded wetland functions and values.

Wildlife means any animal defined as wildlife under ORS ch. 496.

Wildlife rehabilitation means the restoration of injured, sick, or immature wildlife, except cougars, wolves, and bears, that are native to Oregon to a condition where they are capable of being released into the wild or, if incapable of survival on their own, retained for educational purposes or transferred to an organization, educational institution, museum, publicly funded zoo, or other facility as determined by the Oregon Department of Fish and Wildlife.

Wildlife rehabilitator means an individual who is licensed as a wildlife rehabilitator by the Oregon Department of Fish and Wildlife and actively engaged in wildlife rehabilitation.

Wildlife rehabilitation facility means any building, structure, or land being used for the purpose of wildlife rehabilitation.

Zero side yard dwelling means a detached dwelling unit located on its own lot and constructed contiguous to one, but not both, interior side lot lines.

FIGURE 111-3. CENTRAL SALEM DEVELOPMENT PROGRAM AREA

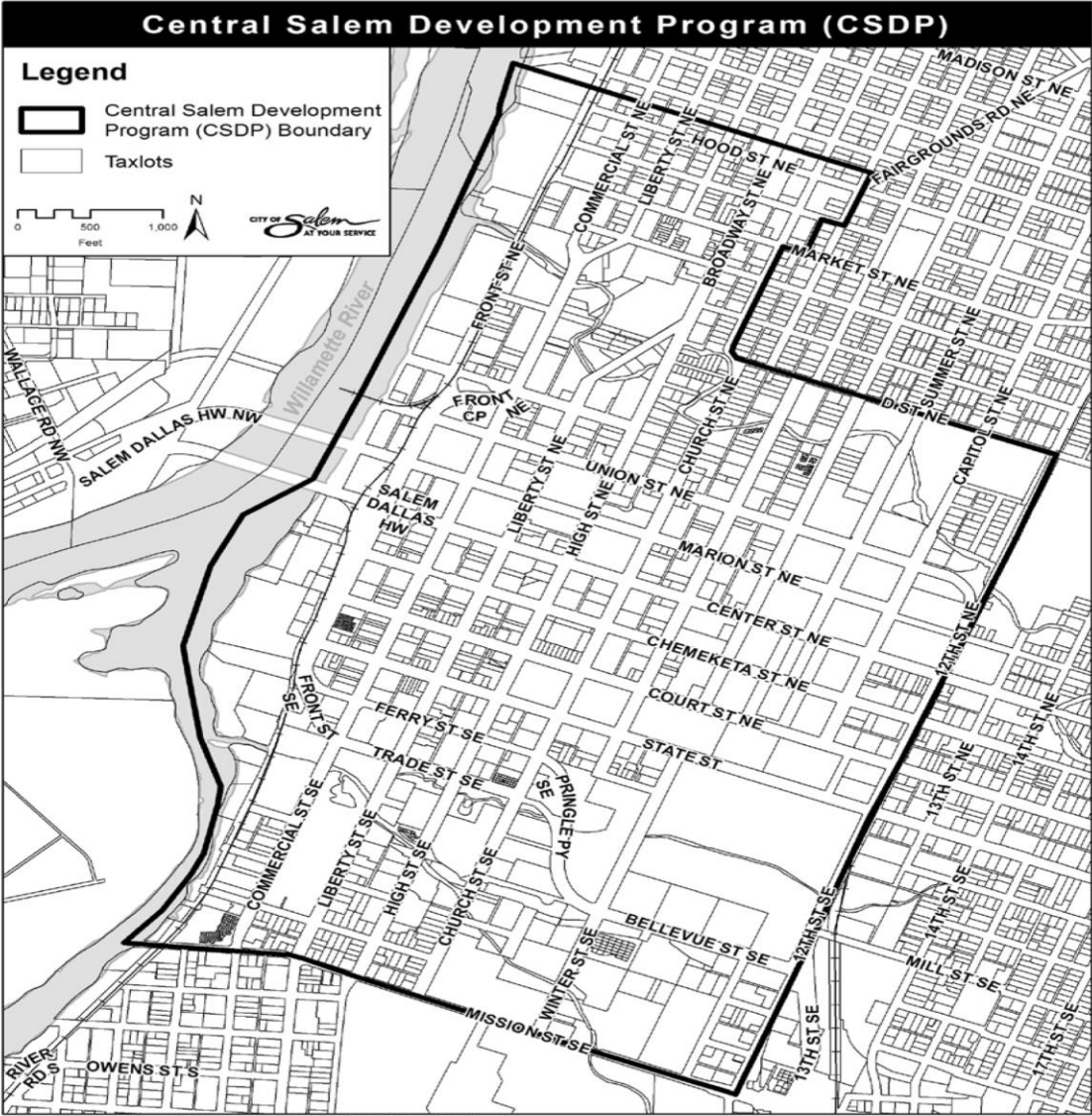
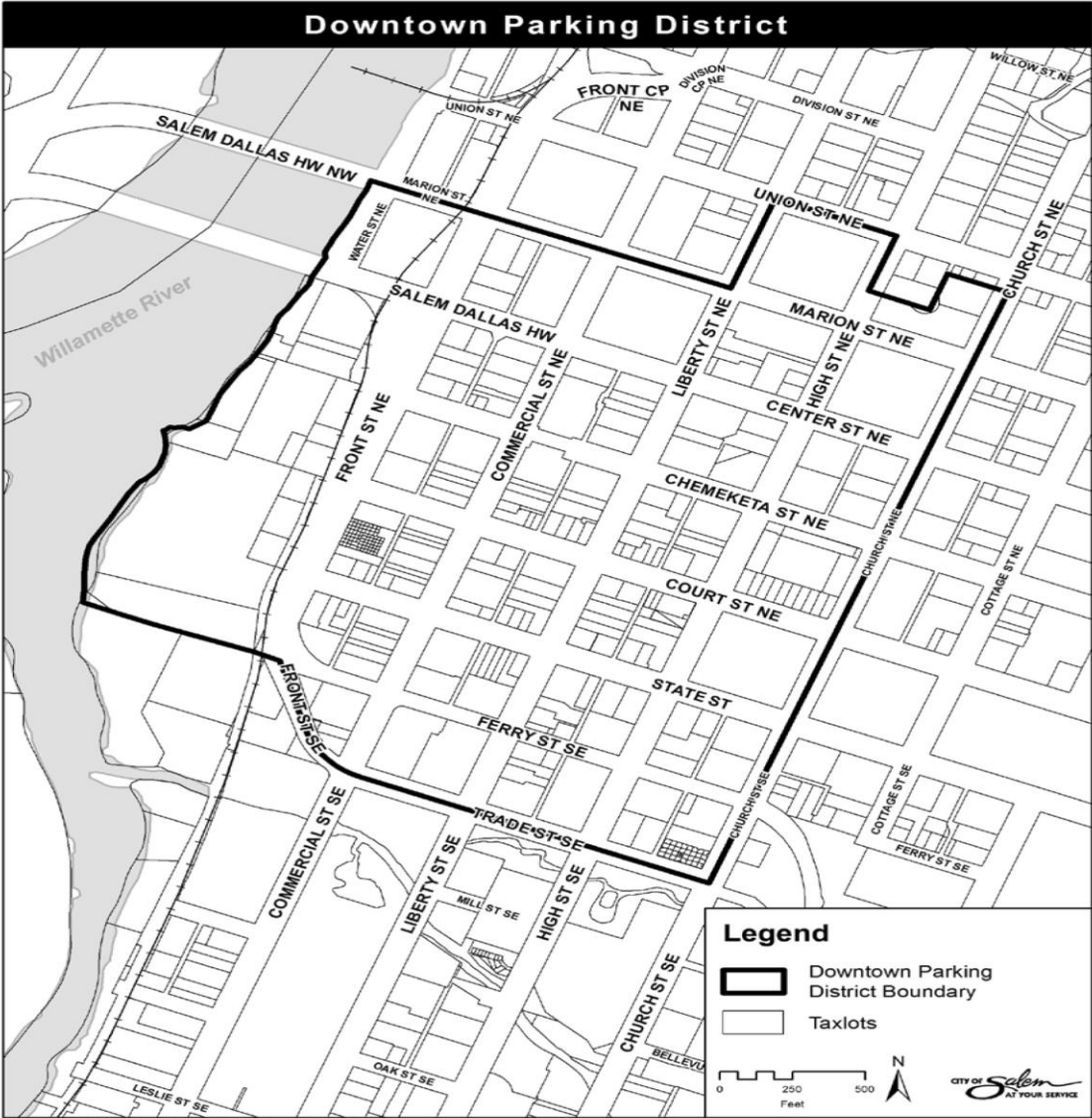


FIGURE 111-4. DOWNTOWN PARKING DISTRICT



Sec. 205.005. Partition tentative plan.

- (a) *Applicability.* Except as provided in ORS 92.010(9), no land shall be divided into three or fewer parcels within a calendar year without receiving tentative partition plan approval as set forth in this section.
- (b) *Procedure type.* A tentative partition plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative partition plan shall include the information required in SRC 205.030.
- (d) *Criteria.* A tentative partition plan shall be approved if all of the following criteria are met:

- (1) The tentative partition plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to the following:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage, and designation of front and rear lot lines;
 - (B) City infrastructure standards; and
 - (C) Any special development standards, including, but not limited to, special setbacks, vision clearance, preservation of trees and vegetation, floodplain development, and special setbacks, geological or geotechnical analysis, ~~and vision clearance~~.
- (2) The tentative partition plan does not impede future access to the future use or development of the property or adjacent land.
- (3) Development within the tentative partition plan can be ~~adequately~~ served by city infrastructure.
- (4) The street system in and adjacent to the tentative partition plan conforms to ~~the Salem Transportation System Plan~~ all applicable city standards.
- ~~(5) The street system in and adjacent to the tentative partition plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the partition.~~
- ~~(6) The tentative partition plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.~~
- ~~(7) The layout, size, and dimensions of the parcels within the tentative partition plan take into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will occur from the reasonable development of the parcels.~~
- ~~(5)(8)~~ When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:
 - (A) The property is zoned residential;
 - (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and
 - (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.
- (e) *Conditions of approval for partitions in areas unserved by City sewer.* In addition to any conditions imposed pursuant to SRC 300.820, when the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer, the following conditions shall be imposed:
 - (1) The parcels shall only be used for residential purposes;
 - (2) All buildings and structures shall meet required setbacks from future street rights-of-way; and
 - (3) A non-remonstrance agreement shall be signed and recorded against the property agreeing to connect to the City's sewer and water systems when they become available, and waiving the right to object to any future City sewer and water project benefiting the property.
- (f) *Expiration.* Tentative partition plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Sec. 205.010. Subdivision tentative plan.

- (a) *Applicability.* No land shall be divided into four or more lots within a calendar without receiving tentative subdivision plan approval as set forth in this section.
- (b) *Procedure type.* A tentative subdivision plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for tentative subdivision plan shall include the information required in SRC 205.030.
- (d) *Criteria.* A tentative subdivision plan shall be approved if all of the following criteria are met:
 - (1) The tentative subdivision plan complies with the standards of this chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
 - (B) City infrastructure standards.
 - (C) Any special development standards, including, but not limited to, special setbacks, vision clearance, preservation of trees and vegetation, floodplain development, and special setbacks, geological or geotechnical analysis, ~~and vision clearance.~~
 - (2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.
 - (3) Development within the tentative subdivision plan can be adequately served by city infrastructure.
 - (4) The street system in and adjacent to the tentative subdivision plan conforms to ~~the Salem Transportation System Plan~~ all applicable city standards.
 - ~~(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.~~
 - ~~(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.~~
 - (5)(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.
 - ~~(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.~~
 - ~~(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.~~

~~(6)(10)~~ When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

- (e) *Expiration.* Tentative subdivision plan approval shall expire as provided in SRC 300.850, unless an application for final plat is submitted within the time limits set forth in SRC 300.850, or an extension is granted pursuant to SRC 300.850(b).

Sec. 205.055. Property line adjustments.

- (a) *Applicability.* A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.
- (b) *Procedure type.* A property line adjustment is processed as a Type I procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:
 - (1) A copy of recorded deeds for the existing units of land;
 - (2) A site plan, drawn to scale, indicating:
 - (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
 - (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;
 - (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;
 - (4) Any additional documents required to establish that the unit(s) of land were legally created;
 - (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:
 - (A) The names of the owners;
 - (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
 - (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
 - (D) A place for the signatures of all parties, along with proper notary acknowledgment.
- (d) *Criteria.* A property line adjustment shall be approved if all of the following criteria are met:
 - (1) The property line adjustment will not create an additional unit of land;

- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;
 - (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;
 - (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;
 - (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and
 - (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.
- ~~(e) Multiple property line adjustments. If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:~~
- ~~(1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and~~
 - ~~(2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.~~
- (e)(f) Monumentation recording.
- (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:
 - (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:
 - (i) Identifies the correct owners of each property;
 - (ii) Identifies the grantor and grantee in the correct manner;
 - (iii) Includes, when applicable, references to any easements of record;
 - (iv) Includes a legal description(s) that:
 - (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
 - (v) Correctly represents the areas in each legal description; and
 - (vi) Complies with the requirements of state law.
 - (B) The applicant shall record the final property line adjustment deed(s) document; and

- (C) The City Surveyor shall review the record of survey map to ensure:
 - (i) That the record of survey map conforms with the property line adjustment deeds; and
 - (ii) Compliance with state law and this section.

(f)(g) *Expiration.*

- (1) Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
- (2) Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
- (3) Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the Director.

Sec. 210.030. Planned unit development final plan.

- (a) *Applicability.* No final plan of a PUD shall be recorded without receiving PUD final plan approval as set forth in this section. An application for PUD final plan approval must be submitted prior to expiration of PUD tentative plan approval.
- (b) *Procedure type.* A PUD final plan is processed as a Type II procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for PUD final plan approval shall include the following:
 - (1) A PUD final plan, in a form acceptable for recording in the county deed records, containing the information required under this subsection (c). For PUD plans that include a land division, the PUD final plan shall include the information required under this subsection (c)(1), and shall be in the form required for final plats under SRC chapter 205 and ORS ch. 92.
 - (A) The location, layout, and widths of all streets and sidewalks, and whether they are public or private;
 - (B) The location, layout, surfacing, and landscaping of all off-street parking areas;
 - (C) The location of all easements;
 - (D) If approved in the PUD tentative plan, the location of any convenience service area, retail service area, or outdoor storage area;
 - (E) The location of any common open space and the particular uses to which the common open space will be put;
 - (F) The location of areas proposed for parks, scenic ways, playgrounds, schools, public buildings, and other similar uses and whether such areas are public or private;
 - (G) For each existing or proposed building or structure on the site, other than single family dwellings:
 - (i) The location and size of the building or structure;

- (ii) The intended use of the building or structure, including, but not limited to, convenience service areas, retail service areas, and boat and recreational vehicle storage areas; and
 - (iii) The number of dwelling units in any residential building other than a single family dwelling.
 - (2) If the PUD tentative plan included unique or innovative design concepts, a written description and drawings illustrating the concepts.
 - (3) A copy of the articles of the home owners' association.
 - (4) Evidence that conditions of approval established as part of PUD tentative plan approval have been met.
- (d) *Criteria.* A PUD final plan shall be approved if the following criteria are met:
- (1) Substantial conformance.
 - (A) The PUD final plan is in substantial conformance with the PUD tentative plan. Substantial conformance for the following specific components of the PUD final plan exists when a comparison of the approved PUD tentative plan with the PUD final plan shows that:
 - (i) The number of dwelling units is within ten percent of the number of dwelling units shown on the PUD tentative plan, but in no case shall the number of dwelling units exceed the limits set forth this chapter;
 - (ii) Setbacks, and distances between main buildings, are within ten percent of those shown on the PUD tentative plan, but in no case shall the setbacks and distances be reduced below the minimums set forth in this chapter;
 - (iii) Building sizes do not exceed the building sizes shown on the PUD tentative plan by more than ten percent.
 - (iv) Building locations do not depart by more than ten percent from the building locations shown on the tentative PUD plan;
 - (v) Common open space within the PUD final plan conforms to the following:
 - (aa) If the common open space is to be improved as a recreational amenity, the area designated as common open space has not been reduced by more than ten percent.
 - (bb) If the common open space is to be permanently set aside for passive and/or active recreational use, the area designated as common open space has not been reduced by more than ten percent.
 - (cc) If the common open space is to preserve significant natural feature, the area designated as common open space has not been reduced by more than five percent.
 - (dd) If the common open space is to preserve a significant cultural feature, the area designated as common open space is identical to that shown on the PUD tentative plan; and

- (vi) If unique or innovative design concepts are employed, the final design conforms with the unique or innovative design concepts as approved in the PUD tentative plan.
- (B) Nothing in subsection (d)(1)(A) of this section shall be deemed to prohibit a reduction in the number of dwelling units or an increase in the amount of common open space. If the PUD is constructed in phases, the number of dwelling units reduced in one phase shall not be used to increase the number of dwelling units in any subsequent phase; and an increase in common open space in one phase shall not be used to reduce the amount of common open space in any subsequent phase.
- (C) Notwithstanding the changes allowed under subsection (d)(1)(A) of this section, a PUD final plan is not in substantial conformance with the PUD tentative plan if the cumulative effect of the changes made pursuant to subsection (d)(1)(A) of this section results in a significant modification to the approved PUD tentative plan.
- (2) Except as allowed under subsection (d)(1) of this section, the conditions of approval on the PUD tentative plan have been met.
- (3) The articles of the home owners' association satisfy the standards set forth in SRC 210.055(b).
- (4) For planned unit developments with a land division, SRC 205.035(c)(6) has been met. If the PUD does not include a land division, the Public Works Director has determined that each building or structure on the PUD final plan can be adequately served by the following city infrastructure and private improvements:
 - (A) A domestic water supply;
 - (B) A sanitary sewage disposal system;
 - (C) Streets improved to the extent that adequate paved access is provided to each building or structure;
 - (D) A stormwater discharge system; and
 - (E) Fire hydrants installed to fire code standards.
- (5) The owner has entered into an improvement agreement with the City providing that any improvements required to be constructed which are not complete at the time of submission of the PUD final plan will be completed within 18 months of PUD final plan approval, and the owner has furnished sufficient performance security, as provided in SRC 110.100, to ensure completion of the improvements. The time within which the improvements must be completed may be extended for one additional six-month period, subject to prior written approval from the Director.
- (6) If applicable, the applicant has executed a fee-in-lieu agreement pursuant to SRC 200.400 through 200.420.
- (e) *Approval or rejection of planned unit development final plan.* If the Planning Administrator finds that the PUD final plan does not satisfy the PUD final plan approval criteria, the Planning Administrator shall notify the applicant of the deficiencies and afford the applicant opportunity to modify the PUD final plan to eliminate the deficiencies. If the PUD final plan complies with the PUD final plan approval criteria, the Planning Administrator shall notify the applicant that the PUD final plan has been approved.

- (f) *Recording of planned unit development final plan.* The approved PUD final plan shall be recorded within ten years of the effective date of the PUD tentative plan approval.

Sec. 210.035. Modification of approval.

- (a) *Modification of planned unit development tentative approval.*
 - (1) *Applicability.* The approval of a PUD tentative plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD tentative plan.
 - (2) *Procedure type.* Modification of a PUD tentative plan approval is processed as a Type II procedure under SRC chapter 300.
 - (3) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a PUD tentative plan approval shall include the information required under SRC 210.025(c).
 - (4) *Criteria.* An application for modification of a PUD tentative plan approval shall be granted if the following criteria are met:
 - (A) The proposed modification does not substantially change the original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
 - (5) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.
- (b) *Modification of planned unit development final plan approval.*
 - (1) *Applicability.* The approval of a PUD final plan, with or without a land division, may be modified after its effective date if the proposed modification meets the criteria set forth in this section. Modifications that do not meet the criteria in this section require submittal of a new application for PUD final plan.
 - (2) *Procedure type.* Modification of a PUD final plan approval is processed as a Type II procedure under SRC chapter 300.
 - (3) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for modification of a PUD final plan approval shall include the information required under SRC 210.030(c).
 - (4) *Criteria.* An application for modification a PUD final plan approval shall be granted if the following criteria are met.
 - (A) The proposed modification does not substantially change the original approval; and
 - (B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.
 - (5) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 220.005. Site plan review.

(a) *Applicability.*

- (1) Except as provided in subsection (a)(2) of this section, site plan review approval is required:
 - (A) Prior to issuance of a building permit, for any development that requires a building permit;
 - (B) Prior to a change of use, when a building permit is not otherwise required; and
 - (C) Prior to commencement of work, for any of the following when a building permit is not otherwise required:
 - (i) Development of a new off-street parking or vehicle use areas;
 - (ii) Expansion of an existing off-street parking or vehicle use areas, when additional paved surface is added;
 - (iii) Alteration of an existing off-street parking or vehicle use areas, when the existing paved surface is replaced with a new paved surface;
 - (iv) Paving of an unpaved area; ~~and~~
 - (v) Restriping of an off-street parking or vehicular use areas, when the layout will be reconfigured but not including when existing parking spaces are removed or when existing parking spaces are converted to ADA parking spaces and the location of driveways, drive-aisles, and other parking spaces is not changed-; and
 - (vi) Development of a gravel outdoor storage area within the IG zone.

(2) Exemptions.

- (A) The following development that requires a building permit is exempt from site plan review:
 - (i) Development of a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot, including the construction of accessory structures and paving associated with such uses.
 - (ii) Sign installation.
 - (iii) Ordinary maintenance or repair of existing buildings, structures, utilities, landscaping, and impervious surfaces, and the installation or replacement of operational equipment or fixtures.
 - (iv) The alteration to the facade of a building, except in ~~the Mixed Use I (MU I), Mixed Use II (MU II), Mixed Use III (MU III), or Mixed Use Riverfront (MU R) zones~~ those zones or overlay zones that include design standards to regulate the appearance of a building, such as ground floor building height, building façade articulation, building entrance location, amounts of ground or upper floor windows, or provision of weather protection, unless there are none of the design standards in the zone that are applicable to the proposed façade alteration.
 - (v) Interior construction or tenant improvements that involve no change of use or occupancy.

- (vi) Demolition permit.
 - (vii) Construction of a fence.
 - (B) Any of the activities identified under subsection (a)(1)(C) of this section are exempt from site plan review if they are for a single family use, two family use, three family use, four family use, or cottage cluster on an individual lot.
- (b) *Classes.* The three classes of site plan review are:
- (1) *Class 1 site plan review.* Class 1 site plan review is site plan review for any development under subsection (a)(1) of this section that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves either:
 - (A) A change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required; or
 - (B) A change of use when a building permit is not otherwise required.
 - (2) *Class 2 site plan review.* Class 2 site plan review is site plan review for any development under subsection (a)(1) of this section, other than development subject to Class 1 site plan review, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.
 - (3) *Class 3 site plan review.* Class 3 site plan review is site plan review for any development under subsection (a)(1) of this section that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. As used in this subsection, land use decisions and limited land use decisions include, but are not limited to, any development application that:
 - (A) Requires a Transportation Impact Analysis pursuant to SRC chapter 803;
 - (B) Requires a geotechnical report or geologic assessment under SRC chapter 810, except where a geotechnical report or geologic assessment has already been approved for the property subject to the development application;
 - (C) Requires deviation from clear and objective development standards of the UDC relating to streets, driveways or vision clearance areas;
 - (D) Proposes dedication of right-of-way which is less than the requirements of the Salem Transportation System Plan;
 - (E) Requires deviation from the clear and objective standards of the UDC and where the Review Authority is granted the authority to use limited discretion in deviating from the standard; or
 - (F) Involves the imposition of conditions of approval; or
 - (G) Requires a variance, adjustment, or conditional use permit.
- (c) *Procedure type.*
- (1) Class 1 site plan review is processed as a Type I procedure under SRC chapter 300.
 - (2) Class 2 site plan review is processed as a Type I procedure under SRC chapter 300.
 - (3) Class 3 site plan review is processed as a Type II procedure under SRC chapter 300.

- (4) An application for site plan review may be processed concurrently with an application for a building permit; provided, however, the building permit shall not be issued until site plan review approval has been granted.
- (d) *Submittal requirements for Class 1 site plan review.* In lieu of the application submittal requirements under SRC chapter 300, an application for a Class 1 site plan review shall include a completed application form that shall contain the following information:
 - (1) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;
 - (2) The address or location of the subject property and its assessor's map and tax lot number;
 - (3) The size of the subject property;
 - (4) The comprehensive plan designation and zoning of the subject property;
 - (5) The type of application(s);
 - (6) A brief description of the proposal; and
 - (7) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).
- (e) *Submittal requirements for Class 2 and Class 3 site plan review.*
 - (1) *Class 2 site plan review.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for Class 2 site plan review shall include the following:
 - (A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveways, indicating distance from the structures and improvements to all property lines and adjacent on-site structures;
 - (iii) Loading areas, if included in the proposed development;
 - (iv) The size and location of solid waste and recyclables storage and collection areas, and amount of overhead clearance above such enclosures, if included in the proposed development;
 - (v) An indication of future phases of development on the site, if applicable;
 - (vi) All proposed landscape areas on the site, with an indication of square footage and their percentage of the total site area;
 - (vii) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (viii) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (ix) The location of all street trees, if applicable, or proposed location of street trees required to be planted at time of development pursuant to SRC chapter 86; and

- (x) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (B) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (iii) The type, size, and location of all existing trees on the property, with an identification of those trees that will be preserved and those trees that will be removed; and
 - (iv) The location of the 100-year floodplain, if applicable.
- (C) A tree plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, dimensions, and orientation relative to north;
 - (ii) The location of all existing trees, indicating their species, DBH, critical root zone, and whether they will be preserved or removed;
 - (iii) The location of all new trees proposed to be planted on the development site, indicating their species and caliper at the time of planting;
 - (iv) The perimeter and soil depth of all proposed tree planting areas;
 - (v) The location of all existing and proposed primary and accessory structures;
 - (vi) The location of all existing and proposed parking and vehicle use areas; and
 - (vii) For developments that include more than one-half acre of new off-street surface parking, the tree plan shall include the expected tree canopy area after 15 years for all trees not removed by the proposed development, and the caliper of all proposed new trees at the time of planting in addition to the other requirements of the tree planting plan.
- (D) A grading plan depicting proposed site conditions following completion of the proposed development, when grading of the subject property will be necessary to accommodate the proposed development.
- (E) A completed trip generation estimate for the proposed development, on forms provided by the City.
- (F) Building elevation drawings for any proposed new buildings and any exterior additions or alterations to existing buildings when the height of the building, or a portion of the building is changed.
- (G) For development in the Mixed Use-I (MU-I), Mixed Use-II (MU-II), Mixed Use-III (MU-III), and Mixed Use-Riverfront (MU-R) zones, architectural drawings, renderings, or sketches

showing all elevations of the existing buildings and the proposed buildings as they will appear on completion.

- (H) For developments that include more than one-half acre of new off-street surface parking, proof of coordination with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.
- (2) *Class 3 site plan review.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for Class 3 site plan review shall include the following:
- (A) All submittal requirements for a Class 2 site plan review under subsection (e)(1) of this section;
 - (B) The zoning district, comprehensive plan designation, and land uses for all properties abutting the site;
 - (C) Driveway locations, public and private streets, bike paths, transit stops, sidewalks, and other bike and pedestrian pathways, curbs, and easements;
 - (D) The elevation of the site at two-foot contour intervals, with specific identification of slopes in excess of 15 percent;
 - (E) The location of drainage patterns and drainage courses, if applicable;
 - (F) A preliminary utility plan showing capacity needs for municipal water, stormwater facilities, and sewer service, and schematic location of connection points to existing municipal water and sewer services;
 - (G) Summary table which includes site zoning designation; total site area; gross floor area by use (e.g., manufacturing, office, retail, storage); building height; itemized number of full size compact and handicapped parking stalls, and the collective total number; total lot coverage proposed, including areas to be paved for parking and sidewalks;
 - (H) A geological assessment or geotechnical report, if required by SRC chapter 810, or a certification from an engineering geologist or a geotechnical engineer that landslide risk on the site is low, and that there is no need for further landslide risk assessment; and
 - (I) A Transportation Impact Analysis, if required by SRC chapter 803.
- (f) *Criteria.*
- (1) *Class 1 site plan review.* An application for a Class 1 site plan review shall be granted if:
- (A) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;
 - (B) Only construction or improvements to the interior of the building or structure will be made;
 - (C) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;
 - (D) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and
 - (E) The application meets all applicable standards of the UDC.
- (2) *Class 2 site plan review.* An application for a Class 2 site plan review shall be granted if:

- (A) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.
- (B) The application meets all the applicable standards of the UDC.
- (3) *Class 3 site plan review.* An application for Class 3 site plan review shall be granted if:
 - (A) The application meets all applicable standards of the UDC;
 - (B) ~~The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately~~ conforms to all applicable city standards;
 - (C) The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable; and
 - ~~(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and~~
 - (D) The proposed development will be ~~adequately~~ served with City water, sewer, stormwater facilities, and other utilities ~~appropriate to the nature of the development.~~

Sec. 225.005. Design review.

- (a) *Applicability.* Design review approval is required for development applications that are subject to design review standards ~~and guidelines.~~
- ~~(b) Classes.~~
 - ~~(1) Class 1 design review is design review that requires the application of design review standards only.~~
 - ~~(2) Class 2 design review is design review that requires the application of design review guidelines, for projects that are limited to building alterations that will be contained within the footprint of the existing building and utilize the same building materials and same window and facade designs.~~
 - ~~(3) Class 3 design review is design review that requires the application of design review guidelines.~~
 - ~~(4) If any portion of the proposed development does not meet all of the applicable design review standards, the entire development shall be subject to Class 3 design review.~~
- ~~(b) Procedure type.~~
 - ~~(1) Class 1 design review is processed as a Type I procedure under SRC chapter 300.~~
 - ~~(2) Class 2 design review is processed as a Type II procedure under SRC chapter 300.~~
 - ~~(3) Class 3 design review is processed as a Type III procedure under SRC chapter 300.~~
- ~~(c) Submittal requirements.~~
 - (1) *Submittal requirements for pre-application conference.* In addition to the submittal requirements for a pre-application conference under SRC chapter 300, an application for a ~~Class 1, Class 2, or Class 3~~ design review pre-application conference shall include the following:
 - (A) An existing conditions plan showing:
 - (i) Existing site conditions;

- (ii) The use of all adjacent buildings;
 - (iii) The zoning of the site and adjacent properties;
 - (iv) Topography of the site; and
 - (v) Location of all trees and prominent landscape features.
- (B) Schematic plans for the proposed development.
- (2) *Submittal requirements for Class 1, Class 2, and Class 3 design review.* In addition to the submittal requirements set forth under SRC chapter 300, an application for ~~Class 1, Class 2, or Class 3~~ design review shall include the following:
- (A) A proposed site plan showing:
 - (i) The complete dimensions and setbacks of the lot, and all existing and proposed buildings and structures, including the location, size, height, proposed use, design, and gross floor area of each building.
 - (ii) All existing and proposed walls and fences, including the location, height, type of design, and composition.
 - (iii) The location and design of the existing and proposed on-site pedestrian and vehicle circulation system.
 - (iv) Locations and dimensions of all existing and proposed outdoor storage areas, including, but not limited to, trash collection and recycling areas.
 - (B) Architectural drawings, renderings, or sketches showing all elevations of proposed buildings as they will appear on completion.
 - (C) A landscape plan showing the location of natural features, trees, and plant materials proposed to be removed, retained, or planted; the amount, height, type, and location of landscaped areas, planting beds, and plant materials and provisions for irrigation.
 - (D) A topographic survey and grading plan showing two-foot contour intervals on hillside lots and five-foot contour intervals on all other lots.
 - (E) An open space plan showing locations of common and private open space, including active and passive recreational areas. The open space plan shall show the total area of individual classifications of proposed open space and shall be drawn to scale.
 - (F) A statement as to whether the application is intended to meet the standards or the guidelines.

(ed) *Criteria.*

~~(1) A Class 1 d~~ Design review shall be approved if all of the applicable design review standards are met.

~~(2) A Class 2 or Class 3 design review shall be approved if all of the applicable design review guidelines are met.~~

(fe) *Conditions of approval.* Notwithstanding SRC 300.820, the Review Authority may not attach conditions to a ~~Class 1~~ design review approval.

Sec. 225.010. Modification of design review approval.

(a) *Applicability.* A design review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for design review.

(b) *Procedure type.*

~~(1) Modification of a Class 1 design review approval is processed as a Type I procedure under SRC chapter 300.~~

~~(2) Modification of a Class 2 or Class 3 design review approval is processed as a Type II procedure under SRC chapter 300.~~

(c) *Submittal requirements.*

~~(1) Modification of a Class 1 design review approval shall include, in addition to the submittal requirements for a Type I application under SRC chapter 300, the information required under SRC 225.005(d)(2).~~

~~(2) Modification of a Class 2 or Class 3 design review approval shall include, in addition to the submittal requirements for a Type II application under SRC chapter 300, the information required under SRC 225.005(d)(2).~~

(d) *Criteria.*

~~(1) Modification of a Class 1 design review approval shall be granted if the proposed modification meets all of the applicable design review standards.~~

~~(2) Modification of a Class 2 or Class 3 design review approval shall be granted if all of the following criteria are met:~~

~~(A) The proposed modification does not substantially change the original approval; and~~

~~(B) The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.~~

(e) *Expiration.* The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Sec. 230.005. Definitions; rules of decision; administrative resources.

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Addition means an expansion or physical modification of the exterior of a historic resource that includes the expansion of the building footprint. Additions do not include painting and color selection or ordinary maintenance or repair of the resource.

Alteration means an addition to, removal of, removal from, or physical modification of, an exterior part of a historic resource. Alteration does not include color selection or ordinary maintenance and repair.

Archaeological artifact means any pre-contact or historic objects or cultural material 75 years of age or older, or 50 years of age or older on federal lands, which contain material remains of past human life or activity that are significant for their potential contribution to the understanding of history or prehistory.

Archaeological resource means an archaeological artifact or archaeological site.

Archeological site means ten or more archaeological artifacts, including debitage, likely to have been generated by patterned cultural activity within an area reasonable to that activity; or the presence of any archaeological feature such as a culturally modified tree, cache pit, hearth, housepit, rockshelter, cairn, historic mining ditch, petroglyph, or historic dendroglyph.

Building means a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. The term "building" may refer to a historically related complex such as a courthouse and jail or a house and barn.

Cost prohibitive means the price of completing the repair or restoration work on the historic resource or structure exceeds the real market value of the resource or structure.

Demolition means any act that destroys, removes, or relocates, in whole or in part, a historic contributing building or accessory structure such that its historic, cultural, or architectural character and significance is lost.

Development of new housing means the creation of a new dwelling unit(s) through new construction within a local historic district or through the alteration of, or addition to, a local historic resource or contributing or non-contributing building in a local historic district.

Historic accessory structure means an accessory structure that is 50 years or older located on the site of an individually designated resource, or within a designated historic district, and that is accessory to a primary historic structure designated on the site.

Historic contributing building means a building or structure, including an accessory structure, within a historic district that existed during the period of significance, and has retained sufficient integrity to convey the history of the district and to contribute to its character.

Historic non-contributing building means a building or structure, including an accessory structure, within a historic district that existed during the period of significance, but has been so altered that it no longer conveys the history of the district or contributes to its character.

Historic preservation means preservation, restoration, or rehabilitation of a historic resource.

Historic Preservation Officer means the administrator of the City's Historic Preservation Program and Cultural Resources Program including professional support to the Historic Landmarks Commission. The Historic Preservation Officer shall meet the professional qualification standards of the United States Department of the Interior and the National Park Service for a preservation professional.

Historic resource means any artifact, object, sign, structure, or building 50 years or older which has potential to further understanding of local, state, or national history or pre-history. Historic resources on a site are categorized as either primary or accessory.

Individually listed resource means a building, structure, site, or object listed individually on the National Register of Historic Places or designated as a local historic resource by the Council.

In-kind replacement means replacement of a deteriorated or damaged historic feature that matches the old in material, design, color, and texture, based upon either direct physical evidence of the feature or photographic evidence of the feature, and that results in a true replication of the original outward appearance of the feature.

Local historic district means and geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, or individual elements separated geographically but linked by association or history. A local historic district is defined by a period of significance, designated as a local historic district by the City Council and adopted as part of Salem's Comprehensive Plan and Historic Preservation Plan, and listed as a historic district in the National Register of Historic Places.

Local historic resource means an individually listed local or National Register resource, or a building, structure, site, artifact, or object that is designated as a historic-contributing or non-contributing resource within a local historic district.

National Register Historic District means a geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, or individual elements separated geographically but linked by association or history. A National Register Historic District is defined by a period of significance and listed as a historic district in the National Register of Historic Places.

National Register resource means a historic resource listed on the National Register of Historic Places.

New construction means a building or structure, other than an accessory structure, constructed on property within a historic district, or on property that is designated as a local historic resource, that is not attached to, or included as a portion of, an existing building or structure.

Non-contributing building means a historic non-contributing building or a non-historic non-contributing building or accessory structure.

Non-historic non-contributing building means a building or structure in a historic district that did not exist during the period of significance.

Object means a material thing of functional, aesthetic, cultural, historic, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.

Open area means, for the purpose of regulating security fencing/gates under this Chapter, the proportion of perforations or other open voids included within the fence/gate as compared to the total fence/gate area. For example, a security fence/gate that has an open area of 70 percent means that 70 percent of the area of the security fence/gate consists of open voids while the remaining 30 percent constitutes solid material surface.

Ordinary maintenance and repair means restoration of exterior features that does not involve a change in design, material, or outward appearance.

Original means the component was constructed on or added to the building during the period of significance.

Period of significance means the dates stated in the official designation of a historic district by the National Park Service that identifies the period or periods of time when the district attained the characteristics which qualify it for designation as a historic district.

Primary facade means that part of a building or structure where the main entry is located. On a corner lot each wall fronting the street shall be considered a primary facade.

Primary historic structure means a historic resource within a historic district or an individually listed historic resource that is designated as the main resource on the site due to its size or historic significance.

Property pending designation means a building, structure, site, or object for which a formal application for local historic designation has been initiated, or which has been recommended for nomination to the National Register of Historic Places by SACHP, or a building, structure, site, or object within a proposed historic district for which a formal application for historic designation has been submitted, but which have not yet been reviewed by the Keeper of the National Register, or has been reviewed by the Keeper and determined to be "eligible."

Preservation means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic resource. Work, including preliminary measures to protect and stabilize the resource, generally focuses on the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction. New exterior additions are not considered preservation; however, the limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

Public agency means the State, and all the administrative subdivisions thereof, including, but not limited to, the Oregon Department of Administrative Services.

Public historic resource means a historic resource that is owned by a public agency.

Reconstruction means the act or process of depicting, by means of new construction, the form, features, or detailing of a non-surviving building or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation means the process of making possible a compatible use for a historic-contributing resource or individually listed resource through repair, alterations, and additions, while preserving those portions or features which convey its historical, cultural, or architectural values.

Restoration means the act or process of accurately depicting the form, features, and character of a historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

SHPO means the Oregon State Historic Preservation Office.

Significance means the meaning or value ascribed to a structure, landscape, object, or site based on the National Register criteria for evaluation. It normally stems from a combination of association and integrity related to the design, setting, and workmanship of the district or the designated resource, which may include the important people and events connected with the designated resource or the period of significance established for the district or the significant date(s) of the historic resource.

Site means, unless the context requires otherwise, the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself maintains historical or archaeological value regardless of the value of any existing structure.

Structure means a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by humans, a structure is often an engineering project large in scale.

Visible means the resource, or a portion of the resource, can be seen from the public right-of-way. For example, typically the primary facade of a historic resource can be seen from the public right-of-way.

- (b) *Supplemental standards and guidelines for historic design review.* In the event the standards and guidelines contained in this chapter fail to provide regulations for a specific type of historic resource, the rules of the decision will be the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, published by the U.S. Department of the Interior, National Park Service.
- (c) *Authority to promulgate guidelines.* The Director may, upon consultation with the Historic Landmarks Commission, promulgate illustrative guidelines to provide general guidance to interested persons on the application of the standards in this chapter.

Sec. 230.020. Historic design review.

- (a) *Applicability.* Unless undertaken by a public agency pursuant to a program established under SRC 230.018, no exterior portion of a local historic resource, contributing building, non-contributing building, or new construction in a local historic district shall be erected, altered, restored, moved, or demolished until historic design review approval has been granted, as provided in this section.
 - (1) *Historic design review required.* Historic design review is required for the following:
 - (A) Remodeling or repair that would change, in any manner, the exterior of a local historic resource or a building or structure in a local historic district, but excluding painting.
 - (B) Moving a local historic or National Register resource, or moving a building or structure into or out of a local or National Register Historic District.
 - (C) Construction of a new building in a local historic district.
 - (D) Alteration of, or addition to, a local historic resource, or to a contributing or non-contributing building in a local historic district.
 - (E) Construction of new walks, fences, parking facilities, and other features on the site of a local historic resource, when adjacent to or within view of public right-of-way.
 - (F) Demolition of a local or National Register historic resource.
 - (G) Streetscape improvements in local historic districts.
 - (2) *Historic design review not required.* Historic design review is not required for the following:
 - (A) Ordinary maintenance or repair of any exterior architectural feature of a structure or contributing site feature of a local historic resource or contributing or non-contributing building in a local or National Register Historic District to correct deterioration, decay, or damage, which utilizes in-kind materials and restores, replicates, and sustains the existing form. By way of illustration, but not of limitation, ordinary maintenance and repair includes replacement of cracked or broken window panes; surface treatment that is consistent with accepted historic preservation methods; replacement of broken

hardware; repair of a portion of a window frame or sash, part of a roof or a small percentage of siding.

- (B) Change in paint color of a local or National Register historic resource or a contributing or non-contributing building in a local or National Register Historic District.
 - (C) Work conducted entirely within the interior of a local historic resource or contributing or non-contributing building in a local historic district which has no effect on exterior architectural features.
 - (D) The addition of mechanical (HVAC) and associated equipment to the exterior roof or secondary facade of a structure or site of a local historic resource or contributing or non-contributing building in a local or National Register Historic District provided the equipment is not visible from the right-of-way.
 - (E) The addition of temporary and removable alterations, or alterations completed in response to an emergency declared by the City, County, State, or Federal government, to the exterior of a local historic resource or contributing or non-contributing building or site in a local or National Register Historic District.
 - (F) The addition of fencing to the site of a local historic resource or contributing or non-contributing resource in a local or National Register Historic District provided the fencing is not attached to any primary or secondary resource on the site, is of wood or metal, and does not exceed four feet in height within the front yard and six feet in height within the side and rear yards.
- (3) *Buildings partially within and partially without local historic districts.* Where addition or alteration to the exterior of a historic contributing resource or non-contributing building in a local historic district, or construction of a new building in a local historic district, will occur partially inside and partially outside of the district boundaries, historic design review is required for that portion of the building that is within the local district and, if the majority of the area of the building is inside the local historic district, for that portion of the building that is not within the local historic district.
- (4) *Relationship to other land use reviews.*
- (A) Except as otherwise provided in this subsection, ~~Projects-projects~~ that require historic design review may also require other land use reviews. If other land use reviews are requirements for development, such reviews shall be held prior to or concurrently with historic design review.
 - (B) Notwithstanding SRC 300.120(c), when a project includes development of new housing and requires both historic design review and an adjustment to a historic design review standard, review of the adjustment shall be consolidated with the historic design review.
- (b) *Objectives.* The standards in this chapter shall be construed to do the following:
- (1) *Historic contributing buildings and individually listed resources.* Historic contributing buildings and individually listed resources are valuable community resources that contribute immeasurably to the City's identity, history, unique sense of place, and quality of life. Preserving these buildings and resources involves careful planning, conscientious maintenance and repair, knowledgeable and informed restoration, and sensitive rehabilitation that accommodates modern business and residential lifestyles. The standards set forth in this chapter for historic contributing buildings and individually listed resources are

intended to preserve and enhance the buildings, resources and districts generally, while allowing for adaptive reuse through sensitive rehabilitation of these buildings and resources.

- (2) *Non-contributing buildings.* Some buildings and structures in a historic district are non-contributing. These buildings and structures typically do not contribute to the district's historic significance because they either date from outside the district's period of significance or their historic significance has been materially impaired by additions and alterations. The standards set forth in this chapter for non-contributing buildings and structures do not require restoration to their original appearance or require imitation of the appearance of a historic contributing building or structure; rather, the objectives are two-fold. First, the objective for historic non-contributing is to return, when feasible, these buildings to a historic contributing state. Second, the objective for all non-contributing buildings is to maintain the visual coherence of the historic district as a whole.
 - (3) *New construction.* New buildings and structures will be built in historic districts. These new buildings and structures should enhance, rather than detract, from the overall character of the district. It is crucial that the existing harmony of proportions and materials be enhanced when new construction occurs. Therefore, the objective of the standards set forth in this chapter for new construction is to ensure that the design and construction of new buildings and structures is consistent and compatible with the architectural styles of historic contributing buildings that are found in the district.
- (c) *Classes.* There are three classes of historic design review which include Class 1 minor historic design review, Class 2 minor historic design review, and Class 3 major historic design review. Table 230-1 classifies activities based on their required historic design review class. Notwithstanding Table 230-1, ~~any activity proposed that is not covered by the table or does not meet the specific standards set forth for historic contributing buildings in SRC 230.025, SRC 230.040, and 230.060; or for non-contributing buildings and structures the standards set forth in SRC 230.030, SRC 230.045, and 230.063 of this section requires Class 3 major historic design review.~~
- (1) Any activity proposed that is not covered by the table or does not meet the specific standards for historic contributing buildings in SRC 230.025, SRC 230.040, and 230.060; the specific standards for non-contributing buildings and structures in SRC 230.030, SRC 230.045, and SRC 230.063; or the specific standards for new construction in SRC 230.035, 230.050, and 230.064 requires Class 3 major historic design review under either the guidelines for historic contributing resources in SRC 230.065 or the guidelines for non-contributing buildings and structures in SRC 230.070.
 - (2) When an application for new construction within a local historic district or the alteration of, or addition to, a local historic resource or contributing or non-contributing building in a local historic district includes development of new housing and the application does not meet the specific standards for historic contributing buildings in SRC 230.025, SRC 230.040, and 230.060; the specific standards for non-contributing buildings and structures in SRC 230.030, SRC 230.045, and SRC 230.063; or the specific standards for new construction in SRC 230.035, 230.050, and 230.064, the applicant may either:
 - (A) Apply for an adjustment(s) to the standards and choose to process the historic design review application as either a Class 2 minor historic design review or a Class 3 major historic design review; or

(B) Choose to process the application as a Class 3 major historic design review subject to the guidelines for historic contributing resources in SRC 230.065 or the guidelines for non-contributing buildings and structures in SRC 230.070, as applicable.

TABLE 230-1. HISTORIC DESIGN REVIEW BY REVIEW CLASS						
Activity Proposed	Review Class					
	Historic Contributing			Non-Contributing		
	Primary Facade	Secondary Facade	Applicable Code Section	Primary Facade	Secondary Facade	Applicable Code Section
Residential Historic Districts						
Alterations and additions <i>(which do not include development of new housing)</i>	Class 3 Major	Class 2 Minor	230.025(g)	Class 3 Major	Class 2 Minor	230.030(g)
Alterations and additions <i>(which include development of new housing)</i>	Class 2 Minor	Class 2 Minor	230.025(g)	Class 2 Minor	Class 2 Minor	230.030(g)
	Class 3 Major ⁽¹⁾	Class 3 Major ⁽¹⁾	230.025(g) ⁽¹⁾	Class 3 Major ⁽¹⁾	Class 3 Major ⁽¹⁾	230.030(g) ⁽¹⁾
Deck replacement and additions	Class 3 Major	Class 2 Minor	230.025(h)	Class 2 Minor	N/A	230.030(h)
Door replacement	Class 3 Major	Class 2 Minor	230.065 230.025(c)	Class 2 Minor	N/A	230.070 230.030(c)
Door replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(c)	Class 1 Minor	N/A	230.030(c)
Fences	Class 2 Minor	Class 2 Minor	230.025(j)	Class 2 Minor	N/A	230.030(j)
New accessory structures	Class 3 Major	Class 2 Minor	230.025(i)	Class 3 Major	Class 2 Minor	230.030(i)
Porch replacement	Class 3 Major	Class 2 Minor	230.065 230.025(d)	Class 2 Minor	N/A	230.070 230.030(d)
Porch replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(d)	Class 1 Minor	N/A	230.030(d)
Restoration of missing features	Class 2 Minor	Class 2 Minor	230.025(f)	Class 2 Minor	N/A	230.030(f)

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Retaining walls	Class 3 Major	Class 2 Minor	230.025(k)	Class 2 Minor	N/A	230.030(k)
Roof replacement	Class 2 Minor	Class 2 Minor	230.065 230.025(e)	Class 2 Minor	N/A	230.070 230.030(e)
Roof replacement (in-kind)	N/A	N/A	230.025(e)	N/A	N/A	230.030(e)
Siding, exterior trim and minor architectural features replacement	Class 3 Major	Class 2 Minor	230.065 230.025(a)	Class 2 Minor	N/A	230.070 230.030(a)
Siding, exterior trim and minor architectural features replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(a)	Class 1 Minor	N/A	230.030(a)
Signs	Class 2 Minor	Class 2 Minor	230.036	Class 2 Minor	N/A	230.036
Site features replacement	Class 3 Major	Class 2 Minor	230.065 230.025(l)	Class 2 Minor	N/A	230.070 230.030(l)
Site features replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(l)	Class 1 Minor	N/A	230.070 230.030(l)
Streetscape	Class 2 Minor	—	230.075	N/A	—	230.075
Window replacement	Class 3 Major	Class 2 Minor	230.065 230.025(b)	Class 2 Minor	N/A	230.070 230.030(b)
Window replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.025(b)	Class 1 Minor	N/A	230.030(b)
Commercial Historic Districts						
Accessibility alterations and additions	Class 3 Major	Class 2 Minor	230.040(h)	Class 2 Minor	N/A	230.045(h)
Alterations and additions (<i>which do not include development of new housing</i>)	Class 3 Major	Class 2 Minor	230.040(f)	Class 3 Major	Class 2 Minor	230.045(g)

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<u>Alterations and additions (which include development of new housing)</u>	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.040(f)</u>	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.045(g)</u>
	<u>Class 3 Major</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>230.040(f)</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>230.045(g)</u> ⁽¹⁾
Awnings and canopies replacement or installation	Class 3 Major	Class 2 Minor	230.040(k)	Class 2 Minor	Class 2 Minor	230.045(k)
Awnings and canopies replacement or installation (in-kind)	Class 1 Minor	Class 1 Minor	230.040(k)	Class 1 Minor	N/A	230.045(k)
Door replacement	Class 3 Major	Class 2 Minor	230.065 230.040(c)	Class 2 Minor	N/A	230.070 230.045(c)
Door replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(c)	Class 1 Minor	N/A	230.045(c)
Energy	Class 3 Major	Class 2 Minor	230.040(i)	Class 2 Minor	N/A	230.045(i)
Lintels, architraves, sills, and other architectural details replacement	Class 3 Major	Class 2 Minor	230.065 230.040(g)	Class 2 Minor	N/A	230.070 230.045(f)
Lintels, architraves, sills, and other architectural details replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(g)	Class 1 Minor	N/A	230.045(f)
Masonry, siding, and exterior trim replacement	Class 3 Major	Class 2 Minor	230.065 230.040(a)	Class 2 Minor	N/A	230.070 230.045(a)
Masonry, siding, and exterior trim replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(a)	Class 1 Minor	N/A	230.045(a)
Mechanical equipment and service	Class 3 Major	Class 1 Minor	230.065 230.040(j)	Class 1 Minor	N/A	230.070 230.045(j)

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areas addition and replacement						
Murals	Class 3 Major	Class 2 Minor	230.055	Class 3 Major	N/A	230.055
Roof and cornice replacement	Class 3 Major	Class 2 Minor	230.065 230.040(e)	Class 2 Minor	N/A	230.070 230.045(e)
Roof and cornice replacement (in-kind)	N/A	N/A	230.040(e)	N/A	N/A	230.045(e)
Signs	Class 2 Minor	Class 1 Minor	230.056	Class 2 Minor	N/A	230.056
Storefront, or component of storefront, replacement	Class 3 Major	Class 2 Minor	230.065 230.040(d)	Class 2 Minor	N/A	230.070 230.045(d)
Storefront, or component of storefront, replacement (in-kind)	Class 3 Major	Class 1 Minor	230.040(d)	Class 1 Minor	N/A	230.045(d)
Streetscape	Class 2 Minor	—	230.075	N/A	—	230.075
Window replacement	Class 3 Major	Class 2 Minor	230.065 230.040(b)	Class 2 Minor	N/A	230.070 230.045(b)
Window replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.040(b)	Class 1 Minor	N/A	230.045(b)
Public Historic Districts						
Accessibility alterations and additions	Class 3 Major	Class 2 Minor	230.060(k)	Class 2 Minor	N/A	230.063(k)
Alterations and additions (<i>which do not include development of new housing</i>)	Class 3 Major	Class 2 Minor	230.060(h)	Class 3 Major	Class 2 Minor	230.063(h)
Alterations and additions (<i>which include development of new housing</i>)	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.060(h)</u>	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.063(h)</u>
	<u>Class 3 Major</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>230.060(h)</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>230.063(h)</u> ⁽¹⁾

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Awnings and canopies replacement or installation	Class 3 Major	Class 2 Minor	230.060(n)	Class 2 Minor	Class 2 Minor	230.063(n)
Awnings and canopies replacement or installation (in-kind)	Class 1 Minor	Class 1 Minor	230.060(n)	Class 1 Minor	N/A	230.063(n)
Decks replacement and additions	Class 3 Major	Class 2 Minor	230.060(i)	Class 2 Minor	N/A	230.063(i)
Door replacement	Class 3 Major	Class 2 Minor	230.060(c)	Class 2 Minor	N/A	230.063(c)
Door replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(c)	Class 1 Minor	N/A	230.063(c)
Energy	Class 3 Major	Class 2 Minor	230.060(l)	Class 2 Minor	N/A	230.063(l)
Fences	Class 2 Minor	Class 2 Minor	230.060(p)	Class 2 Minor	N/A	230.063(p)
Lintels, architraves, sills, and other architectural details replacement	Class 3 Major	Class 2 Minor	230.060(j)	Class 2 Minor	N/A	230.063(j)
Lintels, architraves, sills, and other architectural details replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(j)	Class 1 Minor	N/A	230.063(j)
Masonry, siding, and exterior trim replacement details replacement	Class 3 Major	Class 2 Minor	230.060(a)	Class 2 Minor	N/A	230.063(a)
Masonry, siding, and exterior trim replacement details replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(a)	Class 1 Minor	N/A	230.063(a)

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Mechanical equipment and service areas addition and replacement	Class 3 Major	Class 1 Minor	230.060(m)	Class 1 Minor	N/A	230.063(m)
New accessory structures	Class 3 Major	Class 2 Minor	230.060(o)	Class 3 Major	Class 2 Minor	230.063(o)
Porch replacement	Class 3 Major	Class 2 Minor	230.060(d)	Class 2 Minor	N/A	230.063(d)
Porch replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(d)	Class 1 Minor	N/A	230.063(d)
Restoration of missing features	Class 2 Minor	Class 2 Minor	230.060(g)	Class 2 Minor	N/A	230.063(g)
Retaining walls	Class 3 Major	Class 2 Minor	230.060(q)	Class 2 Minor	N/A	230.063(q)
Roof and cornice replacement	Class 2 Minor	Class 2 Minor	230.060(e)	Class 2 Minor	N/A	230.063(e)
Roof and cornice replacement (in-kind)	N/A	N/A	230.060(e)	N/A	N/A	230.063(e)
Signs	Class 2 Minor	Class 1 Minor	230.062	Class 2 Minor	N/A	230.062
Site features replacement	Class 3 Major	Class 2 Minor	230.060(r)	Class 2 Minor	N/A	230.063(r)
Site features replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(r)	Class 1 Minor	N/A	230.063(r)
Solar panels, rooftop mechanical, and skylights	Class 3 Major	Class 1 Minor	230.060(f)	Class 1 Minor	N/A	230.063(f)
Streetscape	Class 2 Minor	—	230.075	N/A	—	230.075
Window replacement	Class 3 Major	Class 2 Minor	230.060(b)	Class 2 Minor	N/A	230.063(b)
Window replacement (in-kind)	Class 1 Minor	Class 1 Minor	230.060(b)	Class 1 Minor	N/A	230.063(b)
Individually Listed Historic Resources						
Any activity proposed	Follows review class for historic contributing buildings for the type of resource					

Activity Proposed (New Construction)	Review Class		
	Primary Facade	Secondary Facade	Applicable Code Section
Residential Historic Districts			
Residential historic districts New construction (which does not include development of new housing)	<u>Class 3 Major</u>	<u>Class 3 Major</u>	230.035
New construction (which includes development of new housing)	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.035</u>
	<u>Class 3 Major</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>230.035</u> ⁽¹⁾
Commercial Historic Districts			
Commercial historic districts New construction (which does not include development of new housing)	<u>Class 3 Major</u>	<u>Class 3 Major</u>	230.050
New construction (which includes development of new housing)	<u>Class 2 Minor</u>	<u>Class 2 Minor</u>	<u>230.050</u>
	<u>Class 3 Major</u> ⁽¹⁾	<u>Class 3 Major</u> ⁽¹⁾	<u>230.050</u> ⁽¹⁾
Public Historic Districts			
Public Historic Districts New construction (which does not include development of new housing)	<u>Class 3 Major</u>	<u>Class 3 Major</u>	230.064

New construction (which includes development of new housing)	Class 2 Minor	Class 2 Minor	230.064
	Class 3 Major ⁽¹⁾	Class 3 Major ⁽¹⁾	230.064 ⁽¹⁾
<p>Limitations and Qualifications</p> <p>(1) <u>For applications for new construction within a local historic district or the alteration of, or addition to, a local historic resource or contributing or non-contributing building in a local historic district that include development of new housing, the applicant may choose to alternatively process the application as a Class 3 Major Historic Design Review subject to either the applicable standards included under SRC 230.025, SRC 230.030, SRC 230.035, SRC 230.040, SRC 230.045, SRC 230.050, SRC 230.060, SRC 230.063, and SRC 230.064 or the guidelines included under SRC 230.065 or SRC 230.070.</u></p>			

(d) *Procedure type.*

- (1) Class 1 minor historic design review is processed as a Type I procedure under SRC chapter 300.
- (2) Class 2 minor historic design review is processed as a Type II procedure under SRC chapter 300.
- (3) Class 3 major historic design review is processed as a Type III procedure under SRC chapter 300.

(e) *Submittal requirements.*

- (1) *Class 1 and Class 2 minor historic design review.* In addition to the submittal requirements set forth under SRC chapter 300, an application for Class 1 or Class 2 minor historic design review shall include the following:
 - (A) Plan and elevation drawings, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, of the existing building or structure and of the proposed changes, including materials;
 - (B) Photos of the existing building or structure; and
 - (C) Historic photos of the existing building or structure, if available.
- (2) *Class 3 major historic design review.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for Class 3 major historic design review shall include the following:
 - (A) Plan and elevation drawings of the existing building or structure and of the proposed changes, including materials;
 - (B) Photos of the existing building or structure;
 - (C) Historic photos, if available; and

- (D) Plan and elevation drawings of adjacent properties, or photo-simulation, for additions that increase the gross square footage of the structure by more than 50 percent, or new construction in a historic district.
- (f) *Criteria.* Historic design review approval shall be granted if the application ~~satisfied~~ satisfies the applicable standards or guidelines set forth in this chapter.

Sec. 230.040. Standards for historic contributing buildings in commercial historic districts.

Modifications to historic contributing buildings in commercial historic districts shall comply with this section.

- (a) *Masonry, siding and exterior trim.* Replacement of masonry, siding, and exterior trim of historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was unfeasible due to poor condition of the materials. If the masonry, siding or trim is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.*
 - (A) Original material shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions, and configuration of the original materials.
 - (2) *Design.*
 - (A) New materials added to a building shall, to the greatest degree possible, match the color, texture and bonding pattern of the original masonry.
 - (B) When repointing brick or masonry, the joint size, profile, color, strength, porosity and permeability of the original mortar should be matched.
 - (C) Unpainted masonry should not be painted or sealed.
 - (D) Paint should not be removed from brick unless testing demonstrates that no damage to the brick will result.
 - (E) The original appearance of the original materials shall be retained, including early signage, whenever possible.
- (b) *Windows.* Replacement of windows in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was unfeasible due to poor condition of the materials. If the window is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.*
 - (A) Original material shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and light configuration of the original materials in the windows.

- (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted, unless it is the historic glazing type.
- (2) *Design.*
 - (A) A replacement window shall, to the greatest extent feasible, match design, size, proportions, configuration, reflective qualities, and profile of the original window.
 - (B) The size and shape of original window openings should be preserved so that the configuration of the facade is not changed.
 - (C) New window openings into the principal elevations, enlargement or reduction of original historic window openings, and infill of original historic window openings are not permitted.
 - (D) New window openings at the rear facade or sides if not visible from the public right-of-way are allowed.
 - (E) Original openings that have been covered or blocked should be re-opened when feasible.
 - (F) Windows historically used on upper levels shall not be installed at storefront level, and storefront (large paned) windows shall not be installed on upper levels.
 - (G) Commercial window types shall not be substituted with residential window types on storefronts.
 - (H) Ground floor windows on storefronts of building facades facing a street shall be transparent, with a minimum visible transmittance (VT) of 37 percent, and shall not be tinted, mirrored, or treated in such a way as to block visibility into the building.
 - ~~(I)(H)~~ Interior grilles, grilles between layers of insulating glass, or stenciled mullions in lieu of true divided lights or permanently attached exterior mullions are not permitted.
- (c) *Doors.* Replacement of doors in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the doors are not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
 - (1) *Materials.*
 - (A) Original material shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the door.
 - (2) *Design.*
 - (A) The replacement door shall, to the greatest extent feasible, match design, size, proportions, and profile of the original door.

- (B) The size and shape of original door openings should be preserved so that the configuration of the facade is not changed.
 - (C) Original door openings that have been covered or blocked should be re-opened when feasible.
 - (D) Commercial door types shall not be substituted with residential door types.
- (d) *Storefronts.* Replacement of storefronts or components of storefronts in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was determined to be unfeasible due to poor condition of the materials. If the storefront is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
- (1) *Materials.*
 - (A) Original material shall, if possible, be retained or repaired.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions, and configuration of the original materials in the storefront.
 - (C) Materials for new security fencing/gates must:
 - (i) Be compatible with the character of the building's period and style and the surrounding historic district; and
 - (ii) Be metal or another traditional material available during the period of significance for the historic district.
 - (2) *Design.*
 - (A) To the extent practicable, original storefront components such as windows, door configuration, transoms, signage, and decorative features shall be preserved.
 - (B) Where the original storefront is too deteriorated to save, the commercial character of the building shall be retained through:
 - (i) A restoration of the storefront based on historical research and physical evidence.
 - (ii) Contemporary design that is compatible with the scale, design, materials, color and texture of historic compatible buildings in the district.
 - (C) For buildings that provide a separate upper-story entrance on the exterior facade, the street-level entrance should be the primary focus of the building facade.
 - (D) New security fencing/gates must incorporate design characteristics which minimize the overall visual impact of this security feature on the character defining features of the historic storefront. Security fencing/gates must:
 - (i) Be fully retractable/movable;
 - (ii) Not inhibit access to storefront alcoves during normal business operating hours;

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- (A) Additions shall be located at the rear, or on an inconspicuous side, of the building.
 - (B) Be designed and constructed to minimize changes to the building.
 - (C) Be limited in size and scale such that a harmonious relationship is created in relationship to the original building.
 - (D) Be designed and constructed in a manner that significant historical, architectural or cultural features of the building are not obscured, damaged, or destroyed.
 - (E) Be designed to be compatible with the size, scale, material, and character of the building, and the district generally.
 - (F) Not destroy or adversely impact existing distinctive materials, features, finishes and construction techniques or examples of craftsmanship that are part of the building.
 - (G) Be constructed with the least possible loss of historic materials
 - (H) Not create a false sense of historical development by including features that would appear to have been part of the building during the period of significance but whose existence is not supported by historical evidence.
 - (I) Be designed in a manner that makes it clear what is original to the building and what is new.
 - (J) Be designed to reflect, but not replicate, the architectural styles of the period of significance.
 - (K) Preserve features of the building that has occurred over time and has attained significance in its own right.
 - (L) Preserve distinguishing original qualities of the building and its site.
 - (M) Not increase the height of a building to more than four stories.
- (g) *Lintels, architraves, sills, and other architectural details.* Replacement of lintels, architraves, sills and other architectural details in historic contributing buildings shall be allowed only where the owner has attempted repair, but repair was unfeasible due to poor condition of the original materials. If the feature is not original then every effort shall be made to replicate the original feature; the effort shall be substantiated by historic, physical, or pictorial evidence. If the feature cannot be replicated then it should be of a compatible design and material.
- (1) *Materials.*
 - (A) Existing architectural details shall be retained.
 - (B) Original material shall, if possible, be retained or repaired.
 - (C) If replacement material is required, similar material shall be used.
 - (2) *Design.*
 - (A) The replacement shall, to the greatest extent feasible, match design, size, proportions, and profile of the original architectural details.
 - (B) Architectural details should not be added unless there is archival evidence suggesting their presence and design.

- (h) *Accessibility.* Additions or alterations to improve accessibility are allowed.
 - (1) *Materials.* Materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration of the original materials in the building.
 - (2) *Design.*
 - (A) Design additions or alterations to improve accessibility in a manner that identifies the building's character-defining spaces and features and prevents their damage or loss.
 - (B) Additions and alterations to improve accessibility should be designed in a manner that is compatible with the building and its setting.
- (i) *Energy.* Retrofitting historic contributing buildings to achieve energy efficiency is permitted, if the retrofitting preserves the building's historic character.
 - (1) *Materials.*
 - (A) Materials shall be of a type and quality that will not result in degradation of original material in the resource. Example: Addition of insulation to exterior walls should not negatively affect the function of the wall assembly.
 - (B) The materials for any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for materials for such elements set forth in this section.
 - (2) *Design.*
 - (A) To the extent practicable, original systems to control ventilation, such as double hung, transom windows and awnings, shall be preserved.
 - (B) Before seeking to replace windows or doors, improve thermal efficiency through weather-stripping, storm windows, interior shades, blinds and awnings.
 - (C) The designs of any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for replacement of such elements set forth in this section.
 - (D) Retrofitting shall be designed in a manner that prevents loss of original material or architectural elements.
- (j) *Mechanical equipment and service areas.* Addition and replacement of mechanical equipment, including, but not limited to, heating and cooling systems, solar panels and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, is permitted.
 - (1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.
 - (2) *Design.*
 - (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.

- (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from right-of-way, other than alleys, and shall be installed in a manner that minimizes damage to historic materials.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
 - (G) New skylights and vents shall be placed behind and below the parapet level.
 - (H) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.
- (k) *Awnings and canopies.* Replacement or installation of awnings and canopies on historic contributing buildings is allowed.
- (1) *Materials.*
 - (A) Materials that are compatible with the character of the building's period and style shall be used.
 - (B) Canvas is an approved material for awnings and canopies.
 - (2) *Design.*
 - (A) Awnings shall be located within window openings, and below transoms.
 - (B) Umbrella-type awnings and non-historic forms are not permitted.
 - (C) Awnings shall be attached in such a manner that historic materials or features are not damaged.
 - (D) Marquees may be used where compatible with the building and neighboring buildings.
 - (E) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
 - (F) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.

- (G) Where awnings, canopies, or marquees are utilized to provide weather protection adjacent to a street, the awnings, canopies, or marquees shall, in addition to the other applicable standards in this subsection, have a minimum depth of six feet, a minimum clearance height above the sidewalk of eight feet, and may encroach into the public street right-of-way as provided in SRC 76.160.

Sec. 230.045. Standards for non-contributing buildings and structures in commercial historic districts.

Modifications to non-contributing buildings in commercial historic districts shall comply with this section.

- (a) *Masonry, siding and exterior trim.* Replacement of masonry, siding, and exterior trim of non-contributing buildings is allowed.
- (1) *Materials.*
- (A) For historic non-contributing buildings, material dating from the period of significance shall, if possible, be retained or repaired.
- (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions, and configuration of the materials commonly used on other buildings in the district.
- (2) *Design.*
- (A) The design shall, to the greatest degree possible, match the color, texture and bonding pattern of the original materials.
- (B) For historic non-contributing buildings the appearance of original materials that were used on the building during the period of significance shall be restored or reconstructed whenever possible.
- (b) *Windows.* Replacement of windows in non-contributing buildings is allowed.
- (1) *Materials.*
- (A) Windows dating from the period of significance shall, if possible, be retained and repaired or restored.
- (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration of windows commonly used on other buildings in the district.
- (C) Glass block or tinted, mirrored, opaque, or colored glass is not permitted, unless it is the historic glazing type.
- (2) *Design.*
- (A) Replacement windows should, to the greatest degree possible, match design, size, proportions, configuration, reflective qualities and profile of original windows dating from the period of significance, if documentary evidence of the appearance is available.
- (B) The size and shape of window openings dating from the period of significance should be preserved so that the configuration of the facade is not changed.

- (C) Original openings that have been covered or blocked should be re-opened when feasible.
 - (D) New window openings into the principal elevations, enlargement or reduction of original window openings and infill of original window openings are not permitted.
 - (E) Window styles historically used on upper levels shall not be installed at storefront level, and storefront windows shall not be installed on upper levels.
 - (F) Commercial window types shall not be substituted with residential window types.
 - (G) Ground floor windows on storefronts of building facades facing a street shall be transparent, with a minimum visible transmittance (VT) of 37 percent, and shall not be tinted, mirrored, or treated in such a way as to block visibility into the building.
 - ~~(H)(G)~~ Interior grilles, grilles between layers of insulating glass, or stenciled mullions in lieu of true divided lights or exterior mullions are not permitted.
- (c) *Doors.* Replacement of doors in non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Doors dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the doors commonly found in the district.
 - (2) *Design.*
 - (A) Replacement doors shall, to the greatest degree possible, match design, size, proportions and profile of the original door dating from the period of significance, if documentary evidence of the appearance is available.
 - (B) Original door openings that have been covered or blocked should be re-opened when feasible.
 - (C) The size and shape of original door openings should be preserved so that the configuration of the facade is not changed.
 - (D) Commercial door types shall not be substituted with residential door types.
- (d) *Storefronts.* Replacement of storefronts or components of storefronts in non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Materials dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the storefronts commonly found in the district.
 - (C) Materials for new security fencing/gates must:

(i) Be compatible with the character of the surrounding historic district; and

(ii) Be metal or another traditional material available during the period of significance for the historic district.

(2) *Design.*

(A) To the extent practicable, original storefront components such as windows, door configuration, transoms, signage and decorative features dating from the period of significance shall be preserved.

(B) Restoration of the appearance of the storefront during the period of significance, based on historical research and physical evidence, is preferred.

(C) Replacement that is contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic contributing buildings in the district.

(D) New security fencing/gates must incorporate design characteristics which minimize the overall visual impact of this security feature on the character defining features of the historic storefront. Security fencing/gates must:

(i) Be fully retractable/movable;

(ii) Not inhibit access to storefront alcoves during normal business operating hours;

(iii) Be designed so that no portion of the security fence/gate is sight-obscuring;

(iv) Be attached to the historic storefront without obscuring or otherwise unreasonably detracting from the character defining features of the resource;

(v) Be compatible with the surrounding historic district;

(vi) Not be used to cover storefront display windows that are not components of a recessed alcove or entry; and

(vii) Have an open area of 70 percent or greater.

(e) *Roofs and cornices.* Replacement of roofs and cornices on non-contributing buildings is allowed.

(1) *Materials.*

(A) Historic specialty materials, such as original tile, slate, or rolled composition roofing dating from the period of significance should be maintained in place whenever possible.

(B) Replacement materials that are visible from the street shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of the roof and cornices commonly found in the district. Plastic or concrete simulated materials are not allowed. Imitation slate and wood are allowed as a substitute for original materials in a complete replacement.

(2) *Design.*

- (A) To the extent practicable, original roof and cornice components visible from the street dating from the period of significance shall be preserved.
 - (B) Eave overhangs dating from the period of significance shall be maintained.
 - (C) Restoration of the appearance of the roof and cornice that is visible from the street, based on historical research and physical evidence from the period of significance, is preferred.
 - (D) Replacement of roofs and cornices that are contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic buildings in the district.
 - (E) Cutting back roof rafters and soffits, boxing in exposed rafter tails, adding fascia boards where none existed, or otherwise altering material that dates from the period of significance is not allowed.
 - (F) To the extent practical, inappropriate repairs or additions that occurred after the period of significance should be removed or corrected.
- (f) *Lintels, architraves, sills and other architectural details.* Replacement of lintels, architraves, sills and other architectural details on non-contributing buildings is allowed.
- (1) *Materials.*
 - (A) Materials dating from the period of significance shall, if possible, be retained and repaired or restored.
 - (B) Replacement materials shall be, to the greatest extent practicable, of the same type, quality, design, size, finish, proportions and configuration commonly found in the district.
 - (2) *Design.*
 - (A) To the extent practicable, original material dating from the period of significance shall be preserved.
 - (B) Restoration of the appearance of architectural details that are visible from the street, based on historical research and physical evidence from the period of significance, is preferred.
 - (C) Replacement architectural details that are contemporary in design shall be compatible with the scale, proportions, massing, height, rhythm, materials, color and texture of historic buildings in the district.
- (g) *Alterations and additions.* Additions and alterations that comply with the standards in this section may be made to historic non-contributing buildings. Whenever practical, additions and alterations to historic non-contributing buildings should result in the restoration of missing features from the period of significance, or the removal of alterations that were made outside of the period of significance.
- (1) *Materials.*
 - (A) Materials shall be consistent with those present in buildings in the district generally.
 - (B) Roofing materials shall have a non-reflective, matte finish.

- (2) *Design.*
 - (A) The location for an addition shall be at the rear, or on an inconspicuous side, of the building.
 - (B) Changes to features of a historic non-contributing building that date from the period of significance shall be minimized.
 - (C) The design shall be compatible with the character of historic contributing buildings in the historic district and create a harmonious relationship with historic contributing buildings in the district generally. Factors in evaluating the design under this subsection include, but are not limited to:
 - (i) Similarities in the size and scale to those used in historic contributing buildings in the district generally.
 - (ii) Use of architectural features that reflect, or are similar to, the architectural style of historic contributing buildings in the district.
 - (iii) Simple gable or hipped roofs with a pitch similar to surrounding buildings are generally appropriate. Flat roofs may be appropriate when the prevailing styles of architecture provide an appropriate context. Exotic or complex roof forms that detract from the visual continuity of the district are generally inappropriate.
 - (iv) Additions should have a similar mass to surrounding buildings.
 - (v) Front elevations should appear similar in scale to those seen traditionally in the surrounding neighborhood.
 - (vi) The width and height of the addition should not exceed the typical dimensions seen in the district.
 - (vii) Simple rectangular building forms are generally preferred.
 - (D) The design shall make clear what is original and what is new.
 - (E) Features that have been added over time and have attained significance in their own right shall be preserved, even if the features do not reflect the period of significance.
 - (F) An addition that adds stories shall increase the height of a building to no more than four stories.
- (h) *Accessibility.* Additions or alterations to improve accessibility are allowed.
 - (1) *Materials.* Materials shall be, to the greatest degree possible, of the same type, quality, design, size, finish, proportions and configuration of materials commonly used in the district.
 - (2) *Design.*
 - (A) Design additions or alterations to improve accessibility in a manner that identifies the building's character-defining spaces and features and prevents their damage or loss.
 - (B) Additions and alterations to improved accessibility should be designed in a manner that is compatible with the building and its setting.

- (i) *Energy.* Retrofitting non-contributing buildings to achieve energy efficiency is permitted, if the retrofitting preserves the character of the historic district.
 - (1) *Materials.* The materials for any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for materials for such elements set forth in this section.
 - (2) *Design.*
 - (A) To the extent practicable, systems to control ventilation, such as double hung, transom windows and awnings, dating from the period of significance should be preserved.
 - (B) The designs of any retro-fitted architectural elements, including, but not limited to, windows and doors shall comply with the standards for replacement of such elements set forth in this section.
 - (C) Retrofitting shall be designed in a manner that prevents loss of material or architectural elements dating from the period of significance.
- (j) *Mechanical equipment and service areas.* Addition and replacement of mechanical equipment, including, but not limited to, heating and cooling systems, solar panels and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, is allowed.
 - (1) *Materials.* Materials shall be harmonious in type, color, scale, texture and proportions with the building and the district generally.
 - (2) *Design.*
 - (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
 - (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from right-of-way, other than alleys, and shall be installed in a manner that minimizes damage to historic materials.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
 - (G) New skylights and vents shall be placed behind and below the parapet level.
 - (H) Any new or replacement communication device(s), including, but not limited to, dishes, antennas, and associated equipment, collocated on existing sites shall not exceed the total number and cumulative size of the dishes, antennas, and associated equipment which have been approved for installation under the most recent historic design review approval for such devices.

- (k) *Awnings and canopies.* Replacement or installation of awnings and canopies on non-contributing buildings is allowed.
 - (1) *Materials.*
 - (A) Materials that are compatible with the character of the district shall be used.
 - (B) Canvas is an approved material for awnings and canopies.
 - (2) *Design.*
 - (A) Awnings shall be located within window openings, and below transoms.
 - (B) Umbrella-type awnings and non-historic forms are not permitted.
 - (C) Awnings shall be attached in such a manner that historic materials or features are not damaged.
 - (D) Marquees may be used where compatible with the building and neighboring buildings.
 - (E) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
 - (F) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.
 - (G) Where awnings, canopies, or marquees are utilized to provide weather protection adjacent to a street, the awnings, canopies, or marquees shall, in addition to the other applicable standards in this subsection, have a minimum depth of six feet, a minimum clearance height above the sidewalk of eight feet, and may encroach into the public street right-of-way as provided in SRC 76.160.

Sec. 230.050. Standards for new construction in commercial historic districts.

New buildings may be constructed in commercial historic districts, subject to the following standards:

- (a) *Materials.*
 - (1) The primary facade shall be constructed of traditional building materials such as brick or stone. Stucco or pre-cast concrete block shall not be used in the primary facade.
 - (2) Materials used in the construction shall be identical or similar to those available for similar buildings or structures built during the period of significance.
 - (3) Materials shall be similar in scale, proportion, texture, and finish to those found on nearby historic structures.
- (b) *Design.*
 - (1) The design shall be compatible with the general character of historic contributing buildings in the historic district. Factors in evaluating compatibility include, but are not limited to:
 - (A) The height, width, proportions, size and scale is consistent with those used in similar historic contributing buildings in the district generally.

- (B) The design reflects, but does not replicate, the architectural style of historic contributing buildings in the district.
 - (C) Architectural elements that are similar to those found on historic contributing buildings in the historic district are used.
 - (D) Architectural elements such as lintels, cornices, doors, storefronts and windows reflect the spacing, placement, scale, orientation and proportion of buildings in the district.
 - (E) The front facade is designed with human-scaled proportions that are compatible with adjacent buildings and the district as a whole.
- (2) Buildings shall be placed contiguous with the right-of-way line.
 - (3) Buildings shall be designed without above ground pedestrian walkways which are prohibited across any public street.
 - (4) Walls shall include storefronts along each ground floor and shall extend the length of each lot line that is adjacent to a public street. Ground floor building facades facing a street shall include transparent windows on a minimum of 65 percent of the ground floor facade. The ~~Windows~~ windows shall have a minimum visible transmittance (VT) of 37 percent and shall not be tinted, mirrored, or treated in such a way as to block views visibility into the interior building.
 - (5) Parking within a building on the ground floor shall only be allowed behind secondary facades. Commercial storefronts or office uses shall be provided between any ground floor parking area and the primary facades fronting the public street. Parking is prohibited between the building and the street.
 - (6) No new building shall be designed to allow drive-through uses, except banks and credit unions where construction of the bank or credit union is commenced on or after October 1, 2011, may include a drive-through use as a conditional use subject to the following standards:
 - (A) All components of the drive-through, including kiosk, structure, and drive aisle, shall be located on a secondary facade, not visible from the right-of-way, other than an alley,
 - (B) Queuing lanes shall not be permitted between the building and the right-of-way, other than an alley,
 - (C) Up to two queuing lanes may be permitted,
 - (D) If the subject property abuts an alley, access to and from the drive-through from the alley is encouraged.
 - (7) Manufactured dwelling units are prohibited.
- (c) *Mechanical equipment and service areas.* Mechanical equipment, including, but not limited to, heating and cooling systems, solar panels and telecommunications equipment, and service areas, including, but not limited to, dumpster enclosures, shall meet the following standards:
- (1) *Materials.* Materials shall be harmonious in type, color, scale, texture, and proportions with the building and the district generally.
 - (2) *Design.*

- (A) Mechanical equipment and service areas should be located out of public view and designed as an integral part of the overall building design.
 - (B) Mechanical equipment and service areas should be placed at the rear of the building, recessed on the roof of the building, or screened by appropriate fencing.
 - (C) Low-profile mechanical units and elevator shafts may be placed on rooftops if they are not visible from the street, or are set back and screened from view.
 - (D) Solar panels should have low profiles and not be visible from the street.
 - (E) Skylights shall be flat and shall not alter the existing profile of the roof. Bubble-type skylights are prohibited.
 - (F) Mechanical equipment placed at street level should be screened in a manner that is compatible with the streetscape and adjacent buildings.
 - (G) Skylights and vents shall be placed behind and below the parapet level.
- (d) *Awnings and canopies.* Awnings and canopies on new construction shall meet the following standards:
- (1) *Materials.*
 - (A) Materials that are compatible with the character of the district shall be used.
 - (B) Canvass is an approved material for awnings and canopies.
 - (2) *Design.*
 - (A) Awnings shall be located within window openings, and below transoms.
 - (B) Umbrella-type awnings and non-historic forms are not permitted.
 - (C) Marquees may be used where compatible with the building and neighboring buildings.
 - (D) Awnings, canopies, or marquees shall not obscure significant architectural features on the building.
 - (E) Awnings, canopies, or marquees shall have size, scale and design that is compatible with the building and neighboring buildings.
 - (F) Building facades facing a street shall include weather protection, in the form of awnings or canopies, along a minimum of 90 percent of the length of the ground floor building façade adjacent to a street. The awnings or canopies shall have a minimum depth of six feet, shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the public street right-of-way as provided in SRC 76.160.

Sec. 250.005. Adjustments.

- (a) *Applicability.*
 - (1) *Classes.*
 - (A) A Class 1 adjustment is an adjustment to any numerical development standard in the UDC that increases or decreases the standard by not more than 20 percent.

- (B) A Class 2 adjustment is an adjustment to any development standard in the UDC other than a Class 1 adjustment, including an adjustment to any numerical development standard in the UDC that increases or decreases the standard by more than 20 percent.
- (2) *Prohibition.* Notwithstanding subsection (a)(1) of this section, an adjustment shall not be granted to:
 - (A) Allow a use or activity not allowed under the UDC;
 - (B) Change the status of a use or activity under the UDC;
 - (C) Modify a definition or use classification;
 - (D) Modify a use standard;
 - (E) Modify the applicability of any requirement under the UDC;
 - (F) Modify a development standard specifically identified as non-adjustable;
 - (G) Modify a development standard that contains the word "prohibited";
 - (H) Modify a procedural requirement under the UDC;
 - (I) Modify a condition of approval placed on property through a previous planning action; or
 - ~~(J) A design review guideline or design review standard, except Multiple Family Design Review Standards in SRC Chapter 702, which may be adjusted; or~~
 - (JK) The required landscaping in the Industrial Business Campus (IBC) Zone.
- (b) *Procedure type.* Class 1 and Class 2 adjustments are processed as a Type II Procedure under SRC chapter 300.
- (c) *Submittal requirements.* In addition to the submittal requirements for a Type II application under SRC chapter 300, an application for a Class 1 or Class 2 adjustment shall include the following:
 - (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing all information necessary to establish satisfaction with the approval criteria. By way of example, but not of limitation, such information may include the following:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (D) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (E) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808; and

- (F) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.
- (2) An existing conditions plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.
- (d) *Criteria.*
 - (1) An application for a Class 1 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Clearly satisfied by the proposed development.
 - (B) The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.
 - (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
 - (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
 - (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
 - (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.
- (e) *Transfer of adjustments.* Unless otherwise provided in the final decision granting the adjustment, an adjustment shall run with the land.

Sec. 270.005. Nonconforming uses.

- (a) *Generally.* A nonconforming use is any use on real property that was lawfully established under the applicable City or county land use regulations at the time the use was established, but which is no longer allowed due to the adoption of, or amendment to, the City's land use regulations, or annexation of the property into the City. A nonconforming use is a lawful use, and may be continued on the real property until terminated as provided in subsection (e) of this section.
- (b) *Ordinary repairs and maintenance.* Except as otherwise provided in this section, buildings and structures occupied by nonconforming uses may be repaired and maintained.

- (c) *Extension, alteration, and expansion or substitutions of nonconforming uses.* If approved pursuant to subsection (d) of this section:
 - (1) A nonconforming use in a portion of a building may be extended into other portions of that building.
 - (2) A building or structure occupied by a nonconforming use may be structurally altered or enlarged for the benefit of such use.
 - (3) One nonconforming use may be substituted for another nonconforming use.
- (d) *Application for extension, alteration, and expansion or substitution of a nonconforming use.*
 - (1) *Applicability.* Except as provided in subsection (c)(2) of this section, a nonconforming use shall not be extended, altered, expanded, or substituted for another nonconforming use without receiving approval as provided in this section.
 - (2) *Procedure type.* An application for extension, alteration, expansion, or substitution of a nonconforming use is processed as a Type III procedure under SRC chapter 300.
 - (3) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for extension, alteration, expansion, or substitution of a nonconforming use shall include:
 - (A) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (i) The total site area, property lines with dimensions, and orientation relative to north;
 - (ii) Street names;
 - (iii) Location and distance to property lines of all existing and proposed buildings, structures, fences, driveways, parking areas, and off-street loading areas;
 - (iv) Location of all existing and proposed landscape areas, with an indication of square footage;
 - (v) The location of all trees and vegetation required to be protected pursuant to SRC chapter 808;
 - (vi) The layout of all existing and proposed parking areas, indicating the total number of spaces and the dimensions of the stalls, aisles, driveways, and turnaround areas;
 - (vii) Existing and proposed use of main and accessory buildings;
 - (viii) Buildings or surface features that are to be removed;
 - (ix) Height of proposed and existing structures; and
 - (x) Location of any surface features such as vegetation, creeks, drainage fields, topography, railroad tracks, power lines and/or any other information pertinent to the proposal.
 - (B) A completed Trip Generation Estimate for the proposed development, on forms provided by the City.
 - (4) *Criteria.* An application for the extension, alteration, expansion, or substitution of a nonconforming use shall be approved if the following criteria are met:

- (A) The proposed extension, alteration, enlargement, or substitution of use is consistent with the general development character of the surrounding area;
 - (B) The degree of noise, vibration, dust, odor, fumes, glare, or smoke detectable at the property line will not be increased by the proposed extension, alteration, enlargement, or substitution of use;
 - (C) The number and kinds of vehicular trips will not exceed the maximums typical for the zoning district within which the nonconforming use is located;
 - (D) The amount and nature of outside storage, loading, and parking will not be increased or altered by the proposed extension, alteration, enlargement, or substitution of use so as to cause further impacts;
 - (E) The hours of operation for the proposed extension, alteration, enlargement, or substitution of use will not be altered or increased beyond those of the existing nonconforming use; and
 - (F) If the proposal includes the alteration or enlargement of a building or structure, the alteration or enlargement complies with the applicable development standards of the UDC and all other applicable laws, ordinances, and regulations.
- (e) *Termination of nonconforming use.*
- (1) A nonconforming use shall terminate if the building, structure, or land ceases to be occupied for the nonconforming use, or a use approved under SRC 270.005(d), for any reason for a continuous period of one year.
 - (2) A nonconforming use dependent upon a building or structure that is declared a "dangerous building" pursuant to SRC 56.200 through 56.390 shall be deemed terminated upon the date the order declaring the building or structure a dangerous building becomes final.
 - (3) A nonconforming use dependent upon a building or structure that is substantially damaged or destroyed by any cause, to the extent that the cost of repair or restoration would exceed 60 percent of the building or structure replacement cost using new materials and conforming to current building codes, shall be deemed terminated upon the date of such damage or destruction. Cost of repair or restoration, and replacement cost, shall be determined by the Building Official. The Building Official's determination is appealable as provided in SRC 20J.240 through 20J.430 for contested case proceedings.
 - (4) A nonconforming use dependent upon a building or structure that is redeveloped or renovated to the extent that the cost of redevelopment or renovation exceeds 60 percent of the building or structure replacement cost using new materials and conforming to current building codes shall be deemed terminated upon the date such redevelopment or renovation commences. Cost of redevelopment or renovation shall be determined by the Building Official. The Building Official's determination is appealable as provided in SRC 20J.240 through 20J.430 for contested case proceedings.
 - (5) A nonconforming use which has terminated shall not be re-established.

Sec. 300.100. Procedure types.

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

TABLE 300-1. LAND USE PROCEDURE TYPES			
Procedure Type	Decision Process	Decision Type	Process Description
Type I	Ministerial	Permit	Type I procedure is used when there are clear and objective standards and criteria that do not require interpretation or the exercise of policy or legal judgment in their application. Decisions on Type I applications are made by staff. Public notice and hearing are not required.
Type II	Administrative	Limited Land Use	Type II procedure is used when the standards and criteria require limited discretion or legal judgment in their application. Decisions on Type II applications are made by staff. Public notice and opportunity to comment prior to issuance of a decision is provided. A public hearing is not required unless the decision is appealed.
Type III	Quasi-Judicial	Land Use	Type III procedure is used when the standards and criteria require discretion or legal judgment in their application. Decisions on Type III applications are made by the Hearings Officer, Historic Landmarks Commission, or Planning Commission. Public notice and hearing are required. The decision may be appealed.
Type IV	Quasi-Judicial	Land Use	Type IV procedure is used for site-specific land use actions initiated by an applicant, the Historic Landmarks Commission, Planning Commission, or Council. Type IV applications result in a recommendation from the Planning Commission or Historic Landmarks Commission to the Council, which then makes the final decision. Public notice and hearings are required for both the initial hearing making recommendation and subsequent hearing taking final action.

- (b) The specific procedure type assigned to a land use application is specified in Table 300-2.
- (c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the UDC, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.
 - (1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.
 - (2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

Attachment A

- (3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.
- (4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the Council, which then makes the decision.
- (d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

TABLE 300-2. LAND USE APPLICATIONS BY PROCEDURE TYPE

		Application Pre-Submittal			Review Authority			
Application	Procedure Type	Pre-App. Required	N.A Contact	Open House	Decision	Appeal	Council Review	Applicable Code Chapter(s)
Adjustment								
Class 1 adjustment	II	N	N	N	PA	HO	N	SRC 250
Class 1 adjustment (modification)	II	N	N	N	PA	HO	N	SRC 250
Class 2 adjustment	II	N	N	N	PA	HO	N	SRC 250
Class 2 adjustment (modification)	II	N	N	N	PA	HO	N	SRC 250
Airport overlay zone height variance	I	N	N	N	PA	-	N	SRC 602
Annexation								
Annexation without comprehensive plan map amendment and/or zone change	III	Y	N	N	CC	-	N	SRC 260
Annexation with comprehensive plan map amendment and/or zone change	IV	Y	Y ⁽¹⁾	Y ⁽¹⁾	PC - Recommendation; CC - Decision	-	N	SRC 260

Comprehensive plan map amendment (minor)	III	Y	N	Y	PC	CC	Y	SRC 64
Conditional use	III	Y	Y	N	HO	PC	Y	SRC 240
Conditional use (modification)	II	N	N	N	PA	HO	Y	SRC 240
Design review								
Class 1 Design review	I	Y	N	N	PA	-	N	SRC 225
Class 1 Design review (modification)	I	N	N	N	PA	-	N	SRC 225
Class 2 design review	II	Y	N	N	PA	PC	N	SRC 225
Class 2 design review (modification)	II	N	N	N	PA	PC	N	SRC 225
Class 3 design review	III	Y	Y	N	PC	CC	Y	SRC 225
Class 3 design review (modification)	II	N	N	N	PA	PC	Y	SRC 225
Driveway approach permit								
Class 1 driveway approach permit	I	N	N	N	PWD-PA	-	N	SRC 804
Class 2 driveway approach permit	II	N	N	N	PWD-PA	HO	N	SRC 804
Extensions								
Class 1 Extension	I	N	N	N	PA	-	N	SRC 300
Class 2 Extension	II	N	N	N	PA	HO	N	SRC 300
Fairview Mixed-Use Zone								
Fairview plan	III	Y	Y	Y	PC	CC	Y	SRC 530
Fairview plan amendment	III	Y	N	Y	PC	CC	Y	SRC 530
Refinement plan	III	Y	N	Y	PC	CC	Y	SRC 530
Refinement plan	II	Y	Y	N	PA	PC	Y	SRC 530

amendment (minor)								
Refinement plan amendment (major)	III	Y	N	Y	PC	CC	Y	SRC 530
Floodplain Overlay Zone								
Floodplain development permit	I	N	N	N	BO & FMPWD	-	N	SRC 601
Floodplain Overlay Zone Variance	III	N	N	N	HO	CC	Y	SRC 601
Historic Review								
Class 1 minor historic design review	I	N	N	N	PA	-	N	SRC 230
Class 2 minor historic design review	II	N	N	N	PA	HLC	N	SRC 230
Class 3 major historic design review	III	N	N	N	HLC	HO	N	SRC 230
Class 3 major historic design review—new construction	III	N	N	N	HLC	HO	Y	SRC 230
Historic resource adaptive reuse	III	N	Y	N	HO	PC	Y	SRC 231
Historic resource adaptive reuse expansion	III	N	Y	N	HO	PC	Y	SRC 231
Determination of historic resource relocation feasibility	I	N	N	N	PA	-	N	SRC 230
Historic resource relocation	III	N	N	N	HLC	CC	Y	SRC 230

Historic resource demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Class 1 historic accessory structure demolition	I	N	N	N	PA	-	N	SRC 230
Class 2 historic accessory structure demolition	III	N	N	Y	HLC	CC	Y	SRC 230
Local historic resource designation	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
Class 1 local historic resource designation removal	I	N	N	N	PA	-	N	SRC 230
Class 2 local historic resource designation removal	IV	N	N	N	HLC - Recommendation; CC - Decision	-	N	SRC 230
Landscaping permit	I	N	N	N	PA	-	N	SRC 807
Landslide hazard construction permit	I	N	N	N	PWD	HO	N	SRC 810
Manufactured dwelling park permit	II	Y	N	N	PA	HO	N	SRC 235
Manufactured dwelling park permit (modification)	II	N	N	N	PA	HO	N	SRC 235
Middle housing land division								
Tentative plan ⁽²⁾	Per ORS	N	Y	N	PA	HO	N	SRC 205
	II	N	Y	N	PA	PC	Y	
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Neighborhood plan map amendment	III	Y	Y	N	PC	CC	Y	SRC 64
Nonconforming use extension,	III	Y	Y	N	HO -PA	PC	Y	SRC 270

alteration, expansion, or substitution								
Partition								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Planned unit development								
Tentative plan	III	Y	Y	N	PC	CC	Y	SRC 210
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 210
Final plan	II	N	N	N	PA	-	N	SRC 210
Final plan (modification)	II	N	N	N	PA	-	N	SRC 210
Property line adjustment	I	N	N	N	PA	-	N	SRC 205
Replat								
Tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Signs								
Sign permit	I	N	N	N	PA	-	N	SRC 900
Sign adjustment	II	N	N	N	PA	-	N	SRC 900
Sign conditional use permit	III	N	Y	N	HO	PC	Y	SRC 900
Sign variance	III	N	Y	N	HO	PC	Y	SRC 900
Site Plan Review								
Class 1 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 1 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review	I	N	N	N	PA	-	N	SRC 220
Class 2 site plan review (modification)	I	N	N	N	PA	-	N	SRC 220
Class 3 site plan review	II	N	Y	N	PA	HO	Y ⁽³⁾	SRC 220

Class 3 site plan review (modification)	II	N	N	N	PA	HO	Y ⁽³⁾	SRC 220
South Waterfront Mixed-Use Zone								
Development phasing plan	II	N	N	N	PA	HO	Y	SRC 531
Development phasing plan (modification)	II	N	N	N	PA	HO	Y	SRC 531
Subdivision								
Tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan	II	N	Y	N	PA	PC	Y	SRC 205
Phased subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan	II	N	N	N	PA	PC	Y	SRC 205
Manufactured dwelling park subdivision tentative plan (modification)	II	N	N	N	PA	PC	Y	SRC 205
Modification of subdivision condition of approval designating lots for neighborhood hub uses or middle housing dwelling units	I	N	N	N	PA	-	N	SRC 205
Final plat	Exempt	N	N	N	PA	-	N	SRC 205
Temporary Use Permit								
Class 1 temporary use permit	I	N	N	N	PA	-	N	SRC 701

Class 2 temporary use permit	II	N	N	N	PA	HO	N	SRC 701
Tree & vegetation removal								
Tree Conservation Plan	I	N	N	N	PA	HO	N	SRC 808
Tree conservation plan adjustment	I	N	N	N	PA	HO	N	SRC 808
Tree & vegetation removal permit	I	N	N	N	PA	-	N	SRC 808
Tree variance	II	N	N	N	PA	HO	Y	SRC 808
Urban growth management								
Urban service area amendment	IV	N	N	N	CC	-	N	SRC 200
Urban Growth Preliminary Declaration	II	N	N	N	PA	CC-PC	Y	SRC 200
Urban Growth Preliminary Declaration (Amendment)	II	N	N	N	PA	CC-PC	Y	SRC 200
Validation of unit of land	II	Y	N	N	PA	HO	N	SRC 205
Variance	III	Y	Y	N	HO	PC	Y	SRC 245
Variance (modification)	III	N	N	N	HO	PC	Y	SRC 245
Willamette Greenway								
Class 1 greenway development permit	II	N	Y	N	PA	HO	Y	SRC 600
Class 2 greenway development permit	III	Y	Y	N	HO	PC	Y	SRC 600
Wireless communication facilities								
Temporary siting permit	I	N	N	N	PA	-	N	SRC 703

Class 1 siting permit	I	N	N	N	PA	-	N	SRC 703
Class 2 siting permit	II	N	N	N	PA	HO	Y	SRC 703
Class 3 siting permit	III	Y	N	N	HO	PC	Y	SRC 703
Wireless communication facilities adjustment	II	Y	N	N	PA	HO	Y	SRC 703
Zone change (quasi-judicial)	III	Y	Y	N	HO	CC	Y	SRC 265

Limitations and Qualifications

(1) Annexation applications with a quasi-judicial zone change are required to provide neighborhood contact pursuant to SRC 300.310. Annexation applications with a comprehensive plan map amendment are required to conduct an open house pursuant to SRC 300.320. Annexation applications with both a comprehensive plan map amendment and zone change are required to only conduct an open house.

(2) The tentative plan of a middle housing land division shall be reviewed according to the procedures of ORS 197.360 through ORS 197.380 unless an applicant requests the application be reviewed according to the procedures of SRC Chapter 300. If an applicant requests review of the application based on the procedures of SRC Chapter 300, the application shall be processed as a Type II procedure.

(3) Decision eligible for City Council Review only upon receipt of an appeal. See SRC 300.520(f)(4)(A).

LEGEND

PA - Planning Administrator; **BO** - Building Official; **CPDD** - Community Planning and Development Director; **PWD** - Public Works Director; **HO** - Hearings Officer; **HLC** - Historic Landmarks Commission; **PC** - Planning Commission; **CC** - City Council; **FM** – Floodplain Manager

Sec. 300.520. Type II procedure.

(a) *Application requirements.*

(1) *Application form.* Type II applications shall be made on forms provided by the Planning Administrator.

(2) *Submittal requirements.* Type II applications shall include the information required under SRC 300.210.

(b) *Public notice and comment.* Public notice is required for Type II applications. Public notice shall be by first class mail. Posted notice on the subject property is required for subdivisions, Class 2 wireless communications facilities siting, manufactured dwelling park permits, and Class 1 greenway development permits. All Type II applications include a comment period of 14 days from the date notice is mailed.

(1) *Mailed notice.* Mailed notice shall be provided as follows:

(A) The City shall mail notice of the application within ten days after the application is deemed complete. An affidavit of mailing shall be prepared and made part of the file.

- (B) Notice of the application shall be mailed to:
- (i) The applicant(s) and/or the applicant's authorized representative(s);
 - (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) The address of the subject property, based on the City's current addressing records;
 - (iv) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
 - (v) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (vi) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (vii) Addresses, based on the City's current addressing records, within 250 feet of the subject property.
 - (viii) The Salem Area Mass Transit District
 - (ix) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City; and
 - (x) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City.
- (C) Mailed notice shall include:
- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
 - (ii) The type of application and a concise description of the nature of the land use action;
 - (iii) The proposed site plan;
 - (iv) The street address, or other easily understood geographical reference, for the subject property;
 - (v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
 - (vi) A list of the approval criteria by name and code section;
 - (vii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;
 - (viii) A brief summary of the decision making process for the application;

- (ix) The place, date, and time that written comments are due, and the person to whom the comments should be addressed;
 - (x) A statement that comments received after the close of the public comment period will not be considered;
 - (xi) A statement that issues which may provide the basis for an appeal to the Oregon Land Use Board of Appeals must be raised in writing prior to the expiration of the comment period and with sufficient specificity to enable the applicant and Review Authority to respond to the issue;
 - (xii) A statement that subsequent to the closing of the public comment period a decision will be issued and mailed to the applicant, property owner, everyone entitled to the initial notice of the application, anyone who submitted written comments on the application, and to any other persons otherwise legally entitled to notice of the decision; and
 - (xiii) The name and contact information for the staff case manager.
- (2) *Posted notice.* Posted notice shall be provided, when required, as follows:
- (A) The applicant shall post notice on the subject property no earlier than 14 and no later than ten days prior to the end of the 14 day comment period. The notice shall remain in place through the end of the comment period. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file.
 - (B) Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
 - (C) Posted notice shall be provided on signs as prescribed by the Planning Administrator.
 - (D) The applicant shall remove and return the signs within seven days after the end of the comment period.
- (c) *Application review.* The Review Authority shall review the application, all written comments submitted during the public comment period, and the applicant's response to the comments, if any. Written comments received after the expiration of the public comment period shall not be considered by the Review Authority.
- (d) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision of the Review Authority shall be a written order containing findings that explain the criteria and standards applicable to the decision, stating the facts relied upon in rendering the decision, and explaining the justification for the decision.
- (e) *Notice of decision.* Notice of the decision shall be mailed within five days after the decision is signed. An affidavit of mailing shall be prepared and made part of the file.
- (1) Notice of the decision shall be mailed to:
- (A) The applicant(s) and/or authorized representative(s);
 - (B) The owner(s) or contract purchaser(s) of record of the subject property;

- (C) The address of the subject property, based on the City's current addressing records;
 - (D) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
 - (E) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
 - (F) Any group or individual who submitted written comments during the comment period;
 - (G) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
 - (H) Addresses, based on the City's current addressing records, within 250 feet of the subject property;
 - (I) The Salem Area Mass Transit District;
 - (J) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency which submitted written comments during the comment period; and
 - (K) Any community organizations, agencies, or individuals who have submitted written requests to the City for notice of the decision.
- (2) Notice of the decision shall include:
- (A) A brief description of the application;
 - (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
 - (C) A brief summary of the decision, and conditions of approval, if any;
 - (D) A statement of the facts relied upon;
 - (E) The date the Review Authority's decision becomes effective, unless appealed;
 - (F) The date and time by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
 - (G) A statement that all persons entitled to notice of the decision may appeal the decision; and
 - (H) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

(f) *Appeal and review.*

- (1) Unless appealed pursuant to SRC 300.1010, or review is initiated by the Council pursuant to SRC 300.1050, the decision of the Review Authority on a Type II application shall be the final decision of the City.
- (2) Only the applicant, persons who provided comments during the public comment period, and persons entitled to notice of the decision have standing to appeal the decision.
- (3) The Review Authorities for appeals are identified under Table 300-2. The decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.
- (4) *Exceptions.* Notwithstanding any other provision of this subsection:
 - (A) The decision on a Class 3 site plan review or modification of a Class 3 site plan review is not eligible for Council review unless appealed. Upon receipt of an appeal of a decision on a Class 3 site plan review or modification of a Class 3 site plan review, notice of the appeal shall be provided to the Council at its next regular meeting. The Council may, pursuant to SRC 300.1050, assume jurisdiction for review pursuant to SRC 300.1040. If the Council does not assume jurisdiction, then the decision of the Review Authority on the appeal is the final decision of the City.
 - (B) The decision on a Class 1 adjustment, modification of a Class 1 adjustment, Class 2 adjustment, modification of a Class 2 adjustment, ~~Class 2~~-design review, modification of a ~~Class 2~~ design review, Class 2 driveway approach permit, Class 2 minor historic design review, Class 2 temporary use permit, PUD final plan, modification of a PUD final plan, or sign adjustment is not subject to Council review.
- (5) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.
- (g) *Expiration of approval.* Approval of a Type II application expires automatically as provided by SRC 300.850(a).

Sec. 300.850. Expiration and extensions.

- (a) *Approval expiration and termination.*
 - (1) Unless a different period of time is established in the UDC or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300-3 unless one of the following has occurred:
 - (A) Development has commenced in compliance with the land use approval;
 - (B) An extension has been granted pursuant to SRC 300.850(b); or
 - (C) The land use approval has been revoked as provided under SRC 300.860 or is otherwise invalidated by an administrative board or court of competent jurisdiction.
 - (2) Where the decision involves work for which a building permit is required, no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. Unless otherwise extended, the approval of the land use action shall automatically expire if the approval has expired as set forth in Table 300-3, and all required building permits issued for the land use action have expired.
- (b) *Extensions.*

- (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.
- (2) Classes.
 - (A) *Class 1 extension.* A Class 1 extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application.
 - (B) *Class 2 extension.* A Class 2 extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.
- (3) Procedure type.
 - (A) A Class 1 extension is processed as a Type I procedure under SRC chapter 300.
 - (B) A Class 2 extension is processed as a Type II procedure under SRC chapter 300.
- (4) Criteria.
 - (A) A Class 1 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application.
 - (B) A Class 2 extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.
- (5) Appeal and review.
 - (A) The decision on a Class 1 extension may not be appealed, and is not subject to Council review.
 - (B) The decision on a Class 2 extension may be appealed, and is subject to Council review pursuant to SRC 300.1050. The Review Authority for an appeal of a Class 2 extension shall be the Hearings Officer.
- (6) While an application for extension is pending, no further action to develop the subject property or expand any use dependent upon the approval shall be taken subsequent to the expiration of the approval period; but existing established uses may continue during the time the extension request is pending.
- (7) The decision granting an extension shall revive all rights under the original approval as they existed prior to the expiration of the original approval period.

TABLE 300-3. EXPIRATION AND EXTENSION OF APPROVALS

Procedure Type	Expiration Period¹	Extensions Allowed	Maximum Period for Each Extension²	Limitations & Qualifications
Type I				
Class 1 - Design review	2 Years	2	2 Years	

	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
Class 1 driveway approach permit	4 Years	None	N/A	
Minor historic design review	2 Years	2	2 Years	
Landscaping permit	4 years	None	N/A	
Property line adjustment	2 years	None	N/A	
Sign permit	180 Days	2	180 Days	
Class 1 site plan review	4 Years	None	N/A	If a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan review approval expires, whichever occurs later.
Class 2 site plan review				
All other Type I	No Expiration Period	N/A	N/A	
Type II				
Class 1 adjustment	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
	2 Years	4	2 Years	Applicable if consolidated with an application for a partition, subdivision, or replat.
	2 Years	4	2 Years	Applicable if consolidated with an application for a phased subdivision (first phase).
	10 Years	None	N/A	Applicable if consolidated with an application for a phased subdivision (all other phases).
Class 2 adjustment	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an

				application for site plan review.
	2 Years	4	2 Years	Applicable if consolidated with an application for a partition, subdivision, or replat.
	2 Years	4	2 Years	Applicable if consolidated with an application for a phased subdivision (first phase).
	10 Years	None	N/A	Applicable if consolidated with an application for a phased subdivision (all other phases).
Class 2 design review	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
Class 2 driveway approach permit	4 Years	None	N/A	
Middle housing land division tentative plan	3 years	None	N/A	Three-year expiration period applies regardless of whether the application is reviewed pursuant to ORS 197.360 to ORS 197.380 or the Type II procedure of this Chapter.
Partition tentative plan; tentative replat	2 Years	4	2 Years	
Subdivision tentative plan	2 Years	4	2 Years	
Phased subdivision tentative plan (first phase)	2 Years	4	2 Years	
Phased subdivision tentative plan (all other phases)	10 Years	None	N/A	
Class 3 site plan review	4 Years	None	N/A	If a valid building permit application is submitted, the site plan review approval shall remain valid until either the building permit or the site plan

				review approval expires, whichever occurs later.
All other Type II	2 Years	2	2 Years	
Type III				
Annexation without minor comprehensive plan map amendment	No Expiration Period	N/A	N/A	
Class 3 design review	2 Years	2	2 Years	
	4 Years	None	N/A	Applicable if consolidated with an application for site plan review.
Comprehensive plan map amendment (minor); zone change (quasi-judicial)	No Expiration Period	N/A	N/A	
Planned unit development tentative plan (with land division)	2 Years	4	2 Years	
All other Type III	2 Years	2	2 Years	
All Type IV	No Expiration Period	N/A	N/A	
¹ The expiration period is calculated from the effective date of the decision on the land use action or permit. If the decision is appealed to a body of competent jurisdiction, the expiration period shall be tolled until a final decision is issued on the appeal. ² The extension period is calculated from the date of expiration of the approval.				

Sec. 514.010. Development standards.

Development within the RM-II zone must comply with the development standards set forth in this section.

- (a) *Land division in the RM-II zone.* Lots subdivided or partitioned in the RM-II zone shall be a minimum of 20,000 square feet in size, unless the lots are restricted to contain three or more attached dwelling units per lot, are used for townhouse development, or are used for allowed uses other than household living.
- (b) *Lot standards.* Lots within the RM-II zone shall conform to the standards set forth in Table 514-2.

TABLE 514-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 sq. ft.	Applicable to townhouses.

	Min. 6,000 sq. ft.	Applicable to all other single family, except new single family detached dwellings on nonconforming lots of record less than 6,000 square feet in area.
<u>Two family</u>	Min. 4,000 sq. ft.	
<u>Three family</u>	Min. 5,000 sq. ft.	
<u>Residential care</u>	Min. 4,000 sq. ft.	
All other uses	Min. 6,000 sq. ft.	
Lot Width		
Single family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other single family.
All Other Uses	Min. 40 ft.	
Lot Depth		
Single family	Min. 70 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	No Max.	Applicable to townhouses.
	Max. 300% of average lot width	Applicable to all other single family.
All other uses	Min. 80 ft.	
	Min. 120 ft.	Applicable to double frontage lots.
	Max. 300% of average lot width	
Street Frontage		
Single family	Min. 20 ft.	Applicable to townhouses.
	Min. 40 ft.	Applicable to all other single family.
	Min. 30 ft.	Applicable to all other single family, when located on a lot fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 40 ft.	

(c) *Dwelling unit density.* Dwelling unit density within the RM-II zone shall conform to the standards set forth in Table 514-3.

TABLE 514-3. DWELLING UNIT DENSITY

Use	Standard		Limitations & Qualifications
	Minimum	Maximum	

Single family, two family, three family, four family, and multiple family	15 dwelling units per acre	31 dwelling units per acre	
	N/A	N/A	Applicable to the replacement of an existing single family detached dwelling; and a new single family detached dwelling on nonconforming lot of record less than 6,000 square feet in area.
	6 dwelling units per acre	28 dwelling units per acre	Applicable to manufactured dwelling parks developed pursuant to SRC chapter 235.

(d) *Setbacks.* Setbacks within the RM-II zone shall be provided as set forth in Tables 514-4 and 514-5.

TABLE 514-4. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
Single family, two family, three family, and four family	Min. 12 ft.	
	Min. 20 ft.	Applicable along collector or arterial streets.
All other uses	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft., but need not exceed 20 ft. in depth.	
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height, when located in a yard adjacent to a collector or arterial street.
Accessory to all other uses	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Min. 12 ft.	

Interior Front		
Buildings		
Single family, two family, three family, and four family	Min. 12 ft.	
All other uses	Zone-to-zone setback (Table 514-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four family	Min. 5 ft.	
Accessory to all other uses	Zone-to-zone setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 514-5)	
Interior Side		
Buildings		
Single family	Min. 5 ft.	Applicable to new buildings, other than townhouses and zero side yard dwellings.
	Min. 3 ft.	Applicable to existing buildings, other than townhouses and zero side yard dwellings.
	None	Applicable to townhouses.
	Per SRC 700.095	Applicable to zero side yard dwellings.
Two family, three family, and four family	Min. 5 ft.	
All other uses	Zone-to-zone setback (Table 514-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to all other uses	Zone-to-zone setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 514-5)	
Interior Rear		
Buildings		

Single family, two family, three family, and four family	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
All other uses	Zone-to-zone setback (Table 514-5)	
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to all other uses	Zone-to-zone setback (Table 514-5)	
Vehicle Use Areas		
All uses, other than single family, two family, three family, and four family	Zone-to-zone setback (Table 514-5)	

TABLE 514-5. ZONE-TO-ZONE SETBACKS

Abutting Zone	Type of Improvement	Setback ⁽¹⁾	Landscaping & Screening
EFU	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Residential Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Commercial Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Public Zone	Buildings and accessory structures	Min. 10 ft.	Type C
	Vehicle use areas		
Industrial and Employment Zone:	Buildings and accessory structures	Min. 15 ft.	Type C
	Vehicle use areas		

Limitations and Qualifications

⁽¹⁾ Zone-to-Zone setbacks are not required abutting an alley.

- (e) *Lot coverage; height.* Buildings and accessory structures within the RM-II zone shall conform to the lot coverage and height standards set forth in Table 514-6.

TABLE 514-6. LOT COVERAGE; HEIGHT

Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	Max. 60%	
Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to single family, two family, three family, and four family	Max. 25%	
Accessory to all other uses	No Max.	
Height		
Buildings		
Single family, two family, three family, and four family	Max. 35 ft.	
Multiple family, residential care, nursing care, and short-term commercial lodging	Max. 50 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		
Accessory to all uses	Max 15 ft.	

- (f) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 514-6, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 514-7.

TABLE 514-7. MAXIMUM SQUARE FOOTAGE FOR ALL ACCESSORY STRUCTURES

Main Building Gross Area	Maximum Total Square Footage for All Accessory Structures
1,200 square feet or less.	600 sq. ft.
Greater than 1,200 square feet.	1,000 sq. ft. or 50% of main building gross area, whichever is less.

- (g) *Landscaping.* Landscaping within the RM-II zone shall be provided as set forth in this subsection.
- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.
- (h) *Outdoor storage.* Within the RM-II zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Sec. 522.015. Design review.

Design review under SRC chapter 225 is required for development within the CR as follows:

- (a) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Sec. 523.015. Design review.

Design review under SRC chapter 225 is required for development within the CG as follows:

- (a) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Sec. 524.005. Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 524-1.

TABLE 524-1. USES		
Use	Status	Limitations & Qualifications
Household Living		
Single family	P	Residential home, as defined under ORS 197.660.
	N	All other single family.
Two family	P	Duplex.
	N	All other two family.
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	P	The following room and board activities: <ul style="list-style-type: none"> ■ Single-room occupancy. ■ Other room and board serving 5 or fewer persons.
	C	The following room and board activities: <ul style="list-style-type: none"> ■ Other room and board serving 6 to 75 persons. ■ Relocation of an existing room and board facility within the CB zone serving more than 75 persons, provided the facility has existed within the CB zone as of September 1, 1993, and there is no increase in bed capacity.
	N	All other room and board.
Residential care	P	

Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	The following nonprofit shelters: <ul style="list-style-type: none"> ■ Nonprofit shelters serving 6 to 75 persons. ■ Relocation of an existing nonprofit shelter within the CB zone serving more than 75 persons, provided the shelter has existed within the CB zone as of September 1, 1993, and there is no increase in bed capacity.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	N	Medical marijuana and recreational marijuana sales or transfers, except for retail sales of cannabidiol (CBD) products.
	P	All other retail sales.
Personal services	P	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	Mobile home dealers.
	P	All other motor vehicle and manufactured dwelling and trailer sales.
Motor vehicle services	P	
Commercial parking	P	Commercial parking within a parking structure.
	C	All other commercial parking
Park-and-ride facilities	P	
Taxicabs and car services	P	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	P	
Commercial entertainment—outdoor	N	Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	P	Major event entertainment conducted indoors.

	N	All other major event entertainment.
Recreational and cultural community services	P	
Parks and open space	P	
Nonprofit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Governmental services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and grounds services and construction contracting	N	The following building and grounds services and construction contracting activities: <ul style="list-style-type: none"> ■ Building construction. ■ Heavy construction. ■ Disinfecting and pest control services. ■ Building cleaning and maintenance services.
	P	All other building and grounds services and construction contracting.
Cleaning plants	P	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	P	General wholesaling is permitted, provided that it is combined with retail sales in the same line of goods.
Heavy wholesaling	P	Nursery stock, provided that it is combined with retail sales in the same line of goods.

	C	The following heavy wholesaling activities, provided they are combined with retail sales in the same line of goods: <ul style="list-style-type: none"> ■ Minerals and ore. ■ Metal service centers and wholesalers. ■ Firearms. ■ Wood products and timber.
	N	All other heavy wholesaling.
Warehousing and distribution	P	Distribution centers for online, mail order, and catalog sales.
	N	All other warehousing and distribution.
Self-service storage	S	Self-service storage within a building existing on March 16, 2022 located outside the Salem Downtown Historic District, subject to SRC 700.071.
	N	All other self-service storage.
Manufacturing		
General manufacturing	P	General manufacturing, provided the manufacturing does not exceed 10,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	C	The following general manufacturing activities, when exceeding 10,000 square feet of total floor area per development site: <ul style="list-style-type: none"> ■ Industrial and institutional food service contractors. ■ Costume jewelry and precious metals metalsmithing. ■ Sundries and notions. ■ Signs.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	P	
Transportation Facilities		
Aviation facilities	C	Helicopter landing areas, with or without passenger terminal facilities.
	N	All other aviation facilities.
Passenger ground transportation facilities	P	
Marine facilities	P	
Utilities		
Basic utilities	C	Reservoirs; water storage facilities.
	P	Basic utilities are permitted, unless noted below.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.

Drinking water treatment facilities	C	
Power generation facilities	C	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	C	The following waste-related facilities: <ul style="list-style-type: none"> ■ Recycling depots. ■ Solid waste transfer stations.
	N	All other waste-related facilities.
Mining and Natural Resource Extraction		
Petroleum and natural gas production	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	Marijuana production.
	P	All other agriculture.
Forestry	N	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	NP	<u>The following animal services, when conducted within a completely enclosed building:</u> <ul style="list-style-type: none"> ▪ <u>Small animal veterinary services.</u> ▪ <u>Grooming of household pets.</u>
	N	<u>All other animal services.</u>
Other Uses		
Temporary Uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Construction modular, subject to SRC 701.016. ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030. ■ Safe parking shelter, subject to SRC 701.041.
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007

(b) Notwithstanding Table 524-1, any permitted, special, or conditional use within the CB zone shall be a prohibited use within the zone if developed with a drive-through.

Sec. 524.010. Development standards.

Development within the CB zone must comply with the development standards set forth in this section.

(a) *Lot standards.* Lots within the CB zone shall conform to the standards set forth in Table 524-2.

TABLE 524-2. LOT STANDARDS		
Requirement	Standard	Limitations and Qualifications
Lot Area		

All uses	None	
Lot Width		
All uses	None	
Lot Depth		
All uses	None	
Street Frontage		
Single family	Min. 40 ft.	Applicable to lots fronting on the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In no case shall the lot width be less than 40 ft. at the front building setback line.
	Min. 30 ft.	
All other uses	Min. 16 ft.	

(b) *Development density.* Development density within the CB zone shall conform to the standards set forth in table 524-3.

TABLE 524-3. DEVELOPMENT DENSITY

Use	Standard		Limitations and Qualifications
	Minimum	Maximum	
Dwelling Unit Density			
Two family, three family, four family, and multiple family	20-25 dwelling units per acre	None	Applicable to development that is exclusively residential.
Room and board	20-25 dwelling units per acre	None	Applicable to single-room occupancy.
	N/A	N/A	Applicable to all other room and board.
Floor Area Ratio			
All uses	2.0 FAR	None	

(c) *Setbacks.* Setbacks within the CB zone shall be provided as set forth in Table 524-4.

TABLE 524-4. SETBACKS

Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	Maximum 10-foot setback applies to those portions of a building where a plaza or other outdoor space open to the public is provided between the building and the street right-of-way.

		Portions of buildings greater than 25 feet in height may be setback up to 10 additional feet from the street right-of-way.
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 10 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 10 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Front		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Side		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Rear		
Buildings		
All uses	None	
Accessory Structures		
Accessory to all uses	None	
Vehicle Use Areas		
All uses	Per SRC chapter 806	

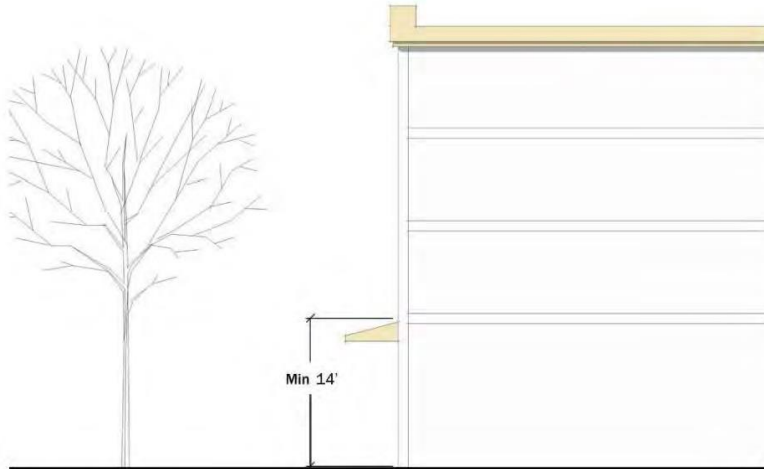
- (d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the CB zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 524-5.

TABLE 524-5. LOT COVERAGE; HEIGHT; BUILDING FRONTAGE		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		

Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
Height		
Buildings		
All uses	Min. 2 stories	
	No Max.	
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	No Max.	
Building Frontage		
Buildings		
All uses	Min. 90%	For corner lots, this standard applies to the street with the highest street classification. Where both streets have the same street classification, this standard shall apply to the street designated by the applicant. For the intersecting street, the building frontage standard shall be a minimum of 75%.

- (e) *Landscaping.* Landscaping within the CB zone shall be provided as set forth in this subsection.
 - (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.
- (f) *Design.* Development within the CB zone shall conform to the design standards set forth in this subsection; provided, however, any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230 and any development within an overlay zone shall only be subject to the design standards set forth in this subsection in-lieu of the design review standards or the design review guidelines of the overlay zone. The design standards included in this subsection are not design review standards and are therefore not subject to design review under SRC Chapter 225.

- (1) *Ground floor building height.* The ground floors of buildings shall be a minimum of 14 feet in height (see Figure 524-1). For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.



- (2) *Building façade articulation.* The ground floor facades of buildings shall be distinguished from their upper floor facades through incorporation of at least one of the following architectural detailing techniques identified in this subsection (see Figure 524-2). This standard does not apply to the repainting of the façade of an existing building.
- (A) Change in materials;
 - (B) Change in color; or
 - (C) Molding or other horizontally-articulated transition piece.



- (3) *Building entrances.* Primary building entrances shall be provided for each building façade facing a street as follows:
- (A) For non-residential uses on the ground floor, a primary building entrance shall be provided for each non-residential ground floor tenant space facing a street. If a

non-residential ground floor tenant space within a building has frontage on more than one street, a single primary building entrance for the non-residential ground floor tenant space may be provided at the corner of the building where the streets intersect.

- (B) For residential uses on the ground floor, a primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect.
- (4) *Separation of residential ground floor entrances from street.* When a residential entrance is located on the ground floor of a building adjacent to a street, the entrance shall be vertically or horizontally separated from the public right-of-way as follows:
 - (A) *Vertical separation.* Where vertical separation is provided between the residential entrance and the public right-of-way, the vertical separation shall be a minimum of 1.5 feet but not more than three feet and shall take the form of steps or a ramp to a porch, stoop or terrace (see Figure 524-3).
 - (B) *Horizontal separation.* Where horizontal separation is provided between the residential entrance and the public right-of-way, the horizontal separation shall be a minimum of five feet but not more than ten feet and shall take the form of a landscaped area, such as private open space, or a hardscaped area, such as a plaza (see Figure 524-3).



- (5) *Windows.* Windows shall be provided throughout building facades as follows:
 - (A) *Ground floor windows.*
 - (i) Ground floor building facades facing a street shall include transparent windows on a minimum of 65 percent of the ground floor facade (see Figure 524-4). The windows shall not be mirrored or treated in such a

way to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

(ii) *Alternative standard for existing buildings.* Notwithstanding subsection (f)(5)(A)(i) of this section, where a building existing on March 16, 2022, does not include ground floor windows as required under this subsection, the percentage of transparent windows existing on the ground floor façade shall not be reduced and additional windows meeting the transparency requirements of subsection (f)(5)(A)(i) may be added without meeting the minimum 65 percent standard.

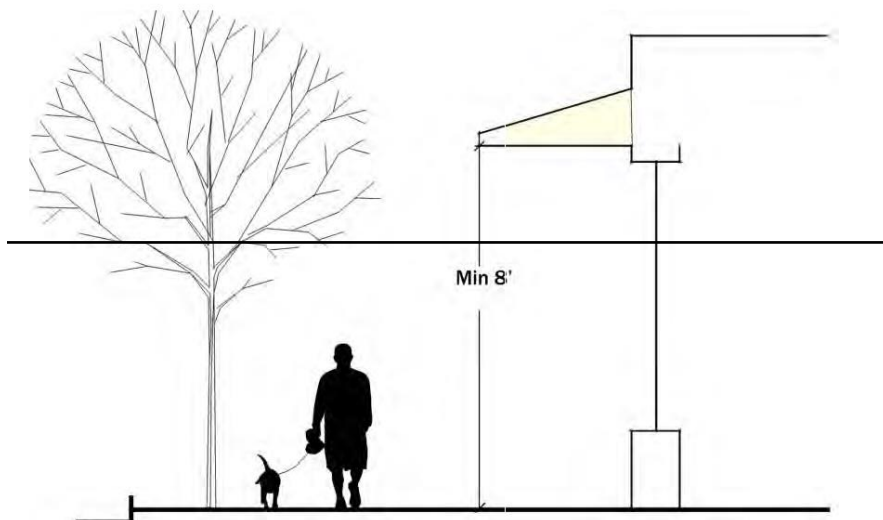
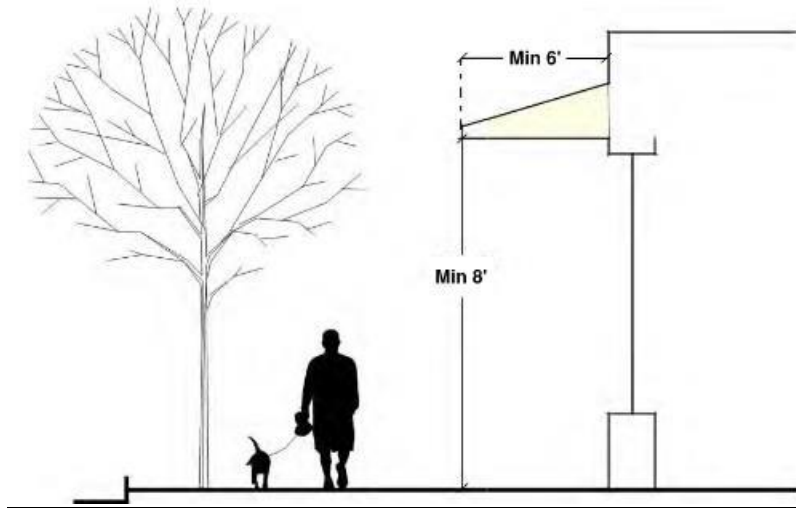
(B) *Upper floor windows.* Upper floor building facades facing streets and open space shall include windows along a minimum of 30 percent of each building floor length, and on a minimum of 30 percent of the overall exterior wall area, of the upper floor façade.



(6) *Weather protection.*

(A) Building facades facing a street shall include weather protection, in the form of awnings or canopies, along a minimum of 90 percent of the length of the ground floor building façade adjacent to a street. Awnings or canopies shall have a minimum depth of six feet, shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the public street right-of-way as provided in SRC 76.160 (see Figure 524-5).

(B) *Alternative standard for existing buildings.* Notwithstanding subsection (f)(6)(A) of this section, where a building existing on March 16, 2022, does not include weather protection as required under this subsection, the percentage of weather protection existing along the ground floor façade shall not be reduced and additional weather protection meeting the sidewalk clearance requirements of subsection (f)(6)(A) may be added without meeting the minimum 90 percent standard.



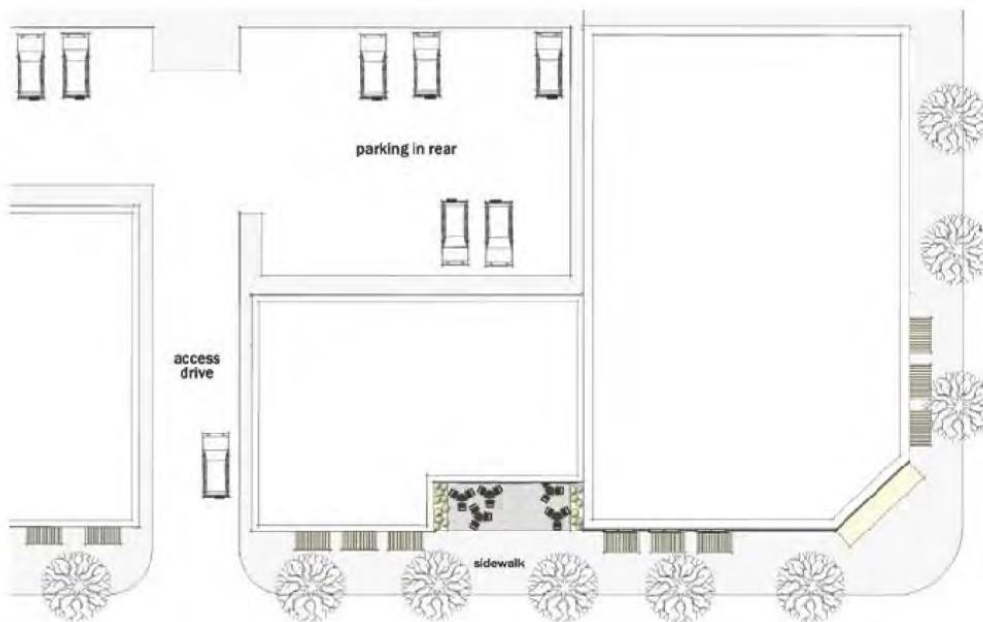
(7) Security fencing/gates. Where fencing/gates are used for security at recessed alcoves or entries of buildings, the security fencing/gates shall:

- (A) Be made of metal;
- (B) Not inhibit access to storefront alcoves during normal business operating hours;
- (C) Not be sight-obscuring;
- (D) Not be used to cover storefront display windows that are not components of a recessed alcove or entry; and
- (E) Have an open area of 70 percent or greater. For purpose of this standard, open area means the proportion of perforations or other open voids included within the fence/gate as compared to the total fence/gate area. For example, a security fence/gate that has an open area of 70 percent means that 70 percent of the area

of the security fence/gate consists of open voids while the remaining 30 percent constitutes solid material surface.

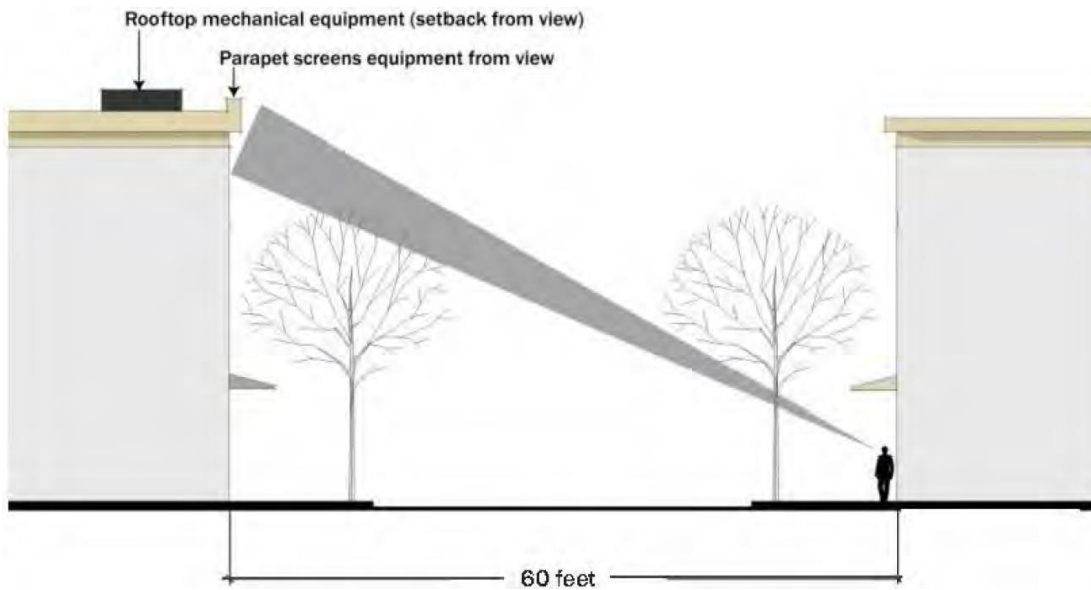
(8)(7) *Balconies.* Building facades facing Front Street shall provide upper floor balconies for residential units. Balconies shall be a minimum of 48 square feet in size, have no dimension less than six feet, and shall be directly accessible from each dwelling unit through a doorway.

(9)(8) *Off-street parking location.* Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street (see Figure 524-6).



(10)(9) *Mechanical and service equipment.* Mechanical and service equipment shall conform to the following standards:

- (A) *Ground level mechanical and service equipment.* Ground level mechanical and service equipment shall be screened with landscaping and/or a sight-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings (see Figure 524-7).
- (B) *Rooftop mechanical and service equipment.* Rooftop mechanical and service equipment, with the exception of solar panels and wind generators, shall be setback or screened so as to not be visible to a person standing at ground level 60 feet from the building. (see Figure 524-8).



~~(11)~~(10) *Pedestrian walkways.* Above grade pedestrian walkways may be provided, except that no above grade pedestrian walkway shall be provided to property located within the Salem Downtown Historic District.

Sec. 525.010. Development standards.

Development within the WSCB zone must comply with the development standards set forth in this section.

(a) *Continued development.* Buildings and structures existing within the WSCB zone on June 13, 2018, which would otherwise be made non-conforming by this chapter, are hereby deemed continued development.

(1) *Single family uses.*

(A) *Buildings.* Continued development housing a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development

standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.

- (B) *Accessory structures.* Existing accessory structures on the same property as a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
 - (C) *Option to rebuild in same location.* Notwithstanding SRC 525.010(a)(1)(A) and (B), any continued development housing a continued single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).
- (2) *All other uses.* Continued development housing a use other than a continued single family use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:
- (A) *Minor alterations.* Exterior alterations to buildings that alter an existing building façade area facing a public street right-of-way by less than 20 percent are exempt from all of the development standards in this chapter. Such alterations shall not increase the building façade's nonconformity to the design standards of SRC ~~525.020~~525.010(i).
 - (B) *Minor additions.* Additions to buildings that alter or enlarge an existing building façade area facing a public street right-of-way by less than 20 percent are exempt from all of the development standards in this chapter except for street frontage, interior setbacks, parking, landscaping, and maximum height standards. Such additions shall not increase the building façade's nonconformity to the design standards of SRC ~~525.020~~525.010(i).
 - (C) *Major alterations.* Exterior alterations to buildings that alter an existing building façade area facing a public street right-of-way by between 20 percent and 60 percent shall decrease that building façade's nonconformity to all design standards of SRC ~~525.020~~525.010(i). Such alterations are exempt from all other development standards in this chapter.
 - (D) *Major additions.* Additions to buildings that enlarge an existing building façade area facing a public street right-of-way by between 20 percent and 60 percent shall comply with at least two of the four design ~~review~~ standards of SRC ~~525.020~~525.010(i) and all applicable development standards in this chapter except for setback abutting a street and the parking location standards of SRC 525.010(~~hg~~)(4).
 - (E) *Substantial alterations.* Exterior alterations to buildings that alter an existing building façade area facing a public street right-of-way by more than 60 percent shall meet all applicable design ~~review guidelines or standards of this chapter~~

525.010(i). Such alterations are exempt from all other development standards in this chapter.

(F) *Substantial additions or redevelopment.* Additions to buildings that enlarge an existing building façade area facing a public street right-of-way by more than 60 percent shall meet all applicable development standards ~~and design review guidelines or standards~~ in this chapter. Continued development that is rebuilt following damage or destruction shall meet all applicable development standards ~~and design review guidelines or standards~~ in this chapter.

(b) *Grade separated street frontage.* Portions of property street frontage that are separated from the grade of the street with a road ramp above the grade of the property line abutting the street are exempt from setbacks abutting a street, off-street parking location, and design review requirements ~~standards~~.

(c) *Lot standards.* Lots within the WSCB zone shall conform to the standards set forth in Table 525-2.

**TABLE 525-2
LOT STANDARDS**

Table 525-2: Lot Standards		
Requirement	Standard	Limitations and Qualifications
LOT AREA		
All uses	None	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
All other uses	Min. 16 ft.	

(d) *Development density.* Development density within the WSCB zone shall conform to the standards set forth in table 525-3.

**TABLE 525-3
DEVELOPMENT DENSITY**

TABLE 525-3. DEVELOPMENT DENSITY			
Use	Standard		Limitations and Qualifications
	Minimum	Maximum	
Dwelling Unit Density			
<u>Single family, two family, three family, four family, and multiple family</u>	<u>15 dwelling units per acre</u>	<u>None</u>	<u>Applicable to development that is exclusively residential.</u>
<u>Room and board</u>	<u>15 dwelling units per acre</u>	<u>None</u>	<u>Applicable to single-room occupancy.</u>

	N/A	N/A	Applicable to all other room and board.
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(de) *Setbacks.* Setbacks within the WSCB zone shall be provided as set forth in Table 525-~~34~~.

**TABLE 525-~~43~~
SETBACKS**

Table 525- 43 : Setbacks		
Requirement	Standard	Limitations and Qualifications
ABUTTING STREET		
Buildings		
All uses	0 ft.	Maximum setback of up to 10 feet is permitted if the space is used for pedestrian amenities. This setback shall not apply from Wallace Road or side street frontages within 60 feet of Wallace Road.
	Min. 0 ft./Max. 60 ft.	This setback shall apply from Wallace Road NW. Where a minimum of 50 percent of the buildable width of a lot is already occupied by buildings, or portions of buildings, located within 60 feet of the Wallace Road right-of-way, the maximum setback shall not apply.
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	0 ft. or 10 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	0 ft. or 10 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR FRONT		
Buildings		
All uses	Zone-to-zone setback (Table 525- 54)	
Accessory Structures		
Accessory to all uses	Zone-to-zone setback (Table 525- 54)	
Vehicle Use Areas		
All uses	Per SRC Chapter 806	
INTERIOR SIDE		

Buildings		
All uses	Zone-to-zone setback (Table 525-54)	
Accessory Structures		
Accessory to all uses	Zone-to-zone setback (Table 525-54)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 525-54)	
INTERIOR REAR		
Buildings		
All uses	Zone-to-zone setback (Table 525-54)	
Accessory Structures		
Accessory to all uses	Zone-to-zone setback (Table 525-54)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 525-54)	

**TABLE 525-54
ZONE-TO-ZONE SETBACKS**

Table 525-54: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback (1)	Landscaping and Screening
EFU	Buildings and accessory structures	Min. 5 ft.	Type A
	Vehicle use areas		
Residential Zone	Buildings and accessory structures	Min. 10 ft.	Type B
	Vehicle use areas		
Mixed-Use Zone	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A
Commercial Zone	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A

Public Zone	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and accessory structures	None	
	Vehicle use areas	Min. 5 ft.	Type A
Industrial and Employment Zone: IG	Buildings and accessory structures	Min 10 ft.	Type C
	Vehicle use areas		
Limitations and Qualifications			
(1) Zone-to-Zone setbacks are not required abutting an alley.			

(fe) *Lot coverage; height.* Buildings and accessory structures within the WSCB zone shall conform to the lot coverage and height standards set forth in Table 525-65.

**TABLE 525-65
LOT COVERAGE; HEIGHT**

Table 525-65: Lot Coverage; Height		
Requirement	Standard	Limitations and Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No max.	
REAR YARD COVERAGE		
Buildings		
All uses	No max.	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(gf) *Landscaping.* Landscaping within the WSCB zone shall be provided as set forth in this subsection.

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.

(hg) *Off-street parking.* Within a single development site, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

(i) Design. Development within the WSCB zone shall conform to the design standards set forth in this subsection; provided, however, any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230. The design standards included in this subsection are not design review standards and are therefore not subject to design review under SRC Chapter 225.

~~Sec. 525.015. Design review.~~

~~Design review under SRC chapter 225 is required for development within the WSCB Zone as follows:~~

- ~~(a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 525.020 is required for all development within the WSCB zone.~~
- ~~(b) Multiple family development shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 525.020.~~
- ~~(c) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.~~

~~Sec. 525.020. Design review guidelines and design review standards.~~

- ~~(a) Building orientation and design.~~
- ~~(1) Design review guidelines.~~
- ~~(A) Buildings shall create safe, pleasant, and active pedestrian environments.~~
- ~~(B) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to a street in order to create a comfortable and inviting pedestrian environment.~~

~~(12) Design review standards.~~ Building orientation and design.

- (A) A primary building entrance shall be provided for each building facade facing and adjacent to a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect. Primary building entrances shall be provided for each building façade facing a street as follows:
 - (i) For non-residential uses on the ground floor, a primary building entrance shall be provided for each non-residential ground floor tenant space facing a street. If a non-residential ground floor tenant space within a building has frontage on more than one street, a single primary building entrance for the non-residential ground floor tenant space may be provided at the corner of the building where the streets intersect.

(ii) For residential uses on the ground floor, a primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect.

(B) Ground floor building facades facing and adjacent to a street shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

(C) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 90 percent of the length of the ground floor building facade adjacent to a street. Awnings or canopies shall have a minimum depth of six feet, shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160.

~~(b) Site access.~~

~~(21) Site access. Design review guidelines.~~

~~(A) For properties with Wallace Road frontage, vehicle access onto Wallace Road shall be minimized when access to parking is available from a local street.~~

~~(2) Design review standards.~~

(A) For properties with Wallace Road frontage, new driveway approaches onto Wallace Road shall not be constructed when access to parking is available from a local street.

Sec. 533.010. Uses.

(a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-I zone are set forth in Table 533-1.

**TABLE 533-1
USES**

Table 533-1: Uses		
	Status	
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Townhouse. ■ Residential home, as defined under ORS 197.660. ■ Single family, when located in a mixed-use building.
	N	All other single family.
Two family	PN	<u>Two family, when located in a mixed-use building.</u>
	N	<u>All other two family.</u>
Three family	P	
Four family	P	

Multiple family	P	
Group Living		
Room and board	P	Single-room occupancy.
	N	All other room and board.
Residential care	P	The following residential care activities: <ul style="list-style-type: none"> ■ Residential facility, as defined under ORS 197.660. ■ Assisted living.
	N	All other residential care.
Nursing care	N	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Non-profit shelters	P	Non-profit shelters serving 5 or fewer persons.
	C	Non-profit shelters serving 6 to 75 persons.
	N	All other non-profit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	
Personal services	P	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	Standalone surface parking lots
	P	All other commercial parking
Park-and-ride facilities	P	Park-and-ride facilities, when converted from portions of existing off-street parking areas.
	N	All other park-and-ride facilities.
Taxicabs and car services	N	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—Indoor	N	Firing ranges
	P	All other commercial entertainment—Indoor.
Commercial entertainment—Outdoor	N	

Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	
Non-profit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Government services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and ground services and construction contracting	N	
Cleaning plants	N	
Industrial services	N	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	
Warehousing and distribution	N	
Self-service storage	N	
Manufacturing		
General manufacturing	P	General manufacturing, provided the manufacturing does not exceed 5,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	N	All other general manufacturing.

Heavy manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation facilities	N	
Passenger ground transportation facilities	P	Transit stop shelters.
	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	N	Reservoirs; water storage facilities; electric substation.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	N	
Mining and natural resource extraction	N	
Petroleum and natural gas	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Construction modular, subject to SRC 701.016. ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030. ■ Safe parking shelter, subject to SRC 701.041.
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

- (b) *Prohibited uses.* Notwithstanding Table 533-1, any permitted, special, or conditional use within the MU-I zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Existing, legally-established uses within the MU-I zone established prior to August 24, 2022, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.

- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
 - (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or
 - (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 533.015(g).
- (2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.
- (3) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Sec. 533.015. Development standards.

Development within the MU-I zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

**TABLE 533-2
LOT STANDARDS**

Table 533-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All uses	None	
Lot width		
All uses	None	
Lot depth		
All uses	None	
Street frontage		
All uses	16 ft.	

- (b) *Dwelling unit density.* Development within the MU-I zone that is exclusively residential or single-room occupancy shall have a minimum density of 15 dwelling units per acre.
- (c) *Setbacks.* Setbacks within the MU-I zone shall conform to the standards set forth in Tables 533-3 and 533-4.

**TABLE 533-3
SETBACKS**

Table 533-3: Setbacks

Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	(1) Maximum 10-foot setback applies if the setback area is used for pedestrian amenities.
		<p>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street.</p> <p>b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designation by the applicant. No minimum or maximum setback is required abutting the other street.</p>
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to [SRC] 533.015(h).
		<p>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing facade of the new building and the street.</p> <p>b) For double frontage lots, the maximum setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No maximum setback is required abutting the other street.</p>
Accessory Structures		
All uses	Min. 10 ft.	
Vehicle Use Areas		
All uses	Per SRC chapter 806	The use of a berm under [SRC] 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		
All uses	Zone-to-zone setback	

	(Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 533-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 533-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 533-4)	

**TABLE 533-4
ZONE-TO-ZONE SETBACKS**

Table 533-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet ⁽²⁾	Type C
	Vehicle use areas	Min. 5 ft.	Type C
Mixed-use zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A

Commercial zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and employment zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Limitations & Qualifications			
(1) Zone-to-zone setbacks are not required abutting an alley.			
(2) The additional 1.5-feet for each 1-foot of building height above 15 feet does not apply abutting a creek.			

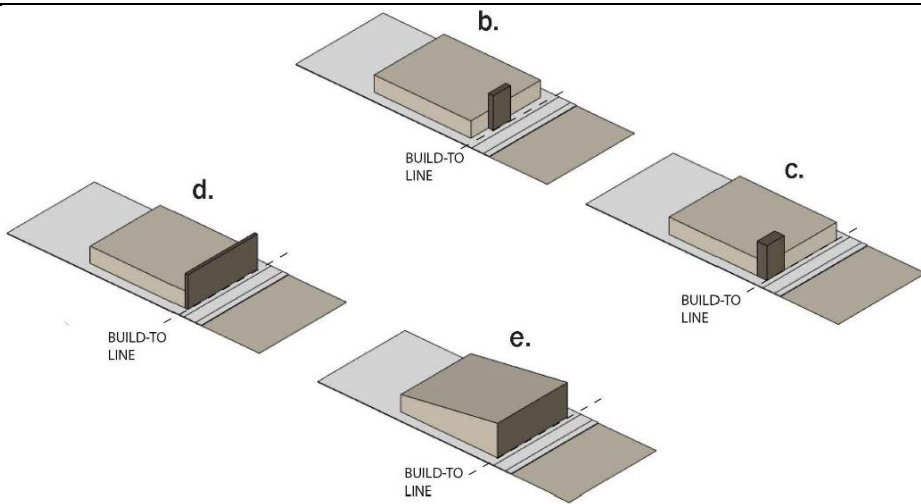
- (d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the MU-I zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 533-5.

**TABLE 533-5
LOT COVERAGE; HEIGHT; BUILDING FRONTAGE**

Table 533-5: Lot Coverage; Height; Building Frontage		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	NA	
Accessory Structures		
All uses	No Max.	
Height		
Buildings		
All uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max. 65 ft.	Applicable to buildings on all other lots.

	Min. 20 ft.	New buildings or additions shall satisfy the minimum height requirements through one of the following options:
		a) Roof. Provide a roof that is 20 feet in height.
		b) Prominent entry. Provide an attached entry that is 20 feet in height, extends for a minimum of 25 percent of the length of the front facade, and extends to the front lot line.
		c) Cupola. Provide a 20-foot tall portion of the building for a minimum of 25 percent of the length of the front facade. It shall include the front facade wall and extend a minimum of 10 feet behind the front wall.
		d) False front. Provide a front facade wall that is 20 feet in height along the entire length of the building.
		e) Reverse shed. Provide a front facade wall that is 20 feet in height along the entire length of the building, and slope the roof down toward the rear of the building.

**FIGURE 533-1
EXAMPLE OF OPTIONS TO MEET MINIMUM HEIGHT REQUIREMENT**



Accessory Structures

All uses	Max. 45 ft.	Applicable to accessory structures on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.
	Max. 65 ft.	Applicable to accessory structures on all other lots.

Building Frontage

Buildings			
All uses	Min. 75%	(1)	For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
		(2)	For corner lots where both streets have the same classification, the applicant may choose on which street to meet the minimum 75% building frontage standard and on which street to meet the minimum 40% building frontage standard.
		(3)	For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.
Accessory Structures			
All uses	Not applicable		Accessory structures shall be located behind or beside buildings.

- (e) *Parking.* Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.
- (f) *Landscaping.*
 - (1) *Setback areas.* Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 533.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.
- (g) *Continued development.* Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.
 - (1) *Single family uses.*
 - (A) *Buildings.* Continued development housing a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.
 - (B) *Accessory structures.* Existing accessory structures on the same property as a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use

may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.

- (C) *Option to rebuild in same location.* Notwithstanding SRC 533.015(g)(1)(A) and (B), any continued development housing a continued single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).
- (2) *All other uses.* Continued development, housing a use other than a continued single family use, may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:
 - (A) *Minor alterations.* Exterior alterations to buildings that alter less than 20 percent of an existing building facade area facing a primary street are exempt from all of the development standards in this chapter. Such alterations shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 533-6.
 - (B) *Minor additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by less than 20 percent are exempt from all of the development standards in this chapter except for interior setbacks, parking, landscaping, and maximum height standards. Such additions shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 533-6.
 - (C) *Major alterations.* Exterior alterations to buildings that alter between 20 percent and 60 percent of an existing building facade area facing a primary street shall decrease that building facade's nonconformity to all pedestrian-oriented design standards in Table 533-6 that are applicable to that alteration. Such alterations are exempt from all other development standards in this chapter.
 - (D) *Major additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by between 20 percent and 60 percent shall:
 - (i) Comply with a minimum of three of the pedestrian-oriented design standards in Table 533-6; or
 - (ii) Comply with a minimum of one of the pedestrian-oriented design standards in Table 533-6 and add perimeter landscaping in vehicle use areas if such landscaping is not already required under SRC 533.015(f).

For the purposes of [SRC] 533.015(g)(2)(D)(h)(2)(C)(i) and (ii), the pedestrian-oriented design standards in Table 533-6 shall apply to the addition. Major additions must meet all other development standards in this chapter except for building frontage, maximum setback abutting a street, and minimum height.

- (E) *Substantial alterations.* Exterior alterations to buildings that alter more than 60 percent of an existing building facade area facing a primary street shall meet all

applicable pedestrian-oriented design standards in Table 533-6. Such alterations are exempt from all other development standards in this chapter.

(F) *Substantial additions or redevelopment.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by more than 60 percent shall meet all applicable development standards in this chapter. Continued development that is rebuilt following damage or destruction shall meet all development standards in this chapter.

(G) *Accessory structure.* Alterations and additions to accessory structures shall meet all applicable development standards in this chapter.

(h) *Pedestrian-oriented design.* Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

**TABLE 533-6
PEDESTRIAN-ORIENTED DESIGN**

Table 533-6: Pedestrian-Oriented Design		
Requirement	Standard	Limitations & Qualifications
Ground Floor Height		
This standard applies to building ground floors on primary streets.	Min. 14 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
FIGURE 533-2 GROUND FLOOR HEIGHT		
Separation of Ground Floor Residential Uses		
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.

	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.
	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.

FIGURE 533-3
HORIZONTAL SEPARATION



Building Facade Articulation			
This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.

			b)	Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:
				1. Recesses of a minimum depth of two feet.
				2. Extensions of a minimum depth of two feet.
				3. Vertically-oriented windows.
				4. Pilasters that project away from the building.
			c)	Top: Building tops shall be defined by at least one of the following standards:
				1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the facade.
				2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
				3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
				4. A roof overhang that is a minimum of eight inches beyond the face of the facade.
			(3)	The repainting of a facade of an existing building is exempt from this standard.

FIGURE 533-4
ARTICULATION



Ground Floor Windows

This standard applies to building ground floors on primary streets.	Min. 65%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent
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			windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

FIGURE 533-5
GROUND FLOOR WINDOWS



Building Entrances			
This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.

		(2)	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	Building entrances shall include weather protection.

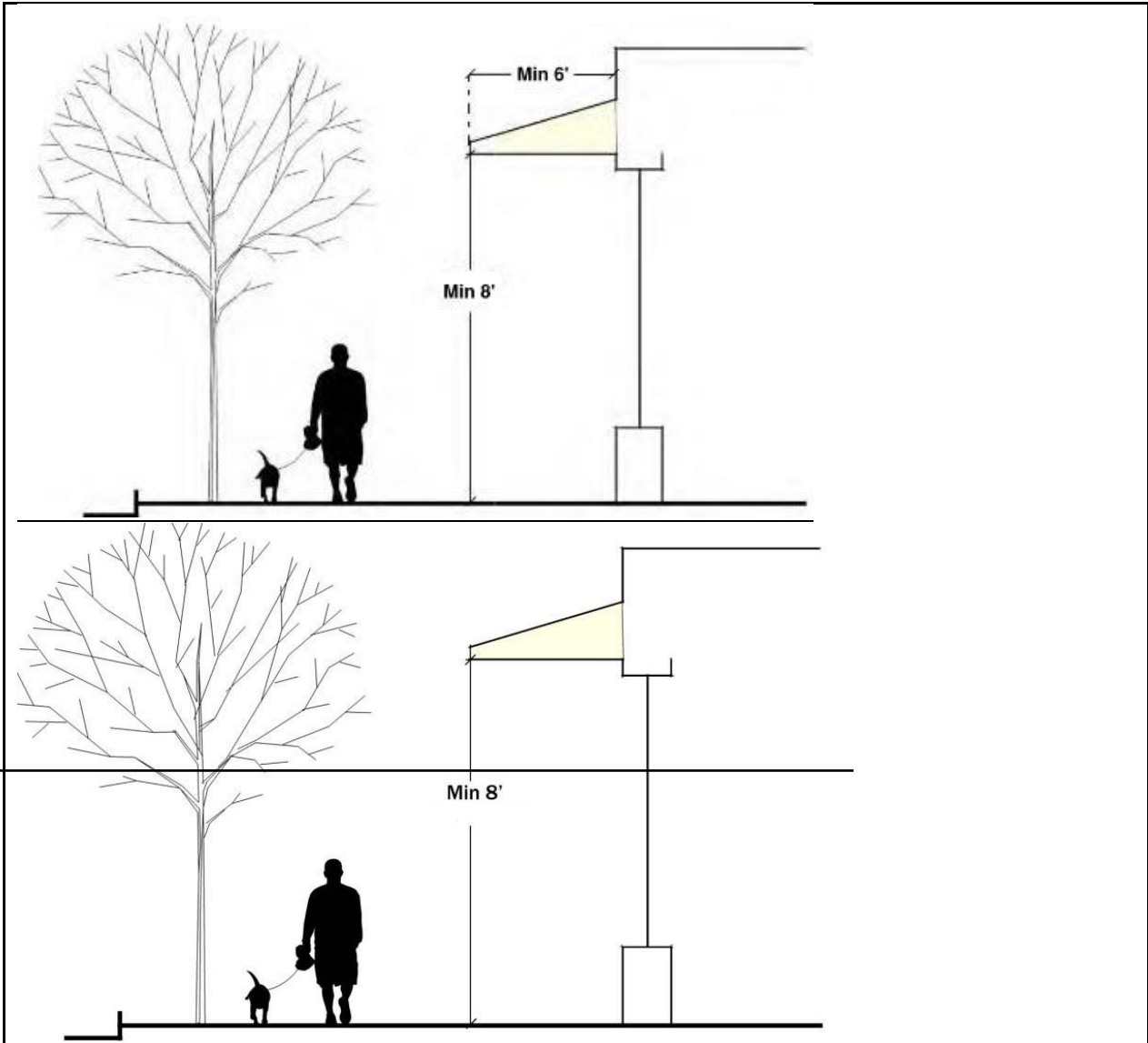
FIGURE 533-6
ENTRANCE AT BUILDING CORNER



Weather Protection

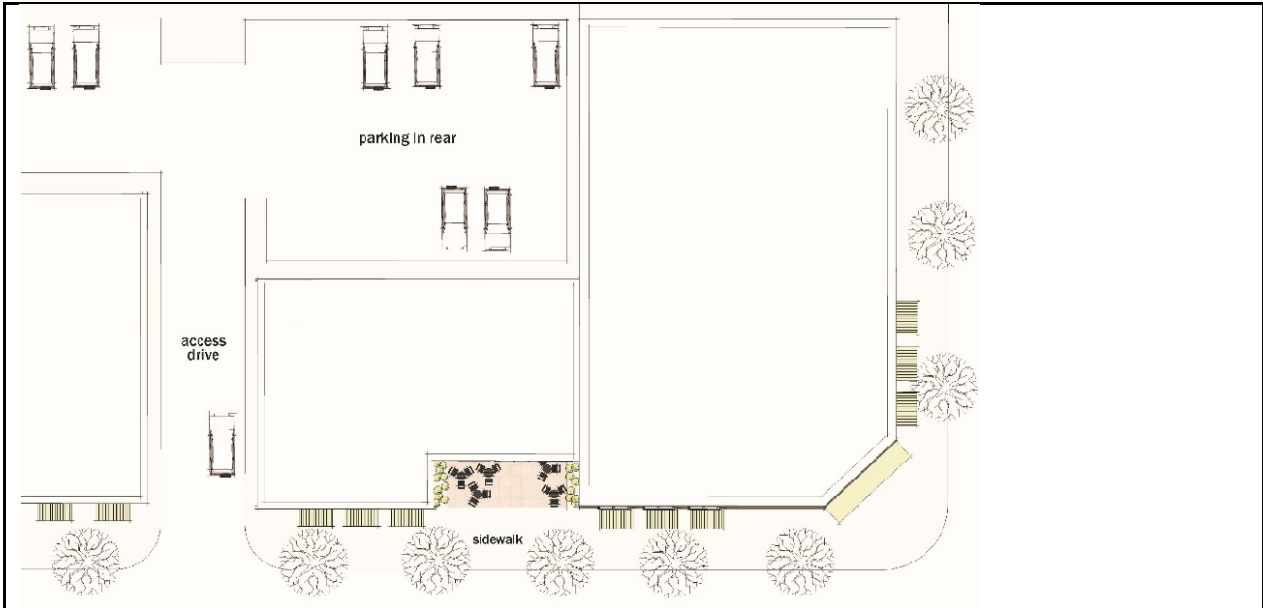
This standard applies to building ground floors adjacent to a street.	Min. 75%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		(2)	Awnings or canopies shall <u>have a minimum depth of 6 feet, shall</u> have a minimum clearance height above the sidewalk or ground surface of 8 feet, and may encroach into the street right-of-way as provided in SRC 76.160.

FIGURE 533-7
WEATHER PROTECTION



Parking Location		
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

FIGURE 533-8
OFF-STREET PARKING



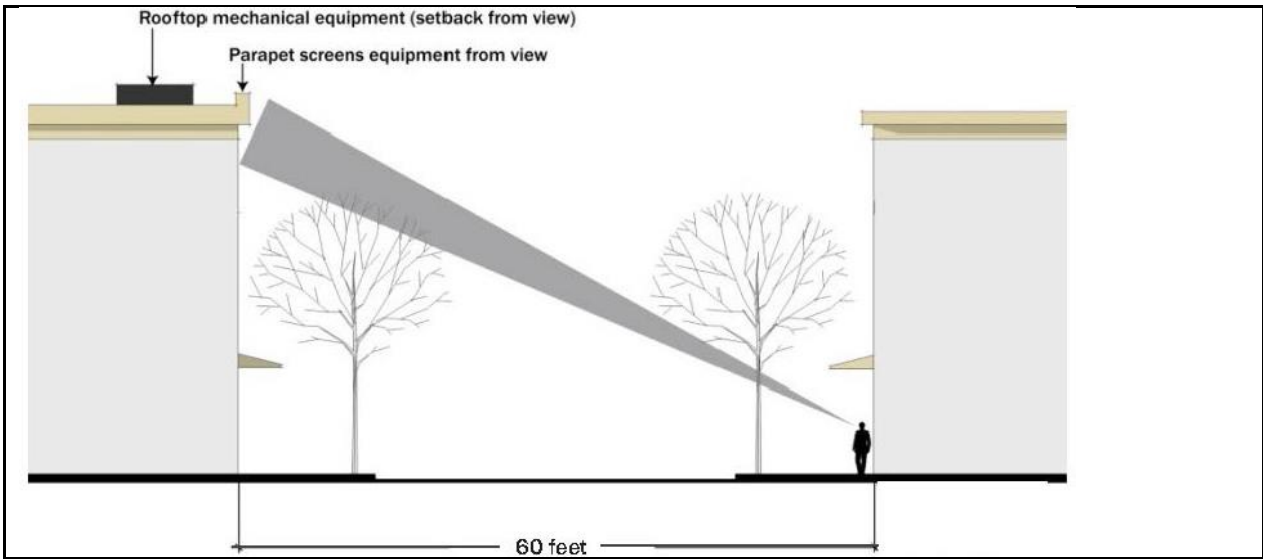
Mechanical and Service Equipment

<p>This standard applies to mechanical and service equipment.</p>	<p>Required</p>	<p>(1) Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.</p>
		<p>(2) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.</p>

FIGURE 533-9
GROUND-LEVEL MECHANICAL EQUIPMENT



FIGURE 533-10
ROOFTOP MECHANICAL EQUIPMENT



Sec. 534.010. Uses.

- (a) The permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-II zone are set forth in Table 534-1.

**TABLE 534-1
USES**

Table 534-1: Uses		
	Status	
Household Living		
Single family	P	The following single family activities: <ul style="list-style-type: none"> ■ Townhouse. ■ Residential home, as defined under ORS 197.660. ■ Single family, when located in a mixed-use building.
	N	All other single family.
Two family	PN	<u>Two family, when located in a mixed-use building.</u>
	N	<u>All other two family.</u>
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	P	The following room and board activities: <ul style="list-style-type: none"> ■ Single-room occupancy. ■ Other room and board serving 5 or fewer persons.
	C	Other room and board serving 6 to 75 persons.
	N	All other room and board

Residential care	P	The following residential care activities: <ul style="list-style-type: none"> ■ Residential facility, as defined under ORS 197.660. ■ Assisted living.
	N	All other residential care.
Nursing care	N	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	N	
Non-profit shelters	P	Non-profit shelters serving 5 or fewer persons.
	C	Non-profit shelters serving 6 to 75 persons.
	N	All other non-profit shelters.
Retail Sales and Services		
Eating and drinking establishments	P	
Retail sales	P	
Personal services	P	
Postal services and retail financial services	P	
Business and Professional Services		
Office	P	
Audio/visual media production	P	
Laboratory research and testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor vehicle and manufactured dwelling and trailer sales	N	
Motor vehicle services	N	
Commercial parking	N	Standalone surface parking lots
	P	All other commercial parking
Park-and-ride facilities	P	Park-and-ride facilities, when converted from portions of existing off-street parking areas.
	N	All other park-and-ride facilities.
Taxicabs and car services	N	
Heavy vehicle and trailer sales	N	
Heavy vehicle and trailer service and storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—Indoor	N	Firing ranges
	P	All other commercial entertainment—Indoor.
Commercial entertainment—Outdoor	N	
Major event entertainment	N	
Recreational and cultural community services	P	
Parks and open space	P	

Non-profit membership assembly	P	
Religious assembly	P	
Health Services		
Medical centers/hospitals	N	
Outpatient medical services and laboratories	P	
Educational Services		
Day care	P	
Basic education	P	
Post-secondary and adult education	P	
Civic Services		
Government services	P	
Social services	P	
Governmental maintenance services and construction	N	
Public Safety		
Emergency services	P	
Detention facilities	N	
Military installations	N	
Funeral and Related Services		
Cemeteries	N	
Funeral and cremation services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and ground services and construction contracting	N	
Cleaning plants	N	
Industrial services	N	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	
Warehousing and distribution	N	
Self-service storage	N	
Manufacturing		
General manufacturing	P	General manufacturing, provided the manufacturing does not exceed 5,000 square feet of total floor area per development site and retail sales of the products manufactured is provided on-site.
	N	All other general manufacturing.
Heavy manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation facilities	N	

Passenger ground transportation facilities	P	Transit stop shelters
	N	All other passenger ground transportation facilities.
Marine facilities	N	
Utilities		
Basic utilities	N	Reservoirs; water storage facilities; electric substation.
	P	All other basic utilities.
Wireless communication facilities	Allowed	Wireless communication facilities are allowed, subject to SRC chapter 703.
Drinking water treatment facilities	N	
Power generation facilities	N	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	N	
Mining and natural resource extraction	N	
Petroleum and natural gas	N	
Surface mining	N	
Farming, Forestry, and Animal Services		
Agriculture	N	
Forestry	N	
Agriculture and forestry services	N	
Keeping of livestock and other animals	N	
Animal services	P	
Other Uses		
Temporary uses	P	The following temporary uses: <ul style="list-style-type: none"> ■ Construction modular, subject to SRC 701.016. ■ Emergency shelter, subject to SRC 701.025. ■ Managed temporary village, subject to SRC 701.030. ■ Safe parking shelter, subject to SRC 701.041.
Home occupations	S	Home occupations, subject to SRC 700.020.
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

- (b) *Prohibited uses.* Notwithstanding Table 534-1, any permitted, special, or conditional use within the MU-II zone shall be a prohibited use if developed with a drive-through.
- (c) *Continued uses.* Existing, legally-established uses within the MU-II zone established prior to August 24, 2022, but which would otherwise be made non-conforming by this chapter, are hereby deemed continued uses.
- (1) Buildings or structures housing a continued use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided:
- (A) Such alteration, enlargement, or rebuilding of a conforming development complies with the standards in this chapter; or

- (B) Such alteration, enlargement, or rebuilding of a continued development complies with the standards set forth in SRC 534.015(g).
- (2) A continued use shall terminate if the building or structure ceases to be occupied for that continued use for any reason for a continuous period of one year.
- (3) Conversion of the building or structure to a conforming use shall thereafter prevent conversion back to the former continued use or any other continued use.

Sec. 534.015. Development standards.

Development within the MU-II zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the MU-II zone shall conform to the standards set forth in Table 534-2.

**TABLE 534-2
LOT STANDARDS**

Table 534-2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All Uses	None	
Lot Width		
All Uses	None	
Lot Depth		
All Uses	None	
Street Frontage		
All Uses	16 ft.	

- (b) *Dwelling unit density.* Development within the MU-II zone that is exclusively residential or single-room occupancy shall have a minimum density of 15 dwelling units per acre.
- (c) *Setbacks.* Setbacks within the MU-II zone shall conform to the standards set forth in Tables 534-3 and 534-4.

**TABLE 534-3
SETBACKS**

Table 534-3: Setbacks		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	(1) Maximum 10-foot setback applies if the setback area is used for pedestrian amenities.

		<p>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing facade of the new building and the street.</p> <p>b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.</p>
		(2) A minimum setback of five feet to a maximum setback of 10 feet is permitted for ground-floor residential uses if horizontal separation is provided pursuant to [SRC] 534.015(h).
		<p>a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing facade of the new building and the street.</p> <p>b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.</p>
Accessory Structures		
All uses	Min. 10 ft.	
Vehicle Use Areas		
All uses	Per SRC chapter 806	The use of a berm under 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 534-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 534-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback	

	(Table 534-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 534-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 534-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 534-4)	

**TABLE 534-4
ZONE-TO-ZONE SETBACKS**

Table 534-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential zone	Buildings and accessory structures	Min. 10 ft. plus 1.5 feet for each 1 foot of building height above 15 feet ⁽²⁾	Type C
	Vehicle Use Areas	Min. 5 ft.	Type C
Mixed-use zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Commercial zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public zone	Buildings and accessory structures	None	N/A

	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and employment zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Limitations & Qualifications			
(1) Zone-to-zone setbacks are not required abutting an alley.			
(2) The additional 1.5-feet for each 1-foot of building height above 15 feet does not apply abutting a creek.			

- (d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the MU-II zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 534-5.

**TABLE 534-5
LOT COVERAGE; HEIGHT; BUILDING FRONTAGE**

Table 534-5: Lot Coverage; Height; Building Frontage			
Requirement	Standard	Limitations & Qualifications	
Lot Coverage			
Buildings and Accessory Structures			
All uses	No Max.		
Rear Yard Coverage			
Buildings			
All uses	NA		
Accessory Structures			
All uses	No Max.		
Height			
Buildings and Accessory Structures			
All uses	Max. 45 ft.	Applicable to buildings on a lot or lots that are contiguous to a National Register Residential Historic District. For the purposes of this standard, contiguous shall include a lot or lots that are separated from a National Register Residential Historic District by an alley.	
	Max. 55 ft.	Applicable to buildings on all other lots.	
Building Frontage			
Buildings			
All uses	Min. 50%	(1)	For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
		(2)	For corner lots where both streets have the same classification, the applicant may choose

			on which street to meet the minimum 50% building frontage standard and on which street to meet the minimum 40% building frontage standard.
		(3)	For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.
Accessory Structures			
All uses	Not applicable		Accessory structures shall be located behind or beside buildings.

- (e) *Parking.* Off-street parking shall not be located on a new standalone surface parking lot in the MU-I zone or MU-II zone.
- (f) *Landscaping.*
 - (1) *Setback areas.* Setbacks, except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to [SRC] 534.015(h), shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.
- (g) *Continued development.* Buildings and structures existing within the MU-II zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.
 - (1) *Single family uses.*
 - (A) *Buildings.* Continued development housing a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.
 - (B) *Accessory structures.* Existing accessory structures on the same property as a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
 - (C) *Option to rebuild in same location.* Notwithstanding SRC 543.015(h)(1)(A) and (B), any continued development housing a continued single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in

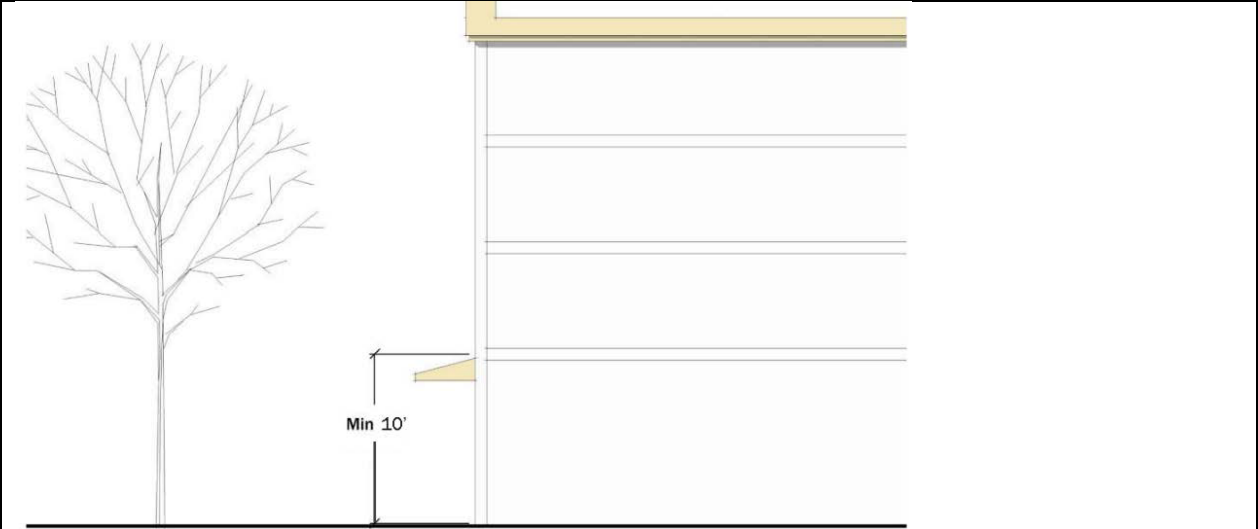
compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).

- (2) *All other uses.* Continued development, housing a use other than a continued single family use, may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:
- (A) *Minor alterations.* Exterior alterations to buildings that alter less than 20 percent of an existing building facade area facing a primary street are exempt from all of the development standards in this chapter. Such alterations shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 534-6.
 - (B) *Minor additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by less than 20 percent are exempt from all of the development standards in this chapter except for interior setbacks, parking, landscaping, and maximum height standards. Such additions shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 534-6.
 - (C) *Major alterations.* Exterior alterations to buildings that alter between 20 percent and 60 percent of an existing building facade area facing a primary street shall decrease that building facade's nonconformity to all pedestrian-oriented design standards in Table 534-6 that are applicable to that alteration. Such alterations are exempt from all other development standards in this chapter.
 - (D) *Major additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by between 20 percent and 60 percent shall:
 - (i) Comply with a minimum of three of the pedestrian-oriented design standards in Table 534-6; or
 - (ii) Comply with a minimum of one of the pedestrian-oriented design standards in Table 534-6 and add perimeter landscaping in vehicle use areas if such landscaping is not already required under SRC 534.015(f).
- For the purposes of [SRC] 534.015(g)(2)(D)(h)(2)(C)(i) and (ii), the pedestrian-oriented design standards in Table 534-6 shall apply to the addition. Major additions must meet all other development standards in this chapter except for building frontage and maximum setback abutting a street.
- (E) *Substantial alterations.* Exterior alterations to buildings that alter more than 60 percent of an existing building facade area facing a primary street shall meet all applicable pedestrian-oriented design standards in Table 534-6. Such alterations are exempt from all other development standards in this chapter.
 - (F) *Substantial additions or redevelopment.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by more than 60 percent shall meet all applicable development standards in this chapter. Continued development that is rebuilt following damage or destruction shall meet all development standards in this chapter.

(G) *Accessory structure.* Alterations and additions to accessory structures shall meet all applicable development standards in this chapter.

(h) *Pedestrian-oriented design.* Development within the MU-II zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 534-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

**TABLE 534-6
PEDESTRIAN-ORIENTED DESIGN**

Table 534-6: Pedestrian-Oriented Design		
Requirement	Standard	Limitations & Qualifications
Ground Floor Height		
This standard applies to building ground floors on primary streets.	Min. 10 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.
FIGURE 534-1 GROUND FLOOR HEIGHT		
		
Separation of Ground Floor Residential Uses		
This standard applies when a dwelling unit is located on the ground floor.	Vertical or horizontal separation shall be provided	For the purposes of this standard, separation is required between the public right-of-way and the residential entryway and any habitable room.
	Vertical Distance Min. 1.5 ft. Max. 3 ft.	Vertical separation shall take the form of several steps or a ramp to a porch, stoop, or terrace.

	Horizontal Distance Min. 5 ft. Max. 10 ft.	Horizontal separation shall take the form of a landscaped area such as private open space or hardscaped area such as a plaza.
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FIGURE 534-2
HORIZONTAL SEPARATION



Building Facade Articulation			
This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
		a)	Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.
		b)	Middle: Middle facades shall provide visual interest by incorporating at a

			minimum of every 50 feet at least one of the following standards:
			1. Recesses of a minimum depth of two feet.
			2. Extensions of a minimum depth of two feet.
			3. Vertically-oriented windows.
			4. Pilasters that project away from the building.
		c)	Top: Building tops shall be defined by at least one of the following standards:
			1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the facade.
			2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
			3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
			4. A roof overhang that is a minimum of eight inches beyond the face of the facade.
		(3)	The repainting of a facade of an existing building is exempt from this standard.

FIGURE 534-3
ARTICULATION



Ground Floor Windows

This standard applies to building ground floors on primary streets.	Residential uses Min. 30%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to
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			block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
	Non-residential uses Min. 65%	(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.

FIGURE 534-4
GROUND FLOOR WINDOWS



Building Entrances			
This standard applies to building ground floors on primary streets.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2)	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building

			has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	Building entrances shall include weather protection.

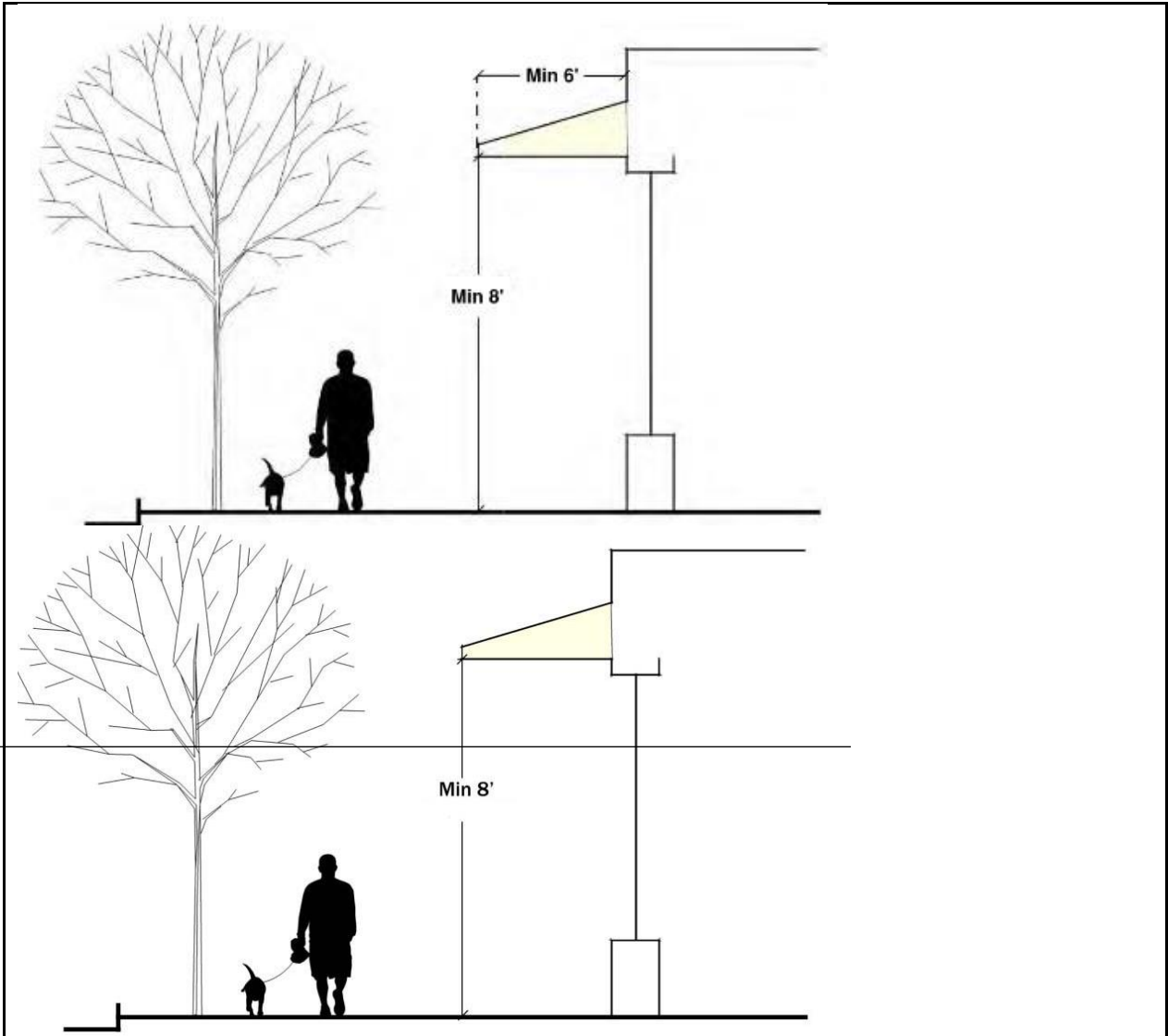
FIGURE 534-5
ENTRANCE AT BUILDING CORNER



Weather Protection

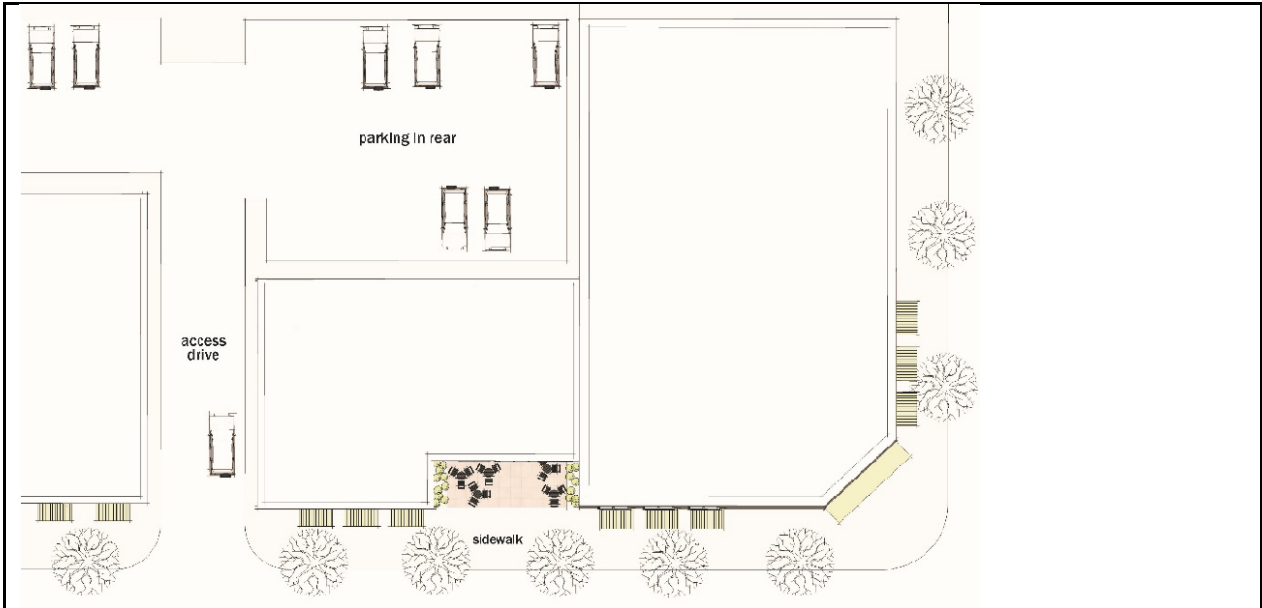
This standard applies to building ground floors adjacent to a street.	Residential uses Min. 50%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
	Non-residential uses Min. 75%	(2)	Awnings or canopies shall <u>have a minimum depth of 6 feet, shall</u> have a minimum clearance height above the sidewalk or ground surface of 8 feet, and may encroach into the street right-of-way as provided in SRC 76.160.

FIGURE 534-6
WEATHER PROTECTION



Parking Location		
This standard applies to off-street parking areas and vehicle maneuvering areas.	Required	Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street

FIGURE 534-7
OFF-STREET PARKING



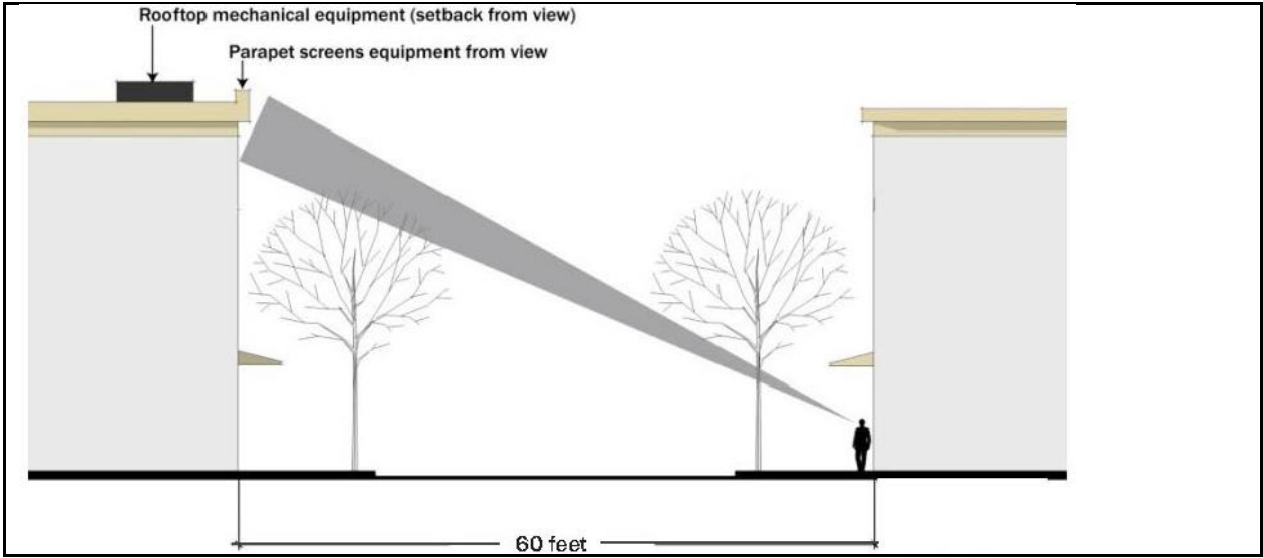
Mechanical and Service Equipment

<p>This standard applies to mechanical and service equipment.</p>	<p>Required</p>	<p>(1) Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.</p>
		<p>(2) Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.</p>

FIGURE 534-8
GROUND-LEVEL MECHANICAL EQUIPMENT



FIGURE 534-9
ROOFTOP MECHANICAL EQUIPMENT



Sec. 536.015. Development standards.

Development within the MU-R zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the MU-R zone shall conform to the standards set forth in Table 536-2.

**TABLE 536-2
LOT STANDARDS**

Table 536-2: Lot Standards		
Requirement	Standard	Limitations and Qualifications
Lot Area		
All uses	None	
Lot width		
All uses	None	
Lot depth		
All uses	None	
Street frontage		
All uses	16 ft.	

- (b) *Dwelling unit density.* Development within the MU-R zone that is exclusively residential or single-room occupancy shall have a minimum density of 15 dwelling units per acre.
- (c) *Setbacks.* Setbacks within the MU-R zone shall conform to the standards set forth in Tables 536-3 and 536-4.

**TABLE 536-3
SETBACKS**

Table 536-3: Setbacks		
Requirement	Standard	Limitations and Qualifications
Abutting Street		
Buildings		
All uses	0 ft. or Max. 10 ft.	(1) Maximum 10-foot setback applies if the setback area is used for pedestrian amenities.
		a) The maximum setback does not apply to a new building if another building exists between a minimum of 50 percent of the street-facing façade of the new building and the street.
		b) For double frontage lots, the setback abutting a street shall only apply to the street with the highest street classification or, where both streets have the same

		classification, the street designated by the applicant. No minimum or maximum setback is required abutting the other street.
		c) For lots contiguous to the river and located between the river and a street, the maximum setback shall only apply along a minimum of 50 percent of the length of the lot line abutting a street.
Accessory Structures		
All uses	Min. 10 ft.	
Vehicle Use Areas		
All uses	Per SRC chapter 806	The use of a berm under SRC 806.035(c)(2)(B) is prohibited.
Interior Side		
Buildings		
All uses	Zone-to-zone setback (Table 536-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 536-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 536-4)	
Interior Rear		
Buildings		
All uses	Zone-to-zone setback (Table 536-4)	
Accessory Structures		
All uses	Zone-to-zone setback (Table 536-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 536-4)	

**TABLE 536-4
ZONE-TO-ZONE SETBACKS**

Table 536-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening
EFU	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Residential zone	Buildings and accessory structures	Min. 15 ft.	Type C
	Vehicle use areas	Min. 5 ft.	Type C
Mixed-use zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Commercial zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Public zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Industrial and employment zone	Buildings and accessory structures	None	N/A
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	Type A
Limitations & Qualifications			
(1) Zone-to-zone setbacks are not required abutting an alley.			

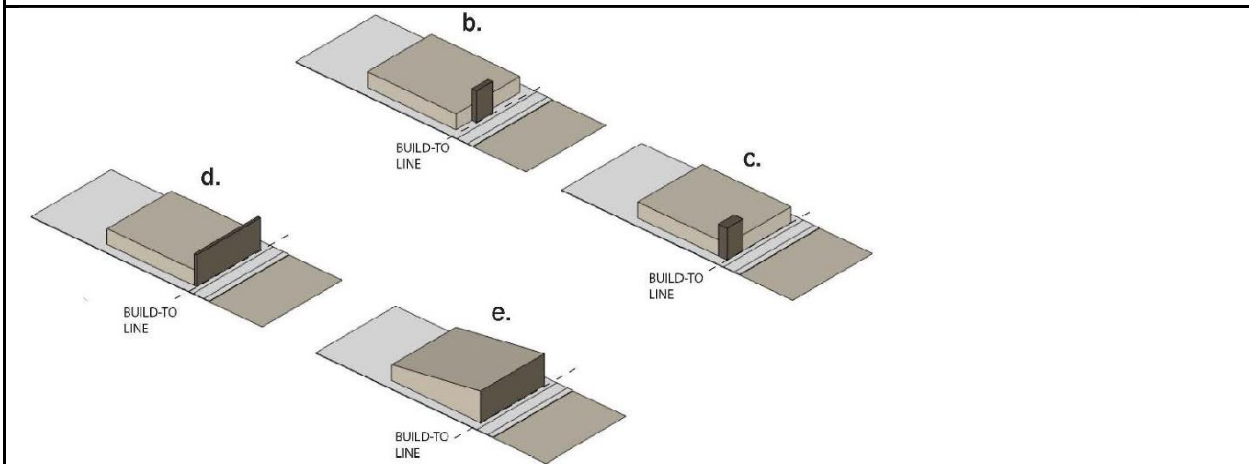
- (d) *Lot coverage; height; building frontage.* Buildings and accessory structures within the MU-R zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 536-5.

**TABLE 536-5
LOT COVERAGE; HEIGHT; BUILDING FRONTAGE**

Table 536-5: Lot Coverage; Height; Building Frontage		
Requirement	Standard	Limitations and Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	No Max.	
Rear Yard Coverage		
Buildings		
All uses	NA	
Accessory Structures		
All uses	No Max.	
Height		
Buildings		
All uses	Max. 70 ft.	

	Min. 20 ft.	New buildings or additions shall satisfy the minimum height requirements through one of the following options:	
		a)	Roof. Provide a roof that is 20 feet in height.
		b)	Prominent entry. Provide an attached entry that is 20 feet in height, extends for a minimum of 25 percent of the length of the front facade, and extends to the front lot line.
		c)	Cupola. Provide a 20-foot tall portion of the building for a minimum of 25 percent of the length of the front facade. It shall include the front facade wall and extend a minimum of 10 feet behind the front wall.
		d)	False front. Provide a front facade wall that is 20 feet in height along the entire length of the building.
		e)	Reverse shed. Provide a front facade wall that is 20 feet in height along the entire length of the building, and slope the roof down toward the rear of the building.

**FIGURE 536-1
EXAMPLE OF OPTIONS TO MEET MINIMUM HEIGHT REQUIREMENT**



Accessory Structures			
All uses	Max. 70 ft.		
Building Frontage			
Buildings			
All uses	Min. 50%	(1)	For corner lots, this standard must be met on the frontage of the street with the highest street classification. For the intersecting street, the building frontage standard is a minimum of 40%.
		(2)	For corner lots where both streets have the same classification, the applicant may choose

			on which street to meet the minimum 50% building frontage standard and on which street to meet the minimum 40% building frontage standard.
		(3)	For double frontage lots, this standard must only be met on the street with the highest classification. Where both streets have the same classification, the applicant may choose on which street the building frontage standard shall apply.
Accessory Structures			
All uses	Not applicable	Accessory structures shall be located behind or beside buildings.	

(e) *Landscaping.*

- (1) *Setback areas.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.

(f) *Continued development.* Buildings and structures existing on August 24, 2022, that would be made non-conforming development by this chapter are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.

(1) *Single family uses.*

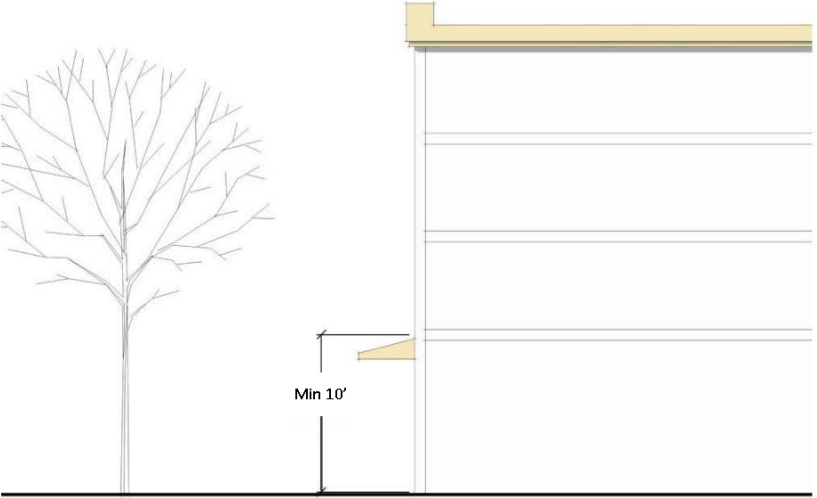
- (A) *Buildings.* Continued development housing a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.
- (B) *Accessory structures.* Existing accessory structures on the same property as a continued single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures to a continued use may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards, and to all other applicable provisions of the UDC.
- (C) *Option to rebuild in same location.* Notwithstanding SRC 536.015(f)(1)(A) and (B), any continued development housing a continued single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).

- (2) *All other uses.* Continued development, housing a use other than a continued single family use, may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:
- (A) *Minor alterations.* Exterior alterations to buildings that alter less than 20 percent of an existing building facade area facing a primary street are exempt from all of the development standards in this chapter. Such alterations shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 536-6.
 - (B) *Minor additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by less than 20 percent are exempt from all of the development standards in this chapter except for interior setbacks, parking, landscaping, and maximum height standards. Such additions shall not increase the building facade's nonconformity to the pedestrian-oriented design standards in Table 536-6.
 - (C) *Major alterations.* Exterior alterations to buildings that alter between 20 percent and 60 percent of an existing building facade area facing a primary street shall decrease that building facade's nonconformity to all pedestrian-oriented design standards in Table 536-6 that are applicable to that alteration. Such alterations are exempt from all other development standards in this chapter.
 - (D) *Major additions.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by between 20 percent and 60 percent shall:
 - (i) Comply with a minimum of three of the pedestrian-oriented design standards in Table 536-6; or
 - (ii) Comply with a minimum of one of the pedestrian-oriented design standards in Table 536-6 and add perimeter landscaping in vehicle use areas if such landscaping is not already required under SRC 536.015(d).

For the purposes of SRC 536.015(f)(2)(D)(i) and (ii), the pedestrian-oriented design standards in Table 536-6 shall apply to the addition. Major additions must meet all other development standards in this chapter except for building frontage, maximum setback abutting a street, and minimum height.
 - (E) *Substantial alterations.* Exterior alterations to buildings that alter more than 60 percent of an existing building facade area facing a primary street shall meet all applicable pedestrian-oriented design standards in Table 536-6. Such alterations are exempt from all other development standards in this chapter.
 - (F) *Substantial additions or redevelopment.* Additions to buildings that enlarge or alter an existing building facade area facing a primary street by more than 60 percent shall meet all applicable development standards in this chapter. Continued development that is rebuilt following damage or destruction shall meet all development standards in this chapter.
 - (G) *Accessory structure.* Alterations to and additions to accessory structures shall meet all applicable development standards in this chapter.

- (g) *Pedestrian-oriented design.* Development within the MU-R zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 536-6. Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

**TABLE 536-6
PEDESTRIAN-ORIENTED DESIGN**

Table 536-6: Pedestrian-Oriented Design			
Requirement	Standard	Limitations and Qualifications	
Ground Floor Height			
This standard applies to building ground floors on primary streets.	Min. 10 ft.	For the purposes of this standard, ground floor height is measured from the floor to the ceiling of the first floor.	
<p>FIGURE 536-2 GROUND FLOOR HEIGHT</p> 			
Public Pedestrian Access			
This standard applies between the Willamette River and Front Street.	Public pedestrian access shall be provided at least every 400 feet	(1)	For the purposes of this standard, public pedestrian access shall be in the form of a sidewalk, street, or alley that is a minimum of 12 feet wide and that meets at least three of the following standards:
		(a)	Incorporate visual contrast or tactile finish texture. (b) Be constructed with pavers, scored or colored concrete, and/or stamped asphalt. (c) Be elevated above parking areas and driveways by a height of 3 to 3.5 inches. (d) Be defined with landscaping or building features such as canopies, awnings, or arcades.

			(e) Provide active use frontages and/or entrances with overlooking windows, stoops, or terraces. (f) Provide pedestrian-level lighting.
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FIGURE 536-3
PEDESTRIAN CONNECTIONS



Building Facade Articulation

This standard applies to building facades facing primary streets.	Required	(1)	For buildings on corner lots, where the primary street intersects with a secondary street, these standards shall apply to the full length of the front facade and the portion of the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
		(2)	Buildings shall incorporate vertical and horizontal articulation and shall divide vertical mass into a base, middle, and top.
			a) Base: Ground floor facades shall be distinguished from middle facades by at least one of the following standards:
			1. Change in materials.
			2. Change in color.
			3. Molding or other horizontally-articulated transition piece.
			b) Middle: Middle facades shall provide visual interest by incorporating at a minimum of every 50 feet at least one of the following standards:
			1. Recesses of a minimum depth of two feet.

			2. Extensions of a minimum depth of two feet.
			3. Vertically-oriented windows.
			4. Pilasters that project away from the building.
			c) Top: Building tops shall be defined by at least one of the following standards:
			1. Cornice that is a minimum of eight inches tall and a minimum of three inches beyond the face of the facade.
			2. Change in material from the upper floors, with that material being a minimum of eight inches tall.
			3. Offsets or breaks in roof elevation that are a minimum of three feet in height.
			4. A roof overhang that is a minimum of eight inches beyond the face of the facade.
		(3)	The repainting of a facade of an existing building is exempt from this standard.

FIGURE 536-4
ARTICULATION



Ground Floor Windows

This standard applies to building ground floors on primary streets and building ground floors along the riverfront.	Min. 65%	(1)	For the purposes of this standard, ground floor building facades shall include the minimum percentage of transparent windows. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.
		(2)	For buildings on corner sites, where the primary street intersects with a secondary street, this standard shall apply to the full length of the front facade and the portion of

			the side facade that extends a minimum of 50 feet from the corner where the primary street meets the secondary street, or to the edge of the building or the lot, whichever is shorter.
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FIGURE 536-5
GROUND FLOOR WINDOWS



Building Entrances			
This standard applies to building ground floors on primary streets and building ground floors along the riverfront.	Required	(1)	For non-residential uses on the ground floor, a primary building entrance for each tenant space facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a non-residential tenant space at the corner of the building where the streets intersect may be provided at that corner.
		(2)	For residential uses on the ground floor, a primary building entrance for each building facade facing a primary street shall be located on the primary street. If a building has frontage on a primary street and any other street, a single primary building entrance for a residential use on the ground floor may be provided at the corner of the building where the streets intersect.
		(3)	For all uses on the ground floor of a building along the riverfront, at least one primary

			building entrance shall face the Willamette River.
		(4)	Building entrances shall include weather protection.

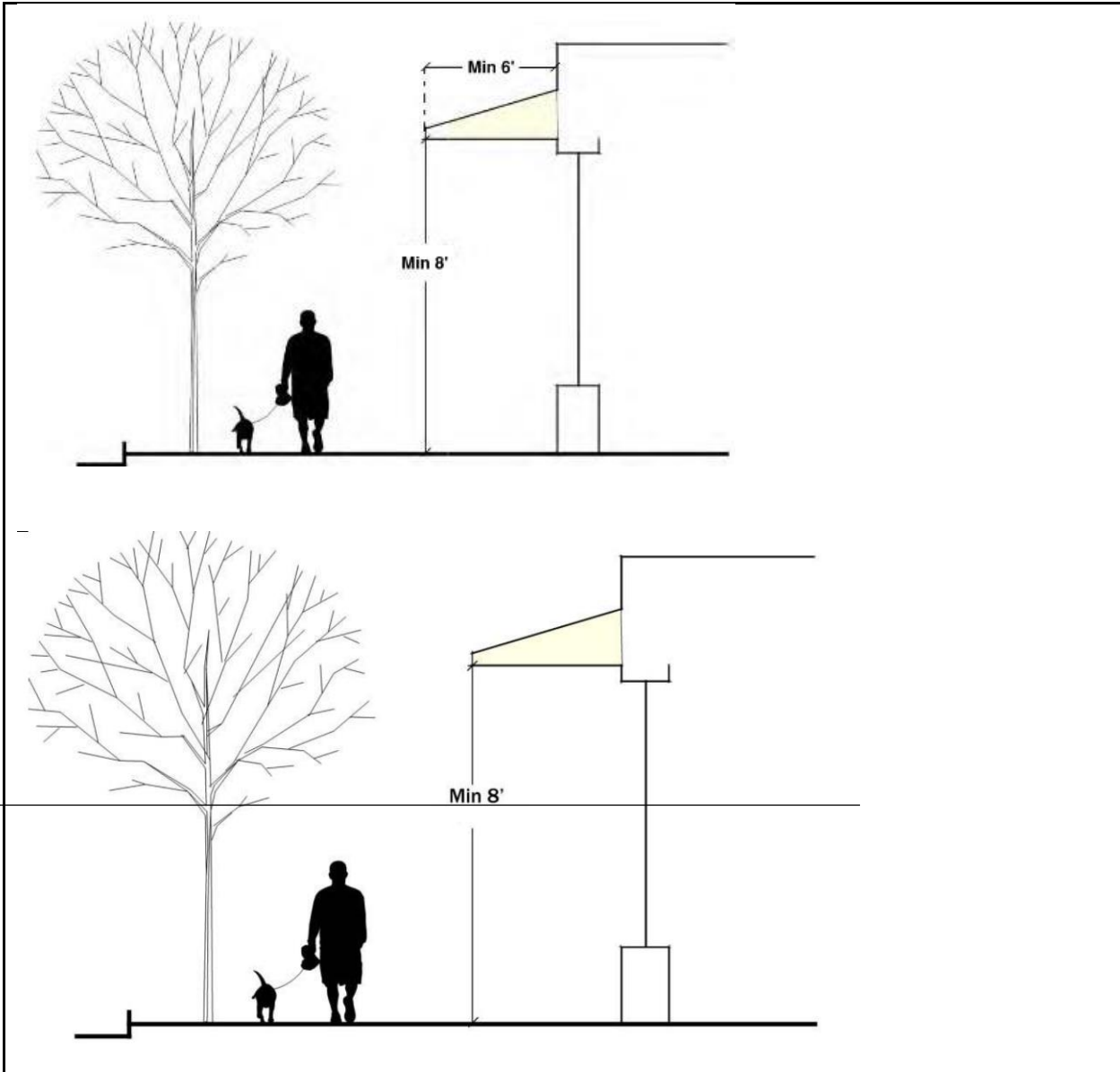
FIGURE 536-6
ENTRANCE AT BUILDING CORNER



Weather Protection

This standard applies to building ground floors adjacent to a street and along the riverfront.	Residential uses Min. 50% Non-residential uses Min. 75%	(1)	For the purposes of this standard, weather protection in the form of awnings or canopies shall be provided along the ground floor building facade for the minimum length required.
		(2)	Awnings or canopies shall <u>have a minimum depth of 6 feet, shall have a minimum clearance height above the sidewalk or ground surface of 8 feet,</u> and may encroach into the street right-of-way as provided in SRC 76.160.

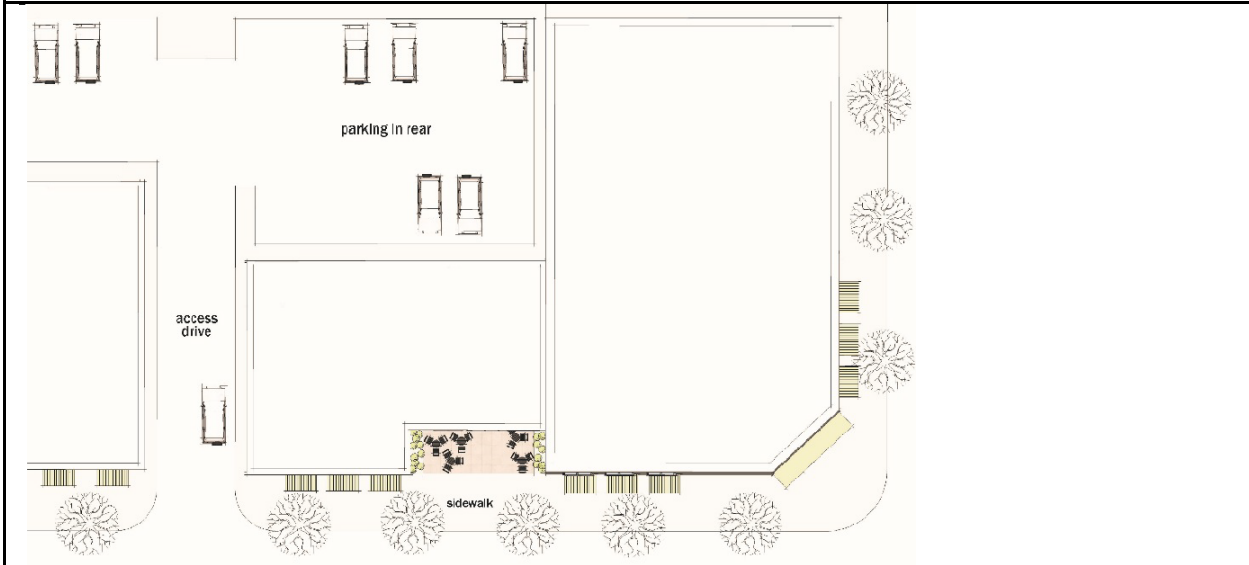
FIGURE 536-7
WEATHER PROTECTION



Parking Location			
<p>This standard applies to off-street parking areas and vehicle maneuvering areas.</p>	<p>Required</p>	<p>(1)</p>	<p>Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.</p> <p>a) When a building is located on property contiguous to the river and is located between the river and a street, off-street surface parking areas and vehicle maneuvering areas may be located between a building and the street along a maximum of 50 percent of the length of the lot line</p>

			abutting a street, provided a three-foot tall, decorative, sight-obscuring wall is provided between those areas and the street.
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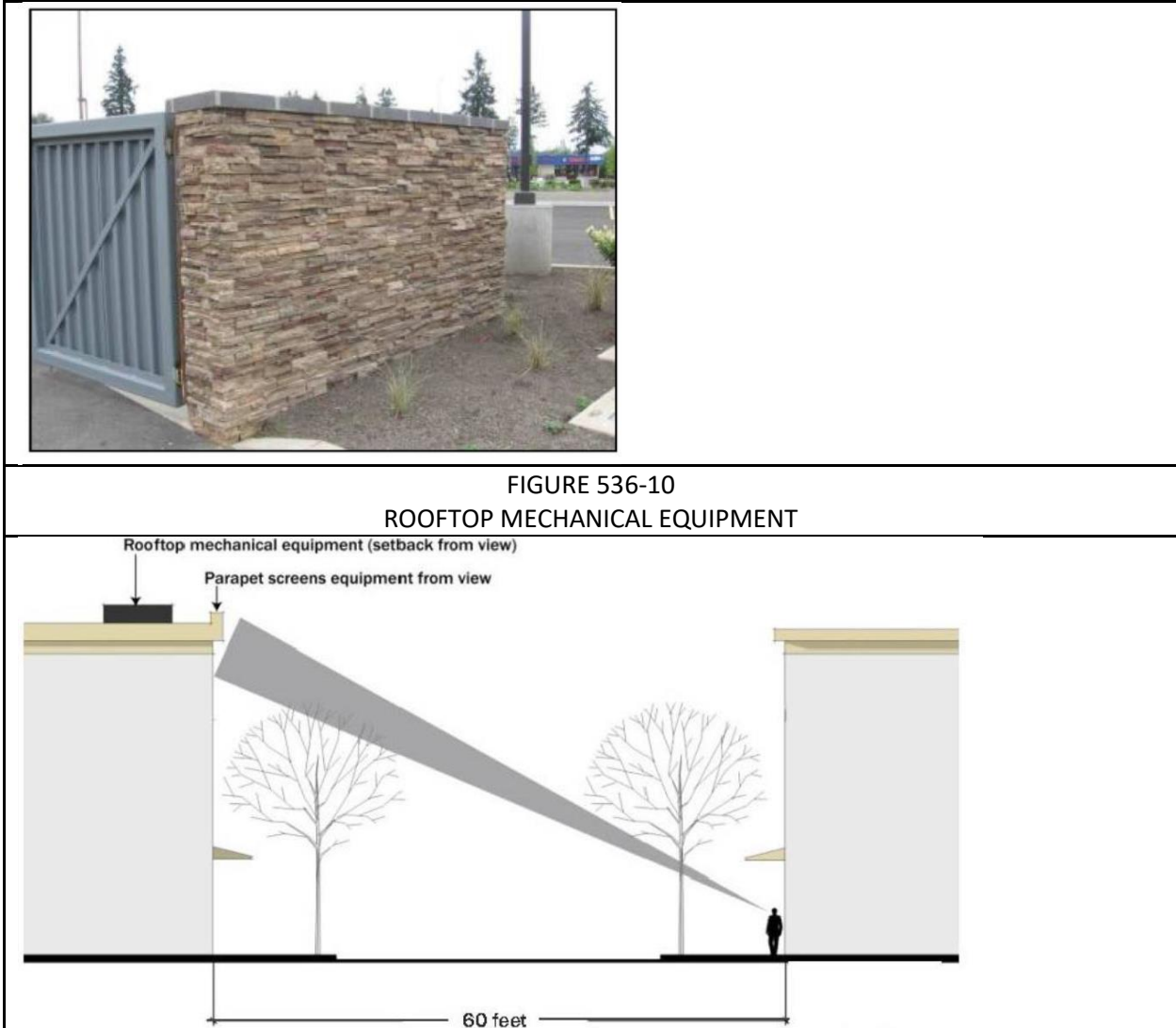
FIGURE 536-8
OFF-STREET PARKING



Mechanical and Service Equipment

This standard applies to mechanical and service equipment.	Required	(1)	Ground level mechanical and service equipment shall be screened with landscaping or a site-obscuring fence or wall. Ground level mechanical and service equipment shall be located behind or beside buildings.
		(2)	Rooftop mechanical equipment, with the exception of solar panels and wind generators, shall be set back or screened so as to not be visible to a person standing at ground level 60 feet from the building.

FIGURE 536-9
GROUND-LEVEL MECHANICAL EQUIPMENT



Sec. 537.010. Development standards.

Development within the ESMU zone must comply with the development standards set forth in this section.

- (a) *Continued development.* Buildings and structures existing within the ESMU zone on June 13, 2018, but which would otherwise be made non-conforming development by this chapter, are hereby deemed continued development.
 - (1) *Single family uses.*
 - (A) *Buildings.* Continued development housing a single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511 and to all other applicable provisions of the UDC, except for lot size and dimension standards in SRC chapter 511.

- (B) *Accessory structures.* Existing accessory structures on the same property as a single family use may be structurally altered or enlarged, or rebuilt following damage or destruction, and new accessory structures may be constructed, provided such alteration, enlargement, rebuilding, or new accessory structure construction conforms to the development standards of the Single Family Residential (RS) zone set forth in SRC chapter 511, except the lot size and dimensions standards.
- (C) *Option to rebuild in same location.* Notwithstanding SRC 537.010~~5~~(a)(1)(A) and (B), any continued development housing a single family use or associated accessory structure rebuilt following damage or destruction may either be located on the same location on the lot as the original building or structure, or in compliance with the setbacks of the Single Family Residential (RS) zone set forth in SRC 511.010(b).
- (2) *All other uses.* Continued development housing a use other than a single family use may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the following standards:
- (A) *Minor alterations.* Exterior alterations to buildings that alter an existing building façade area facing a public street right-of-way by less than 20 percent are exempt from all of the development standards in this chapter. Such alterations shall not increase the building façade's nonconformity to the design standards of SRC ~~537.020~~537.010(k).
- (B) *Minor additions.* Additions to buildings that expand or alter an existing building façade area facing a public street right-of-way by less than 20 percent are exempt from all of the development standards in this chapter except for street frontage, interior setbacks, parking for existing buildings, number of spaces required, landscaping, and maximum height standards. Such additions shall not increase the building façade's nonconformity to the design standards of SRC ~~537.020~~537.010(k).
- (C) *Major alterations.* Exterior alterations to buildings that alter an existing building façade area facing a public street right-of-way by between 20 percent and 60 percent shall decrease that building façade's nonconformity to all design standards of SRC ~~537.020~~537.010(k). Such alterations are exempt from all other development standards in this chapter.
- (D) *Major additions.* Additions to buildings that enlarge an existing building façade area facing a public street right-of-way by between 20 percent and 60 percent shall comply with all applicable design ~~review guidelines or standards~~ of SRC ~~537.020~~537.010(k), including the alternative standards for existing buildings if applicable, and all applicable development standards in this chapter except for setback abutting a street, building frontage, and the location of parking standards.
- (E) *Substantial alterations.* Exterior alterations to buildings that alter an existing building façade area facing a public street right-of-way by more than 60 percent shall meet all applicable design ~~review guidelines or standards of this chapter~~537.010(k). Such alterations are exempt from all other development standards in this chapter.
- (F) *Substantial additions or redevelopment.* Additions to buildings that enlarge an existing building façade area facing a public street right-of-way by more than 60 percent shall meet all applicable development standards ~~and design review~~

~~guidelines or standards~~ in this chapter. Continued development that is rebuilt following damage or destruction shall meet all applicable development standards and ~~design review guidelines or standards~~ in this chapter.

- (b) *Grade separated street frontage.* Portions of property street frontage that are separated from the grade of the street with a road ramp above the grade of the property line abutting the street are exempt from setbacks abutting a street, building frontage standards, off-street parking location standards, and ~~design review guidelines and standards~~ for building location, orientation, and design.
- (c) *Lot standards.* Lots within the ESMU zone shall conform to the standards set forth in Table 537-2.

**TABLE 537-2
LOT STANDARDS**

Table 537-2: Lot Standards		
Requirement	Standard	Limitations and Qualifications
LOT AREA		
All uses	None	
LOT WIDTH		
All uses	None	
LOT DEPTH		
All uses	None	
STREET FRONTAGE		
All other uses	Min. 16 ft.	

- (d) *Setbacks.* Setbacks within the ESMU zone shall be provided as set forth in Table 537-3.

**TABLE 537-3
SETBACKS**

Table 537-3: Setbacks		
Requirement	Standard	Limitations and Qualifications
ABUTTING STREET		
Buildings and Accessory Structures		
Single family, two family, three family, four family, and multiple family	None	
All other uses	0 ft.	Setback greater than 0 feet, up to a maximum setback of up to 10 feet, is permitted if the space is used for pedestrian amenities.
		Applicable to single family, two family, and multiple family that is part of a mixed-use development.
		Not applicable to transit stop shelters.

Vehicle Use Areas		
All uses	Per SRC chapter 806	
INTERIOR FRONT		
Buildings		
Single family	None	
All other uses	Zone-to-zone setback (Table 537-4)	
Accessory Structures		
Accessory to single family	None	
Accessory to all other uses	Zone-to-zone setback (Table 537-4)	
Vehicle Use Areas		
All uses	Per SRC chapter 806	
INTERIOR SIDE		
Buildings		
Single family	None	
All other uses	Zone-to-zone setback (Table 537-4)	
Accessory Structures		
Accessory to single family	None	
Accessory to all other uses	Zone-to-zone setback (Table 537-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 537-4)	
INTERIOR REAR		
Buildings		
Single family	None	
All other uses	Zone-to-zone setback (Table 537-4)	
Accessory Structures		
Accessory to single family	None	
Accessory to all other uses	Zone-to-zone setback (Table 537-4)	
Vehicle Use Areas		
All uses	Zone-to-zone setback (Table 537-4)	

**TABLE 537-4
ZONE-TO-ZONE SETBACKS**

Table 537-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of Improvement	Setback (1)	Landscaping and Screening
EFU	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A
Residential Zone	Buildings and accessory structures	Min. 20 ft. (2)	Type C
	Vehicle use areas	Min. 15 ft.	
Mixed-Use Zone	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A
Commercial Zone	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A
Public Zone	Buildings and accessory structures	None	NA
	Vehicle use areas	Min. 5 ft.	Type A
Industrial and Employment Zone: EC, IC, IBC, and IP	Buildings and accessory structures	Min. 5 ft.	Type A
	Vehicle use areas		
Industrial and Employment Zone: IG	Buildings and accessory structures	Min 10 ft.	Type C
	Vehicle use areas		
Limitations and Qualifications			
<p>(1) Zone-to-zone setbacks are not required abutting an alley.</p> <p>(2) Notwithstanding qualification (1) above, zone-to-zone setbacks for buildings and structures are required abutting an alley when the abutting zone across the alley is residential. Vehicle use areas remain under qualification (1), and do not require a zone-to-zone setback abutting an alley when the abutting zone across the alley is residential.</p>			

(e) *Lot coverage; height.* Buildings and accessory structures within the ESMU zone shall conform to the lot coverage, height, and building frontage standards set forth in Table 537-5.

**TABLE 537-5
LOT COVERAGE; HEIGHT**

Table 537-5: Lot Coverage; Height		
Requirement	Standard	Limitations and Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	
REAR YARD COVERAGE		

Buildings		
All uses	No Max.	
Accessory Structures		
Accessory to all uses	No Max.	
HEIGHT		
Buildings		
All uses	Max. 50 ft.	
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	Max. 50 ft.	
BUILDING FRONTAGE		
All uses	Min. 50%	Applies to development sites along Patterson Street, and along Edgewater Street and Second Street, between Rosemont Avenue and Wallace Road, except that where a development site has frontage on Edgewater Street, Second Street, or Patterson Street and a side street, the minimum building frontage requirement does not apply to the side street frontage.

- (f) *Landscaping.* Landscaping within the ESMU zone shall be provided as set forth in this subsection.
 - (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
 - (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapter 806 and SRC chapter 807.
 - (3) *Development site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.
- (g) *Project enhancements.* All development, other than development of single family and two family uses, shall include four or more of the following project enhancements:
 - (1) Closure of one driveway approach on Edgewater Street;
 - (2) Cast iron or wrought iron fencing adjacent to Edgewater Street, Second Street, or Patterson Street;
 - (3) Pedestrian connections that are:
 - (A) Constructed with pavers, scored or colored cement, and/or stamped asphalt;
 - (B) Elevated above the parking area and driveway; or

- (C) Defined with landscaping or building features such as canopies, awnings, or arcades;
- (4) Replacement of existing surface parking areas with new development of buildings or structures;
- (5) Provision of one or more of the following pedestrian-oriented design features on property adjacent to Edgewater Street, Second Street, or Patterson Street:
 - (A) Pedestrian scale lighting not more than 16 feet in height; or
 - (B) Plazas or other outdoor spaces open to the public;
- (6) A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of ten percent interior landscaping within parking areas greater than 50,000 square feet in size;
- (7) Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect;
- (8) Development of a mixed-use building;
- (9) Construction of a building where at least 75 percent of the building frontage is constructed contiguous to the minimum building setback line;
- (10) Provision of underground, structured, or tuck-under parking. For purposes of this paragraph, "tuck-under parking" means parking placed at grade with a building constructed above it;
- (11) Construction of one or more buildings at least two stories in height;
- (12) Construction of planter bays, each a minimum of 50 square feet in size, to meet minimum interior parking area landscaping requirements;
- (13) Construction of planter bays below the surface grade of parking areas to accommodate surface water runoff; or
- (14) Use of native plant materials to meet minimum landscaping requirements.
- (h) *Dwelling unit density.* Dwelling unit density within the ESMU zone shall conform to the standards set forth in Table 537-6.

Table 537-6: Dwelling Unit Density			
Use	Standard		Limitations and Qualifications
	Minimum	Maximum	
Single family, two family, three family, four family, and multiple family	8 dwelling units per acre	None	
	1 dwelling unit per acre	None	Applicable to Single Family, Two Family, Three Family, Four Family, and Multiple Family within a mixed-use building.
Room and board	8 dwelling units per acre	None	Single-room occupancy.

	1 dwelling unit per acre	None	Applicable to single-room occupancy within a mixed-use building.
	N/A	N/A	All other room and board

- (i) *Off-street parking.*
 - (1) *Locations of parking.* Off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.
- (j) *Screening.* Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.
- (k) Design. Development within the ESMU zone shall conform to the design standards set forth in this subsection; provided, however, any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230. The design standards included in this subsection are not design review standards and are therefore not subject to design review under SRC Chapter 225.

Sec. 537.015. Design review.

Design review under SRC chapter 225 is required for development within ESMU zone as follows:

- (a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 537.020 is required for all development within the ESMU zone.
- (b) Design review according to the design review guidelines or the design review standards set forth in SRC 537.020 is not required for:
 - (1) Development of single family, two family, three family, and four family uses.
 - (c) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
 - (d) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 537.020.
 - (e) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.

Sec. 537.020. Design review guidelines and design review standards.~~(a) Building orientation and design.~~(1) ~~Design review guidelines.~~*Building orientation and design.*

- ~~(A) Buildings facing Edgewater Street, Second Street, or Patterson Street shall create safe, pleasant, and active pedestrian environments.~~
- ~~(B) Ground floor building facades facing Edgewater Street, Second Street, and Patterson Street shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.~~
- ~~(C) Buildings shall be human scale and avoid long monotonous exterior walls. To minimize the appearance of bulk and divide overall building mass, building offsets and building articulation shall be provided throughout building facades.~~
- ~~(D) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to sidewalks or pedestrian connections in order to create a comfortable and inviting pedestrian environment.~~

~~(2) Design review standards.~~

- (A) ~~A primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect. Primary building entrances shall be provided for each building facade facing a street as follows:~~
 - ~~(i) For non-residential uses on the ground floor, a primary building entrance shall be provided for each non-residential ground floor tenant space facing a street. If a non-residential ground floor tenant space within a building has frontage on more than one street, a single primary building entrance for the non-residential ground floor tenant space may be provided at the corner of the building where the streets intersect.~~
 - ~~(ii) For residential uses on the ground floor, a primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect.~~
 - ~~(iii) *Alternative standard for existing buildings.* Notwithstanding subsection ~~(k)~~ ~~(12)~~ (A)(i) and (ii) of this section, where a building existing on June 13, 2018, has a primary building entrance facing a street, such entrance may be relocated but not eliminated. The relocated entrance must face a street.~~
- (B) Ground floor building facades facing Edgewater Street, Second Street, or Patterson Street shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum visible transmittance (VT) of 37 percent.

- (i) *Alternative standard for existing buildings.* Notwithstanding subsection (ka)(12)(B) of this section, where a building existing on June 13, 2018, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing Edgewater Street, Second Street, or Patterson Street, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (ka)(12)(B) may be added without meeting the minimum ground floor facade window percentage of 65 percent.
- (C) Building offsets shall be provided for building frontages greater than 75 feet in width. Building frontages two or more stories in height may be constructed without required building offsets on the first floor, but all additional floors shall incorporate building offsets. Building offsets shall be a minimum four feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage. Building offsets may extend into required setbacks.
- (D) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 90 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections. Awnings or canopies shall have a minimum depth of six feet, shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160.
- (i) *Alternative standard for existing buildings.* Notwithstanding subsection (ak)(12)(D) of this section, where a building existing on June 13, 2018, does not include weather protection, in the form of awnings or canopies, along a minimum of 90 percent of the length of the ground floor facade adjacent to sidewalks or pedestrian connections, the percentage of weather protection along the ground floor facade shall not be reduced. Additional weather protection meeting the minimum depth and sidewalk clearance requirements in subsection (a)(2)(k)(1)(D) of this section may be added without meeting the minimum weather protection standard of 90 percent.
- ~~(b) Landscaping for open sales areas.~~
- ~~(12) Design review guidelines.~~ Landscaping for open sales areas.
 - ~~(A) Landscaping shall be utilized to provide adequate screening of open sales areas.~~
 - ~~(2) Design review standards.~~
 - (A) Open sales areas for construction, communication, or recreational equipment, vehicles, boats, recreational vehicles, and building materials shall be screened from Edgewater Street, Second Street, and Patterson Street with a minimum three-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum six-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area.
 - ~~(c) Design and location of off-street parking.~~
- ~~(31) Design review guidelines.~~ Design and location of off-street parking.

- ~~(A) Parking structures located adjacent to Edgewater Street shall include space for ground floor commercial uses along their Edgewater Street frontage in order to create a safe, pleasant, and active pedestrian environment.~~
- ~~(B) Where possible, access to parking serving activities along Edgewater Street shall be provided from a local street or an alley.~~
- ~~(2) Design review standards.~~
- (A) Parking structures located adjacent to Edgewater Street shall include space for ground floor commercial uses along their entire Edgewater Street frontage.
- (B) Where access to parking is available from a local street or alley, no new driveway approaches onto Edgewater Street shall be provided.

Sec. 545.010. Development standards.

Development within the PM zone must comply with the development standards set forth in this section.

- (a) *Lot standards.* Lots within the PM zone shall conform to the standards set forth in Table 545-2.

TABLE 545-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 4,000 sq. ft.	
Two family, three family, and four family	Min. 7,000 sq. ft.	
All other uses	Min. 10,000 sq. ft.	
Lot Width		
Single family, two family, three family, four family, and multiple family	Min. 40 ft.	
All other uses	Min. 50 ft.	
Lot Depth		
All uses	Min. 80 ft.	
Street Frontage		
Single family	Min. 40 ft.	
	Min. 30 ft.	Applicable to lots fronting along the turnaround of a cul-de-sac street or the outside curve of a curved street having a radius of 200 feet or less and a direction change of 60 degrees or more. In

		no case shall the lot width be less than 40 ft. at the front building setback line.
All other uses	Min. 16 ft.	

- (b) *Dwelling unit density.* Dwelling unit density within the PM zone shall conform to the standards set forth in Table 545-3. ~~Maximum dwelling unit density cannot be varied or adjusted.~~

TABLE 545-3. DWELLING UNIT DENSITY			
Use	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single family and two family	N/A	N/A	
Three family, four family, and multiple family	None	28 dwelling units per acre	

- (c) *Setbacks.* Setbacks within the PM zone shall be provided as set forth in Table 545-4.

TABLE 545-4. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Buildings		
All uses	Min. 20 ft.	Applicable to buildings not more than 35 ft. in height.
	Min. 20 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to buildings greater than 35 ft. in height.
Accessory Structures		
Accessory to single family, two family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 20 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 20 ft.	Applicable to accessory structures not more than 35 ft. in height.
	Min. 20 ft., plus 1 ft. for each 1 ft. of height over 35 ft., but need not exceed 50 ft. in depth.	Applicable to accessory structures greater than 35 ft. in height.
	None	Applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC chapter 806	

Interior Front		
Buildings		
All uses	Min. 5 ft.	Applicable to any portion of a building not more than 35 ft. in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 35 ft. in height.
Accessory Structures		
Accessory to single family, two family, three family, and four family	Min. 5 ft.	
Accessory to all other uses	Min. 5 ft.	Applicable to any portion of an accessory structure not more than 35 ft. in height.
	Min. 20 ft.	Applicable to any portion of an accessory structure greater than 35 ft. in height.
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Side		
Buildings		
All uses	Min. 5 ft.	Applicable to any portion of a building not more than 35 ft. in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 35 ft. in height.
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Accessory to all other uses	Min. 5 ft.	Applicable to any portion of an accessory structure not more than 35 ft. in height.
	Min. 20 ft.	Applicable to any portion of an accessory structure greater than 35 ft. in height.
Vehicle Use Areas		
All uses	Per SRC chapter 806	
Interior Rear		
Buildings		

All uses	Min. 5 ft.	Applicable to any portion of a building not more than 35 ft. in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 35 ft. in height.
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 foot for each 1 ft. of height over 9 feet.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.
Accessory to all other uses	Min. 5 ft.	Applicable to any portion of an accessory structure not more than 35 ft. in height.
	Min. 20 ft.	Applicable to any portion of an accessory structure greater than 35 ft. in height.
Vehicle Use Areas		
All uses	Per SRC chapter 806	

(d) *Lot coverage; height.* Buildings and accessory structures within the PM zone shall conform to the lot coverage and height standards set forth in Table 545-5.

TABLE 545-5. LOT COVERAGE; HEIGHT		
Requirement	Standard	Limitations & Qualifications
Lot Coverage		
Buildings and Accessory Structures		
All uses	Max. 60%	
Height		
Buildings		
Single family, two family, three family, four family, and multiple family	Max. 35 ft.	
All other uses	Max. 70 ft.	
Accessory Structures		

Accessory to single family, two family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(e) *Landscaping.*

- (1) *Setbacks.* Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.
- (2) *Vehicle use areas.* Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

(f) *Outdoor storage.* Within the PM zone, outdoor storage shall be screened from streets and adjacent properties by a minimum six-foot-high sight-obscuring fence, wall, or hedge.

Sec. 551.015. Design review.

Design review under SRC chapter 225 is required for development within the IC as follows:

- (a) Residential care with five or more self-contained dwelling units shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

Sec. 603.020. Development standards.

Development with the Portland/Fairgrounds Road Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

- (a) *Continued development.* Building and structures existing within the Portland/Fairgrounds Road Overlay Zone that conformed to the development standards existing on October 1, 2001, but which would otherwise be made nonconforming development by this chapter, are hereby deemed continued development. The owner shall have the burden to demonstrate continued development status under this subsection.
 - (1) Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.
 - (2) Continued development may be extended onto any contiguous vacant land under the same ownership if such land was held under the same ownership on October 1, 2001, and has been maintained under the same ownership continuously thereafter. The extension of continued development onto contiguous vacant land under the same ownership must comply with all applicable standards in the underlying zone.
 - (3) A determination by the Building Official that a continued development is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued

development status conferred by this subsection and the building or structure shall thereafter be deemed a nonconforming development.

- (b) *Lot standards.* Lots for townhouses within the Portland/Fairgrounds Road Overlay Zone shall conform to the standards set forth in Table 603-2.

TABLE 603-2. LOT STANDARDS		
Requirement	Standard	Limitations & Qualifications
Lot Area		
Single family	Min. 1,500 sq. ft.	Applicable to townhouses.
Lot Width		
Single family	Min. 20 ft.	Applicable to townhouses.
Lot Depth		
Single family	Min. 65 ft.	Applicable to townhouses.

- (c) *Dwelling unit density.* Dwelling unit density within the Portland/Fairgrounds Overlay Zone shall conform to the standards set forth in Table 603-3. ~~Dwelling unit density cannot be varied or adjusted.~~

TABLE 603-3. DWELLING UNIT DENSITY		
Use or Activity	Standard	Limitations & Qualifications
Single family, two family, three family, four family, and multiple family	Min. 20 dwelling units per acre	
	None	Applicable to mixed-use buildings where floors above the first floor are used entirely for dwelling units.

- (d) *Setbacks.* Setbacks within the Portland/Fairgrounds Road Overlay Zone shall be provided as set forth in Table 603-4.

TABLE 603-4. SETBACKS		
Requirements	Standards	Limitations & Qualifications
Abutting Street		
Buildings		
Single family, two family, three family, four family, and multiple family	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	
	Max. 20 ft.	
Accessory Structures		
	None	Applicable to accessory structures not more than 4 ft. in height.

Accessory to single family, two family, three family, four family, and multiple family	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Interior Front		
Buildings		
Single family two family, three family, and four family	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 12 ft., plus 1 ft. for each 1 ft. of height over 12 ft.	Applicable to accessory structures greater than 4 ft. in height.
Interior Side		
Buildings		
Single family, two family, three family, and four family	Min. 5 ft.	
	None	Applicable to townhouses.
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures having at least 1 wall which is an integral part of a fence.
	Min. 5 ft.	Applicable to all other accessory structures.
Interior Rear		
Buildings		
Single family, two family, three family, and four family	Min. 14 ft.	Applicable to any portion of a building not more than 1 story in height.
	Min. 20 ft.	Applicable to any portion of a building greater than 1 story in height.
Accessory Structures		
Accessory to single family, two family, three family, and four family	None	Applicable to accessory structures not more than 9 ft. in height.
	Min. 1 ft. for each 1 ft. of height over 9 ft.	Applicable to accessory structures greater than 9 ft. in height.
	Min. 1 ft.	Applicable to accessory structures adjacent to an alley, unless a greater setback is required based on the height of the accessory structure.

- (e) *Landscaping.* Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.
- (f) *Off-street parking and loading areas.*

- (1) Planter bays or islands shall have a minimum planting area of 50 square feet.
 - (2) A minimum of one tree per eight parking spaces is required, of which a maximum of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements.
 - (3) Off-street parking may be provided no more than 800 feet from the edge of the lot, or contiguous lots, upon which the main building is located.
 - (4) Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located.
 - (5) Parking lot light structures shall not exceed 25 feet in height.
- (g) *Screening.*
- (1) Trash receptacles shall be screened from adjacent household living uses and streets by a sight-obscuring fence, wall, or hedge.
 - (2) Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.
 - (3) Concertina or barbed wire fencing shall be screened from public view and adjacent property by sight-obscuring landscaping.
- (h) *Outdoor storage.*
- (1) Outdoor storage areas shall not be located within required setbacks.
 - (2) Outdoor storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, hedge, or berm; provided, however, items more than six feet in height above grade shall be screened by sight-obscuring landscaping.
 - (3) Items stored within outdoor storage areas shall not exceed a maximum height of 14 feet above grade.
- (i) *Project enhancements.* Development within the Portland/Fairgrounds Road Overlay Zone shall include four or more of the following project enhancements:
- (1) Closure of one driveway approach on Portland/Fairgrounds Road;
 - (2) Freestanding sign not more than five feet in height and placed upon a foundation;
 - (3) Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections;
 - (4) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;
 - (5) Pedestrian connections that are:
 - (A) Constructed with pavers, scored or colored cement, and/or stamped asphalt;
 - (B) Elevated above the parking area and driveway; or
 - (C) Defined with landscaping or building features such as canopies, awnings, or arcades;
 - (6) Development on surface parking lots existing on October 1, 2001;

- (7) Provision of one or more of the following pedestrian-oriented design features on private property adjacent to Portland/Fairgrounds Road:
 - (A) Pedestrian scale lighting not more than 16 feet in height; or
 - (B) Plazas or other outdoor spaces open to the public;
- (8) A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of ten percent interior landscaping within parking areas greater than 50,000 square feet in size;
- (9) Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect;
- (10) Development of a mixed-use building; or
- (11) Construction of a building where at least 50 percent of the building frontage is constructed contiguous to the minimum building setback line.

(j) *Design.* Development within the Portland/Fairgrounds Road Overlay Zone shall conform to the design standards set forth in this subsection; provided, however, any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230. The design standards included in this subsection are not design review standards and are therefore not subject to design review under SRC Chapter 225.

~~Sec. 603.025. Design review.~~

~~Design review under SRC chapter 225 is required for development within the Portland/Fairgrounds Road Overlay Zone as follows:~~

- ~~(a) Except as otherwise provided in this section, design review according to the design review guidelines or the design review standards set forth in SRC 603.030 is required for all development within the Portland/Fairgrounds Road Overlay Zone.~~
- ~~(b) Multiple family development, other than multiple family development within a mixed-use building, shall only be subject to design review according to multiple family design review standards set forth in SRC chapter 702.~~
- ~~(c) Multiple family development within a mixed-use building shall only be subject to design review according to the design review guidelines or the design review standards set forth in SRC 603.030.~~
- ~~(d) Any development requiring historic design review shall only be subject to design review according to the historic design review standards or the historic design review guidelines set forth in SRC chapter 230.~~

~~Sec. 603.030. Design review guidelines and design review standards.~~

~~(a) Building location, orientation, and design.~~

~~(1) *Building location.*~~

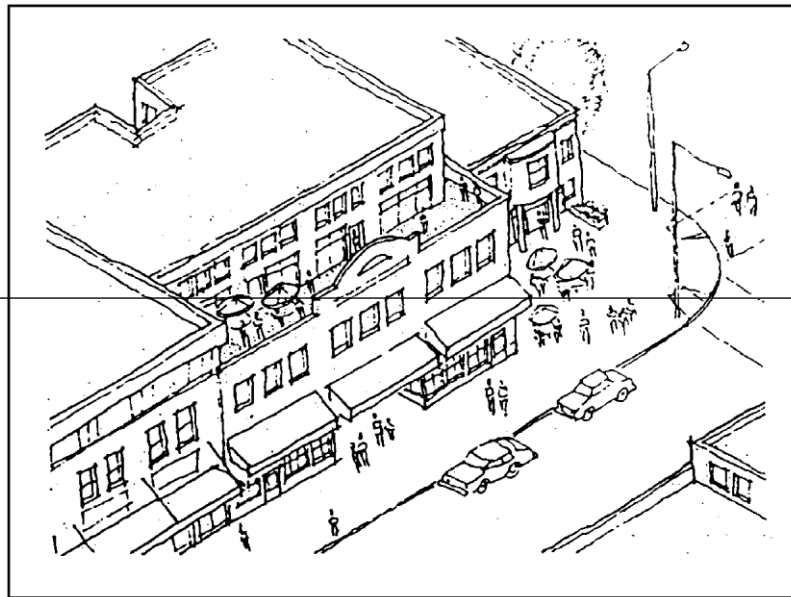
~~(A) Design review guidelines.~~

~~(i) Building setbacks abutting street. Building setbacks from the street shall be minimized (see Figure 603-1).~~

- ~~(ii) Accessory structures shall be located to minimize their appearance in relationship to the primary building.~~
- ~~(B) Design review standards.~~
- ~~(iA) Building setbacks abutting street. Buildings shall have the following setbacks abutting a street:

 - ~~(iaa) Minimum: zero feet.~~
 - ~~(iibb) Maximum: 60 feet.~~~~
- ~~(Bii) Accessory structures shall be located no closer to the street than the primary building.~~

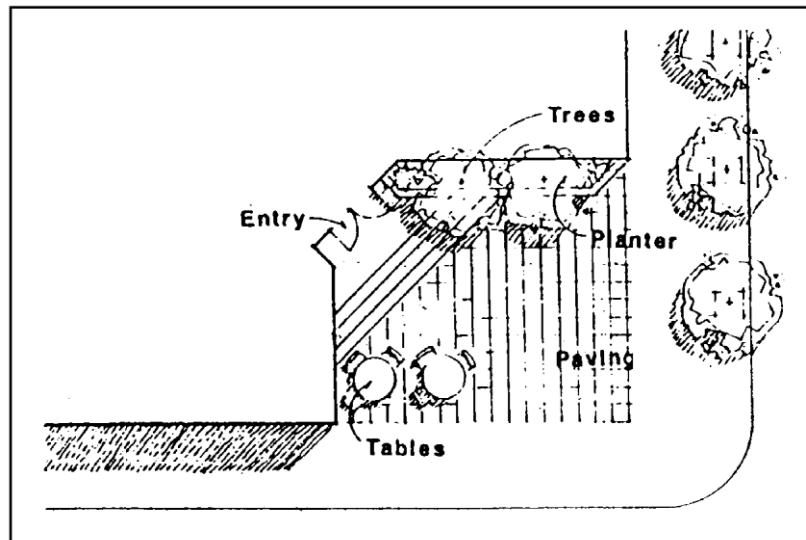
~~FIGURE 603-1. BUILDING SETBACKS MINIMIZED FROM STREET~~



- (2) *Building orientation and design.*
- ~~(A) Design review guidelines.~~
- ~~(i) Buildings facing Portland/Fairgrounds Road shall create safe, pleasant, and active pedestrian environments.~~
- ~~(ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows to ensure that the ground floor promotes a sense of interaction between activities in the building and activities in the public realm.~~
- ~~(iii) Buildings shall be human scale and avoid long monotonous exterior walls. To minimize the appearance of bulk and divide overall building mass, building offsets and building articulation shall be provided throughout building facades.~~
- ~~(iv) Weather protection, in the form of awnings or canopies appropriate to the design of the building, shall be provided along ground floor building facades adjacent to sidewalks or pedestrian connections in order to create a comfortable and inviting pedestrian environment.~~
- ~~(B) Design review standards.~~

- (A*i*) A primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect (see Figure 603-21).
- (i*aa*) Alternative standard for existing buildings. Notwithstanding subsection (j*a*)(2)(A*B*)(*i*) of this section, where a building existing on October 1, 2001, has a primary building entrance facing a street, such entrance may be relocated but not eliminated. The relocated entrance must face a street.
- (B*ii*) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum Visible Transmittance (VT) of 37 percent.
- (i*aa*) Alternative standard for existing buildings. Notwithstanding subsection (j*a*)(2)(B)(*ii*) of this section, where a building existing on October 1, 2001, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing Portland/Fairgrounds Road, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (j*a*)(2)(B)(*ii*) of this section may be added without meeting the minimum ground floor facade window percentage of 65 percent.
- (C*iii*) Building offsets shall be provided for building frontages greater than 75 feet in width. Building frontages two or more stories in height may be constructed without required building offsets on the first floor, but all additional floors shall incorporate building offsets. Building offsets shall be a minimum four feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage. Building offsets may extend into required setbacks.
- (D*iv*) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections. Awnings or canopies shall have a minimum depth of six feet, shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160.
- (i*aa*) Alternative standard for existing buildings. Notwithstanding subsection (j*a*)(2)(D*B*)(*iv*) of this section, where a building existing on October 1, 2001, does not include weather protection, in the form of awnings or canopies, along a minimum of 50 percent of the length of the ground floor facade adjacent to sidewalks or pedestrian connections, the percentage of weather protection along the ground floor facade shall not be reduced. Additional weather protection meeting the minimum depth and sidewalk clearance requirements in subsection (j*a*)(2)(D*B*)(*iv*) of this section may be added without meeting the minimum weather protection standard of 50 percent.

FIGURE 603-12. BUILDING CORNER ENTRY



~~(b) Landscaping.~~

~~(3±) Landscaping for open sales and off-street parking.~~

~~(A) Design review guidelines.~~

~~(i) Landscaping shall be utilized to enhance the urban character of the area and provide adequate screening of surface parking lots and open sales areas.~~

~~(AB) Landscaping for open sales and off-street parking. Design review standards.~~

- ~~(i) Open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other similar items shall be screened from the public right-of-way with a minimum three-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum three-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area.~~
- ~~(ii) A minimum ten-foot-wide landscape strip shall be provided between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of one plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC 603.020(e).~~

~~(c) Off-street parking and loading.~~

~~(4±) Off-street parking and loading.~~

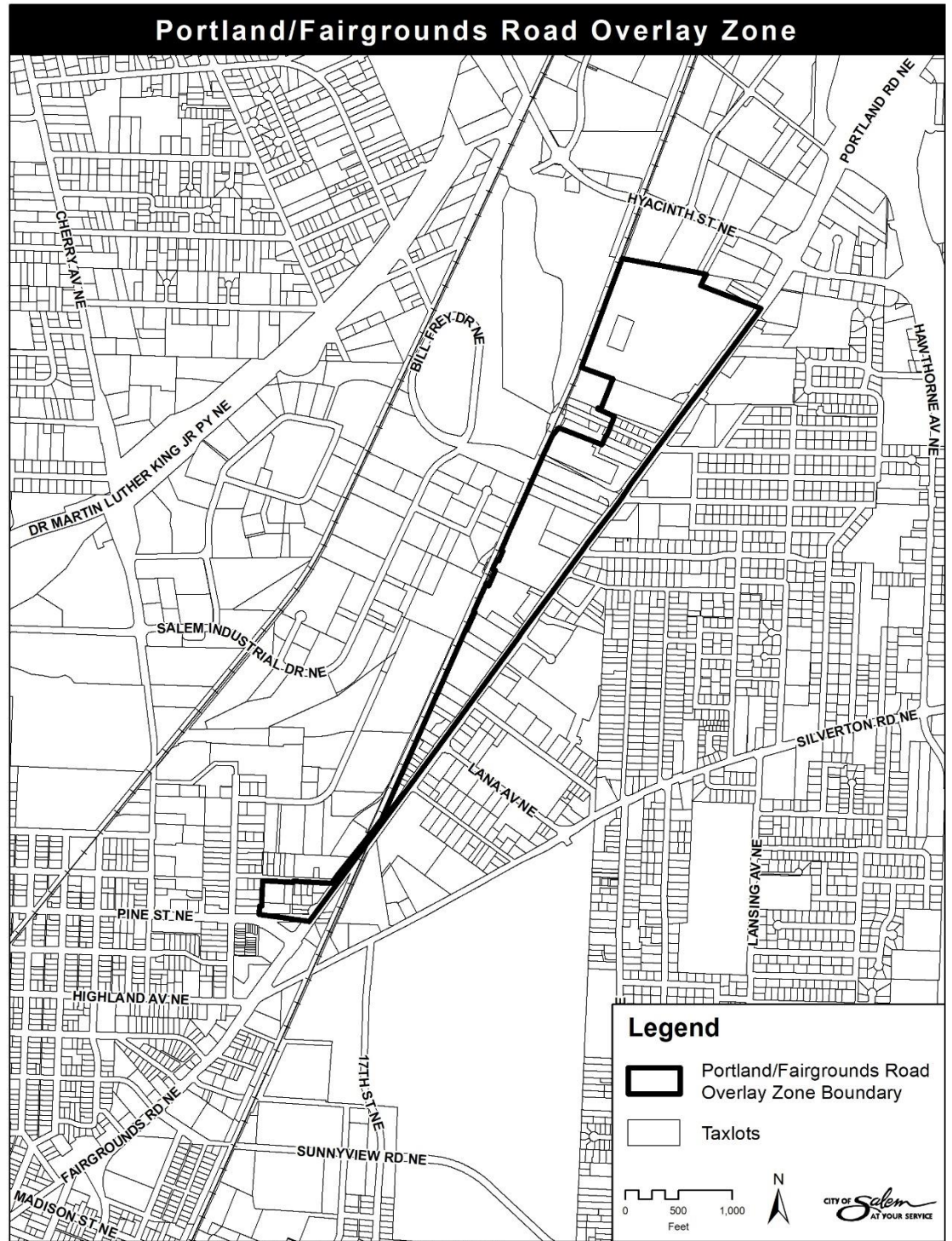
~~(A) Design review guidelines.~~

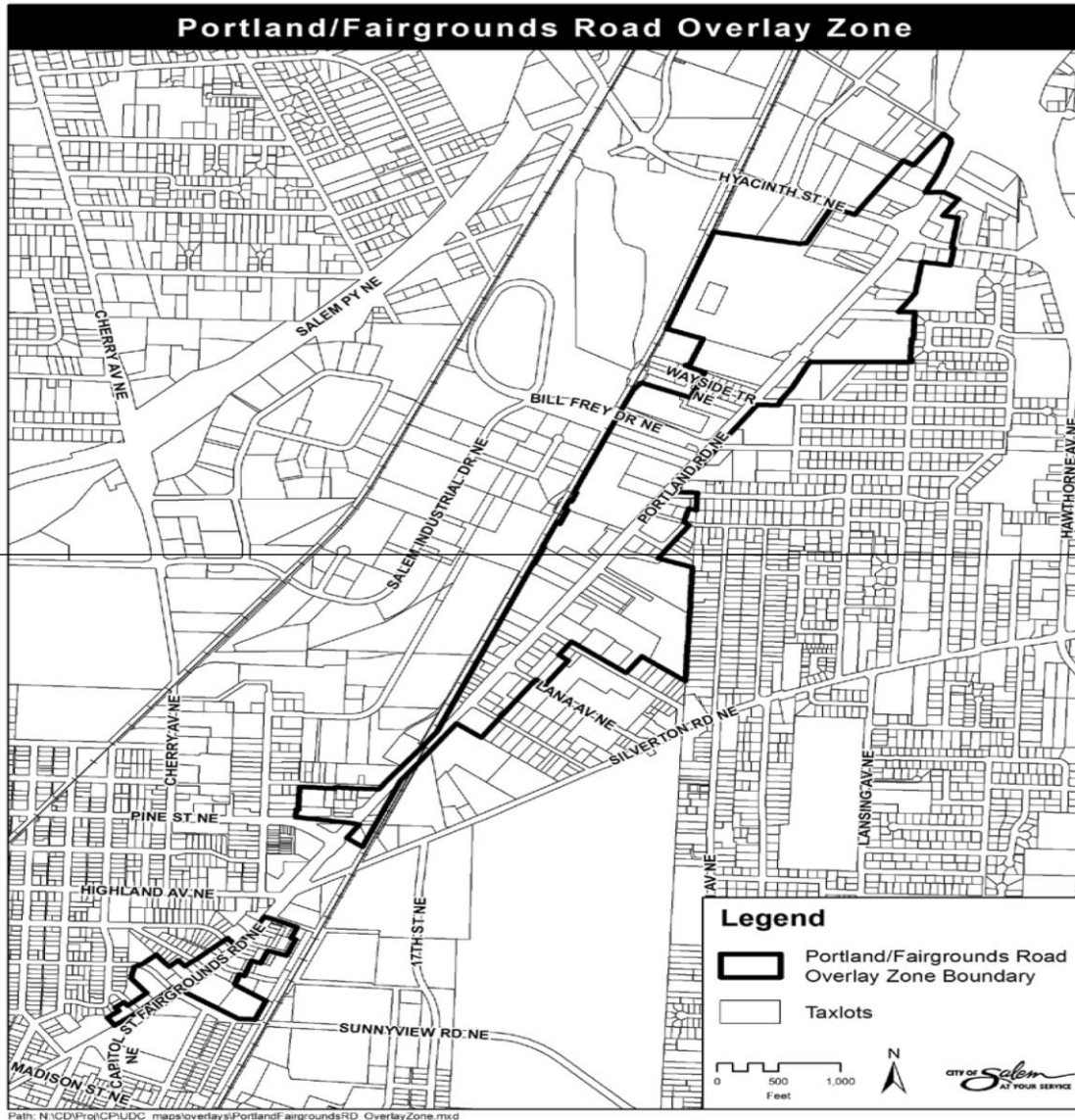
~~(i) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their Portland/Fairgrounds Road frontage in order to create a safe, pleasant, and active pedestrian environment.~~

~~(AB) Design review standards Off-street parking.~~

- (i) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their entire Portland/Fairgrounds Road frontage.

FIGURE 603-32. PORTLAND/FAIRGROUNDS ROAD OVERLAY ZONE





Sec. 700.005. Special uses, generally.

- (a) A special use is a use that, while allowed in certain zones and overlay zones, has the potential for creating impacts that merit special standards beyond those that would otherwise apply to uses generally in that zone or overlay zone. A use that is designated as a special use in one zone or overlay zone may be a permitted use in another zone or overlay zone.
- (b) The special use standards set forth in this chapter apply only where a use is designated as a special use.
- (c) A special use that complies with the standards set forth in this chapter and with the applicable standards of the UDC does not require approval beyond that required for a use that is a permitted use.

- (d) Except as specifically provided in this section, a project may only deviate from the special use standards in this chapter through conditional use approval as provided in SRC chapter 240, and not through an adjustment or variance.
- (e) Notwithstanding subsection (d) of this section, deviation from a special use standard for the following uses shall be made pursuant to adjustment approval, as provided in SRC chapter 250, or variance approval, as provided in SRC chapter 245:
 - (1) Accessory dwelling units;
 - (2) Cottage clusters;
 - (3) Live work;
 - (4) Secondary dwellings and guest rooms;
 - (5) ~~Self-service storage within an existing building; and~~
 - (6) ~~Three family and four family uses;~~
 - (7) Townhouses; and
 - (8) Zero side yard dwellings.

Sec. 700.007. Accessory dwelling unit.

Where designated as a special use, accessory dwelling units shall comply with the standards set forth in this section. Where the standards in this section conflict with other standards in the UDC, the standards in this section shall be the applicable standard. Standards for accessory structures elsewhere in the UDC shall not apply to accessory dwelling units.

- (a) *All accessory dwelling units.* The standards set forth in this subsection shall apply to all accessory dwelling units.
 - (1) *Number.* Only one accessory dwelling unit shall be allowed per lot.
 - (2) *Size.* Accessory dwelling units shall not exceed 900 square feet, or 75 percent of the main building gross area, whichever is less.
 - (3) *Types of structures allowed.* Accessory dwelling units shall only be allowed in lawfully-built dwelling units that meet building code requirements. Accessory dwelling units shall not be allowed in:
 - (A) A recreational vehicle, travel trailer, or similar structure;
 - (B) A motor vehicle;
 - (C) Any structure not intended for permanent human occupancy.
 - (4) *Condominium ownership.* Accessory dwelling units shall not be separated in ownership from the underlying property on which it and the main house to which it is accessory are located. Attached accessory dwelling units shall not be separated in ownership from the main house to which it is accessory.
 - (5) *Development with townhouses.* An accessory dwelling unit shall only be allowed on the same lot as a townhouse if the following standards are met:
 - (A) The lot is at least 2,500 square feet in size; and
 - (B) No more than two townhouses are attached in a row.

- (56) *Other uses.* Accessory dwelling units shall be prohibited from being used as short-term rentals or accessory short-term rentals.
- (67) *Exemptions.* Accessory dwelling units are exempt from the following standards required elsewhere in the UDC:
 - (A) Dwelling unit density requirements, including requirements for a minimum or maximum number of dwelling units;
 - (B) Development standards, design review guidelines, and design review standards within overlay zones;
 - (C) Requirements to build garages.
- (b) *Detached accessory dwelling units.* The standards set forth in this subsection shall apply to all detached accessory dwelling units and are in addition to the standards in subsection (a) of this section.
 - (1) *Location.* Detached accessory dwelling units shall be located in the side yard or rear yard.
 - (2) *Setbacks.* Setbacks for detached accessory dwelling units shall be provided as set forth in Table 700-1.

Table 700-1. SETBACKS		
Requirement	Standard	Limitations & Qualifications
Abutting Street		
Detached accessory dwelling unit	Min. 12 ft.	Applicable along local streets.
	Min. 20 ft.	Applicable along collector or arterial streets.
Interior Side		
Detached accessory dwelling unit	Min. 3 ft.	
Interior Rear		
Detached accessory dwelling unit	<u>None</u>	<u>Applicable to accessory dwelling units that are contiguous to an interior side lot line, are developed on the same lot as a townhouse, and attached to an accessory dwelling unit on a separate contiguous lot.</u>
	<u>Min. 1 ft.</u>	<u>Applicable to detached accessory dwelling units adjacent to an alley.</u>
	<u>Min. 5 ft.</u>	<u>Applicable to all other detached accessory dwelling units.</u>
	<u>Min. 1 ft.</u>	<u>Applicable to detached accessory dwelling units adjacent to an alley.</u>

- (3) *Lot coverage.* The total lot coverage for buildings, accessory structures, and accessory dwelling units shall not exceed a maximum lot coverage of 60 percent.
- (4) *Height.* Detached accessory dwelling units shall be no more than 25 feet in height.

Sec. 700.085. Townhouses.

Where designated as a special use, townhouses shall comply with the additional standards set forth in this section.

- (a) *Permitted development.*
 - (1) Within the Residential Agriculture (RA) and Single Family Residential (RS) Zones, not more than four townhouses, each on a separate platted lot, may be attached.
 - (2) Within any zone, other than the Residential Agriculture (RA) and Single Family Residential (RS) Zones, not more than six townhouses, each on a separate platted lot, may be attached.
- (b) *Interior side setback.* Any exterior wall or portion thereof which faces but is not contiguous to an interior side lot line shall be setback a minimum of five feet for new townhouses or three feet for existing townhouses; otherwise, the interior side setback requirements of the UDC shall not apply. The provisions of this subsection shall also apply to accessory structures, except for detached accessory dwelling units.

CHAPTER 704. AFFORDABLE HOUSING AND RESIDENTIAL USES WHERE MANDATED BY THE STATE**Sec. 704.001. Purpose.**

The purpose of this chapter is to promote the development of ~~affordable~~ housing.

Sec. 704.005. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing means, for purposes of SRC 704.010, residential property:

- (a) In which:
 - (1) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income as determined by the Oregon Housing Stability Council based on information from the United States Department of Housing and Urban Development; or
 - (2) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; and
- (b) Whose affordability ~~is enforceable~~, including affordability under a covenant as described in ORS 456.270 to 456.295, is enforceable for a duration of no less than 30 years.

Sec. 704.010. Affordable housing allowed pursuant to ORS 197A.445308.

- (a) *Applicability.* The provisions of this section apply to affordable housing subject to ORS 197A.445308.
- (b) *Permitted use.* Where affordable housing pursuant to this section is not otherwise allowed as a permitted use in the zone where it is proposed to be located, it shall, notwithstanding any other provision of the UDC, be allowed as a permitted use.
- (c) *Development standards.*

- (1) Except as provided under subsection (c)(2) of this section, affordable housing pursuant to this section shall conform to all applicable provisions of the UDC.
- (2) Dwelling unit density and height:
 - (i) Affordable housing pursuant to this section may exceed the maximum dwelling unit density and maximum height in the zone in which it is located, provided such housing conforms with ORS 197.308.
 - (ii) Where a maximum density is not specified in the zone and residential uses are allowed outright, the additional height provided for in ORS 197.308(4)(b)(C) is allowed.
- (d) *Special use standards for middle housing.* Where a three family use, four family use, or cottage cluster is proposed as affordable housing pursuant to this section in a zone where it is otherwise prohibited, such use shall comply with the special use standards set forth under SRC chapter 700.
- (e) *Multiple family design review.* Except as provided in SRC 702.005(B), design review under SRC chapter 225 is required for all multiple family development according to the multiple family design review standards set forth in SRC chapter 702.

Sec. 704.015. Commercial to residential conversions allowed pursuant to ORS 197A.445.

- (a) Applicability. The provisions of this section apply to conversions of buildings or portions of buildings from a legally established commercial use to a residential use that comply with ORS 197A.445.
- (b) Permitted use. Where a residential use pursuant to this section is not otherwise allowed as a permitted use in the zone where it is proposed to be located, it shall, notwithstanding any other provision of the UDC, be allowed as a permitted use.
- (c) Development standards.
 - (1) Except as provided under subsection (c)(2) of this section, a residential use pursuant to this section shall conform to all applicable provisions of the UDC.
 - (2) Dwelling unit density: Where a minimum density is not specified in a zone and residential uses are allowed in that zone pursuant to this section, development that is exclusively residential shall have a minimum density of 15 dwelling units per acre.
- (d) Special use standards for middle housing. Where a three family use, four family use, or cottage cluster is proposed as a residential conversion pursuant to this section in a zone where it is otherwise prohibited, such use shall comply with the special use standards set forth under SRC chapter 700.
- (e) Multiple family design review. Except as provided in SRC 702.005(B), design review under SRC chapter 225 is required for all multiple family development according to the multiple family design review standards set forth in SRC chapter 702.

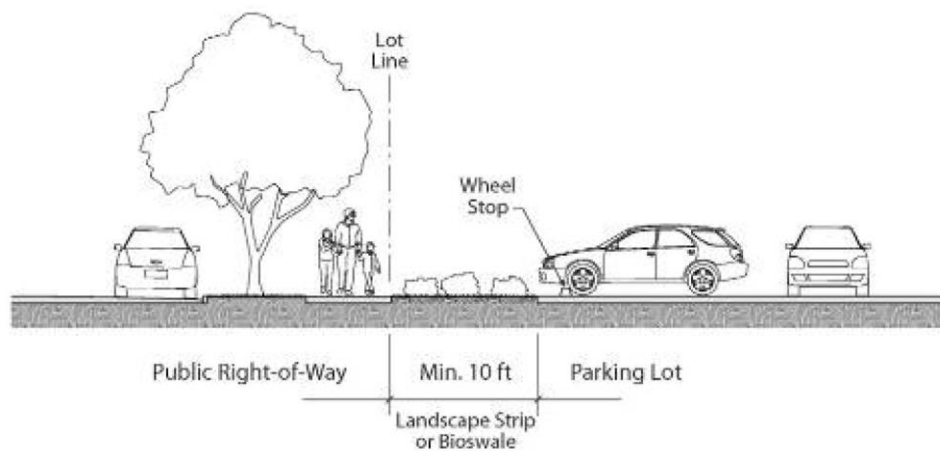
Sec. 806.035. Off-street parking and vehicle use area development standards for uses or activities other than single family, two family, three family, and four family.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than single family, two family, three family, and four family shall be developed and maintained as provided in this section.

- (a) *General applicability.* The off-street parking and vehicle use area development standards set forth in this section shall apply to:
- (1) The development of new off-street parking and vehicle use areas;
 - (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
 - (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 - (4) The paving of an unpaved area.
- (b) *Location.*
- (1) *Generally.* Off-street parking and vehicle use areas shall not be located within required setbacks.
 - (2) *Carpool and vanpool parking.* Carpool and vanpool parking shall be located so it is the closest employee parking to the building entrance normally used by employees; provided, however, it shall not be located closer than any parking designated for disabled parking.
 - (3) *Underground parking.* Off-street parking may be located underground in all zones, except the RA and RS zones. Such underground parking may be located beneath required setbacks; provided, however, no portion of the structure enclosing the underground parking shall project into the required setback, and all required setbacks located above the underground parking structure shall be landscaped as otherwise required under the UDC.
- (c) *Perimeter setbacks and landscaping.*
- (1) *Perimeter setbacks and landscaping, generally.*
 - (A) *Perimeter setbacks.* Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section. Perimeter setbacks are not required for:
 - (i) Off-street parking and vehicle use areas abutting an alley.
 - (ii) ~~Vehicle~~ Gravel outdoor storage areas within the IG zone where they are adjacent to an interior front, side, or rear property line abutting another IG zone.
 - (iii) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (iv) Gravel off-street parking areas, approved through a conditional use permit, abutting nonresidential zones, uses or activities other than household living, or local streets.
 - (v) Underground parking.

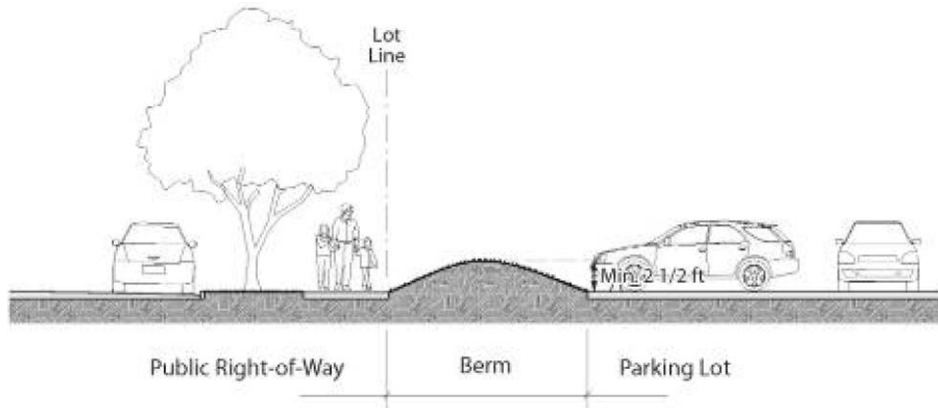
- (B) *Perimeter landscaping.* Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.
- (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.
- (A) *Method A.* The off-street parking and vehicle use area shall be setback a minimum of ten feet (see Figure 806-1). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-1. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD A



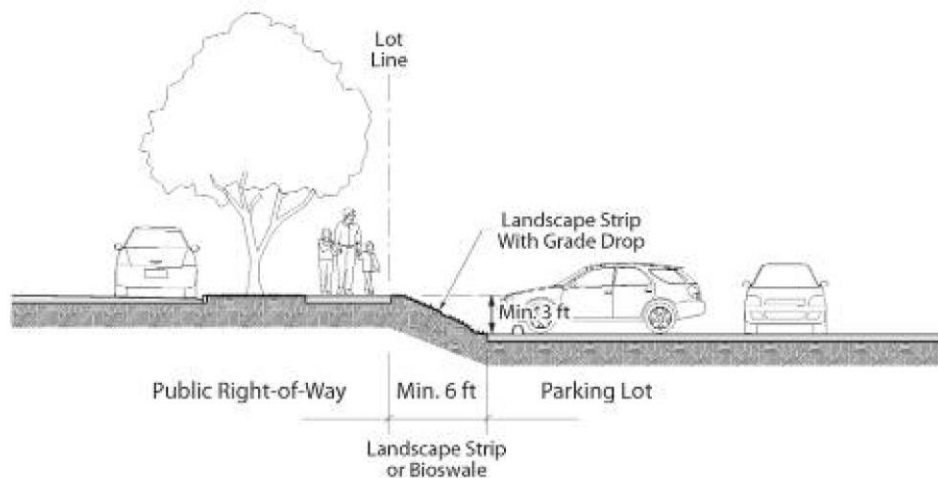
- (B) *Method B.* The off-street parking and vehicle use area shall be setback to accommodate a berm, the top of which shall be a minimum of 2.5 feet higher than the elevation of the abutting off-street parking or vehicle use area (see Figure 806-2). The berm shall have a slope no steeper than a 3:1 on all sides, and shall be landscaped according to the Type A standard set forth in SRC chapter 807 with plant materials to prevent erosion. The berm shall not alter natural drainage flows from abutting properties. Any portion of the berm that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

FIGURE 806-2. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS- METHOD B



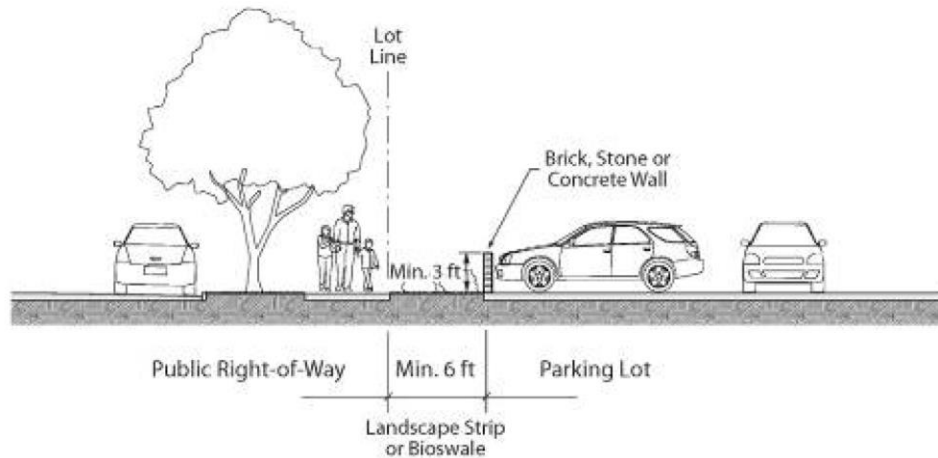
- (C) *Method C.* The off-street parking and vehicle use area shall be setback a minimum six feet to accommodate a minimum three-foot drop in grade from the elevation at the right-of-way line to the elevation of the abutting off-street parking or vehicular use area (see Figure 806-3). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-3. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD C



- (D) *Method D.* The off-street parking and vehicle use area shall be setback a minimum six feet in conjunction with a minimum three-foot-tall brick, stone, or finished concrete wall (see Figure 806-4). The wall shall be located adjacent to, but entirely outside, the required setback. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807. Any portion of the wall that encroaches into a vision clearance area set forth in SRC chapter 805 shall have a height no greater than the maximum allowed under SRC 805.010.

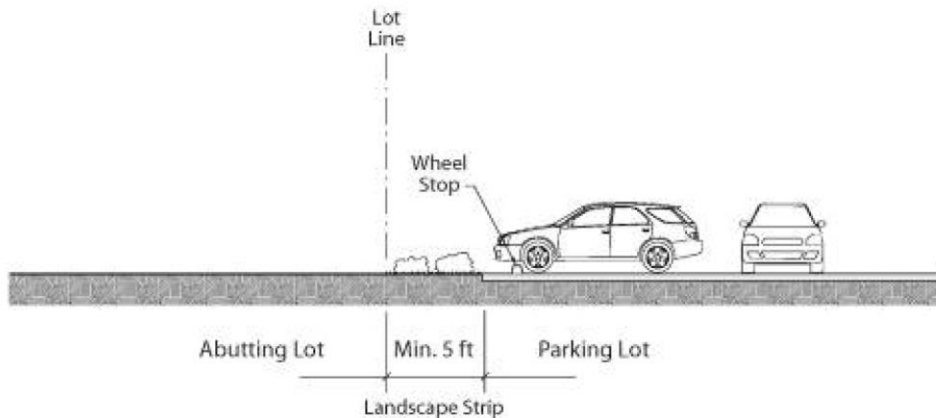
FIGURE 806-4. PERIMETER SETBACKS AND LANDSCAPING ABUTTING STREETS - METHOD D



(E) *Method E.* The off-street parking and vehicle use area shall be setback a minimum of six feet to accommodate green stormwater infrastructure meeting the Public Works Design Standards.

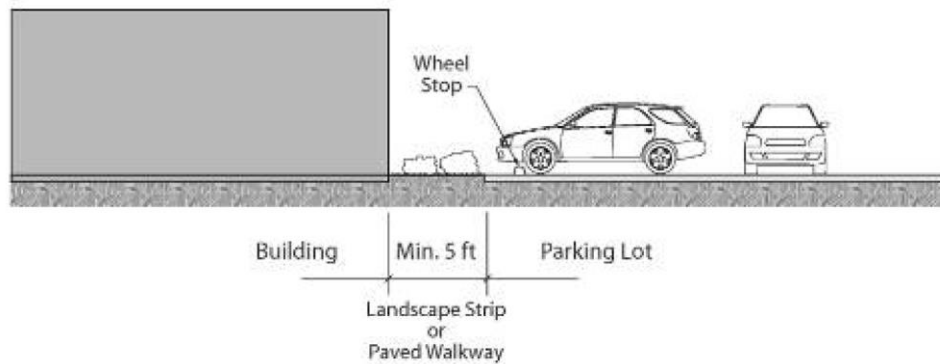
- (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

FIGURE 806-5. LANDSCAPING ADJACENT TO AN ADJACENT LOT



- (4) *Setback adjacent to buildings and structures.* Except for drive-through lanes, where an off-street parking or vehicular use area is located adjacent to a building or structure, the off-street parking or vehicular use area shall be setback from the exterior wall of the building or structure by a minimum five-foot-wide landscape strip, planted to the Type A standard set forth in SRC chapter 807, or by a minimum five-foot-wide paved pedestrian walkway (see Figure 806-6). A landscape strip or paved pedestrian walkway is not required for drive-through lanes located adjacent to a building or structure.

FIGURE 806-6. LANDSCAPING ADJACENT TO A BUILDING



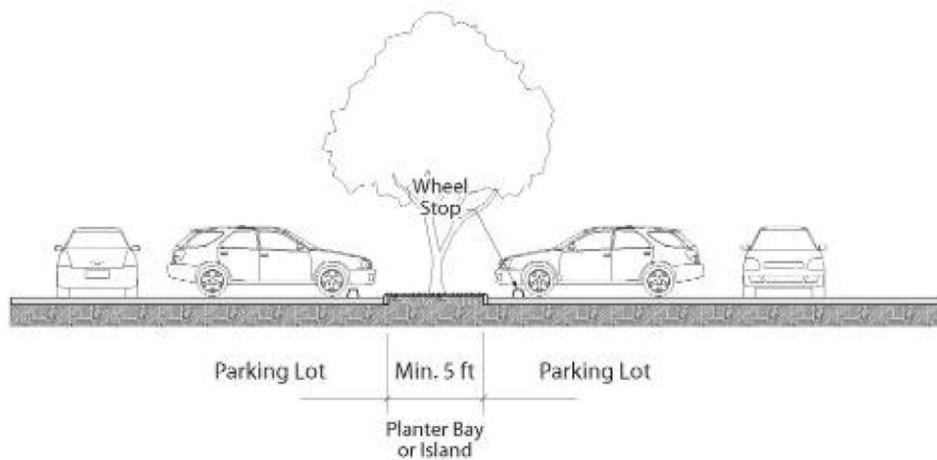
- (5) *Perimeter setbacks and landscaping for parking garages.* Perimeter setbacks and landscaping as set forth in subsection (c) of this section shall be required for parking garages; provided, however, perimeter setbacks and landscaping are not required for:
 - (A) Any portion of a parking garage with frontage on a street and containing ground floor uses or activities other than parking.
 - (B) Any parking garage within an industrial zone, public zone, or commercial zone, other than a CO zone, that abuts an interior front, side, or rear property line where there is no required building setback.
 - (C) Any parking garage abutting an alley.
- (d) *Interior landscaping.*
 - (1) *Interior landscaping, generally.* Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:
 - (A) Vehicle storage areas.
 - (B) Vehicle display areas.
 - (C) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (D) Gravel off-street parking areas, approved through a conditional use permit.
 - (E) Underground parking.
 - (F) Parking garages.
 - (2) *Minimum percentage of interior landscaping required.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-4. For purposes of this subsection, the total interior area of an off-street parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways. Perimeter landscaped setbacks and required landscape strips separating off-street parking areas from buildings and structures shall not count towards satisfying minimum interior landscaping requirements.

TABLE 806-4. INTERIOR OFF-STREET PARKING AREA LANDSCAPING

Total Interior Area of Off-Street Parking Area	Percentage Required to be Landscaped
Less than 50,000 sq. ft.	Min. 5%
50,000 sq. ft. and greater	Min. 8%

- (3) *Trees.* A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area. Trees may be clustered within landscape islands or planter bays, and shall be distributed throughout the off-street parking area to create a canopy effect and to break up expanses of paving and long rows of parking spaces.
- (4) *Landscape islands and planter bays.* Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of five feet (see Figure 806-7).

FIGURE 806-7. INTERIOR LANDSCAPING



- (e) *Off-street parking area dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-5; provided, however, minimum off-street parking area dimensions shall not apply to:
 - (1) Vehicle storage areas.
 - (2) Vehicle display areas.

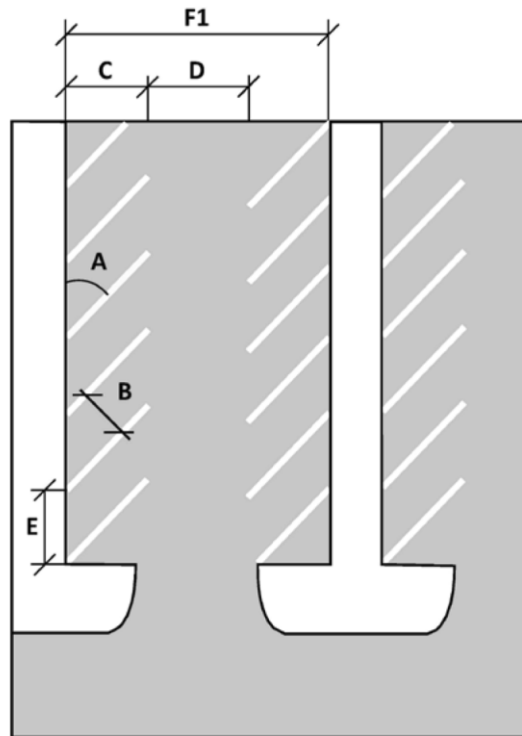
TABLE 806-5. MINIMUM OFF-STREET PARKING AREA DIMENSIONS							
Parking Angle A ⁽³⁾	Type of Space	Stall Width B ⁽³⁾	Stall to Curb C ⁽³⁾	Aisle Width ^{(1),(2)} D ⁽³⁾	Curb Length E ⁽³⁾	Front of Stall to Front of Stall F1 ⁽³⁾	Overlap Front of Stall to Front of Stall F2 ⁽³⁾
0° (Parallel)	Compact	8'0"	8.0	12.0	22.0	28.0	-
	Standard	8'0"	8.0	12.0	22.0	28.0	-

20°	Compact	8'0"	12.6	11.0	23.4	36.2	28.7
	Standard	8'6" (4)	14.5	11.0	24.9	40.0	32.0
		9'6"	15.5	11.0	27.8	42.0	33.1
		10'0"	15.9	11.0	19.2	42.8	33.4
30°	Compact	8'0"	14.4	11.0	16.0	39.8	32.9
	Standard	8'6" (4)	16.9	11.0	17.0	44.8	37.4
		9'0"	17.3	11.0	18.0	45.6	37.8
		9'6"	17.8	11.0	19.0	46.6	38.4
		10'0"	18.2	11.0	20.0	47.4	38.7
40°	Compact	8'0"	15.8	12.0	12.4	43.6	37.5
	Standard	8'6" (4)	18.7	12.0	13.2	49.4	42.9
		9'0"	19.1	12.0	14.0	50.2	43.3
		9'6"	19.5	12.0	14.8	51.0	43.7
		10'0"	19.9	12.0	15.6	51.8	44.1
45°	Compact	8'0"	16.3	13.5	11.3	46.1	40.5
	Standard	8'6" (4)	19.4	13.5	12.0	52.3	46.3
		9'0"	19.8	13.0	12.7	52.6	46.2
		9'6"	20.1	13.0	13.4	53.2	46.5
		10'0"	20.5	13.0	14.1	54.0	46.9
50°	Compact	8'0"	16.6	15.5	10.4	48.7	43.6
	Standard	8'6" (4)	20.0	15.5	11.1	55.5	50.0
		9'0"	20.4	15.0	11.7	55.8	50.0
		9'6"	20.7	15.0	12.4	56.4	50.3
		10'0"	21.0	15.0	13.1	57.0	50.6
60°	Compact	8'0"	17.0	18.5	9.2	52.5	48.5
	Standard	8'6" (4)	20.7	18.5	9.8	59.9	55.6
		9'0"	21.0	18.0	10.4	60.0	55.7
		9'6"	21.2	18.0	11.0	60.4	55.6
		10'0"	21.5	18.0	11.5	61.0	56.0
70°	Compact	8'0"	16.8	19.5	8.5	53.1	50.4
	Standard	8'6" (4)	20.8	19.5	9.0	61.1	58.2
		9'0"	21.0	19.0	9.6	61.0	57.9
		9'6"	21.2	18.5	10.1	60.9	57.7
		10'0"	21.2	18.0	10.6	60.4	57.0
80°	Compact	8'0"	16.2	22.0	8.1	56.4	55.0
	Standard	9'0"	20.3	24.0	9.1	64.3	62.7
		9'6"	20.4	24.0	9.6	64.4	62.7
		10'0"	20.5	24.0	10.2	65.0	63.3
90°	Compact	8'0"	15.0	22.0	8.0	54.0	-
		8'6" ⁽⁵⁾	15.0	22.0	8.0	54.0	-
	Standard	9'0"	19.0	24.0	9.0	62.0	-
		9'6"	19.0	24.0	9.5	62.0	-
		10'0"	19.0	24.0	10.0	62.0	-

Limitations and Qualifications

- (1) For two-way circulation the width of an aisle shall be a minimum of 22 feet.
- (2) The width of an aisle serving both standard and compact parking spaces 80 degrees or more shall be a minimum of 24 feet.
- (3) See Figure 806-8 for corresponding off-street parking area layout requirements.
- (4) Minimum 8'6" standard stall width applies within parking structures of two or more stories.
- (5) Minimum 8'6" compact stall width applies when the side of the parking space abuts a wall or post.

FIGURE 806-8. OFF-STREET PARKING AREA LAYOUT REQUIREMENTS



- (f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:
- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
 - (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

FIGURE 806-9. OFF-STREET PARKING AREA TURNAROUND

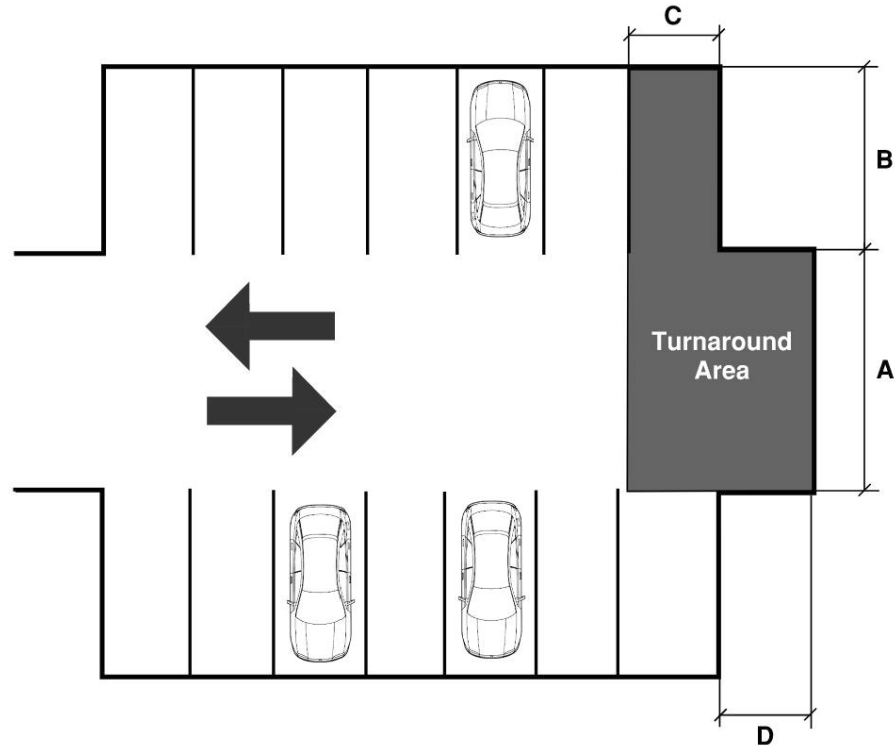


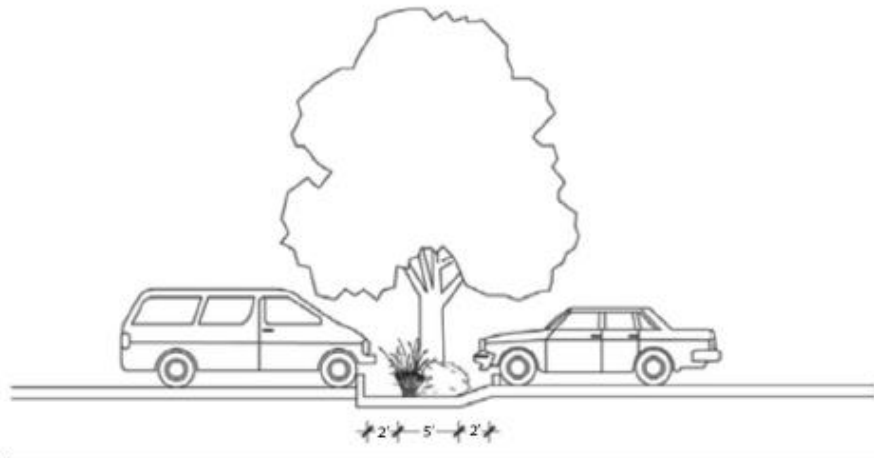
TABLE 806-6. MINIMUM OFF-STREET PARKING AREA TURNAROUND DIMENSIONS

Aisle Width A	Turnaround Dimensions		
	B	C	D
24 ft. or less	15 ft.	9 ft.	6 ft.
25 ft.	15 ft.	9 ft.	5 ft.
26 ft.	15 ft.	9 ft.	4 ft.
27 ft.	15 ft.	9 ft.	3 ft.
28 ft.	15 ft.	9 ft.	2 ft.
29 ft.	15 ft.	9 ft.	1 ft.
30 ft. or more	15 ft.	9 ft.	0 ft.

- (g) *Grade.* Off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent.
- (h) *Surfacing.* Off-street parking and vehicle use areas shall be paved with a hard surface material meeting the Public Works Design Standards; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants (see Figure 806-10). Such two-foot landscaped area may count towards meeting interior off-street parking area landscaping requirements when provided abutting a landscape island or planter bay with a minimum width of five feet, but shall not count towards meeting perimeter setbacks and landscaping requirements. Paving is not required for:
 - (1) ~~Vehicle~~ Outdoor storage areas within the IG zone.

- (2) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
- (3) Gravel off-street parking areas, approved through a conditional use permit.

FIGURE 806-10. LANDSCAPED FRONT PORTION OF PARKING STALL



- (i) *Drainage.* Off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (j) *Bumper guards or wheel barriers.* Off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property; provided, however, bumper guards or wheel barriers are not required for:
 - (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
- (k) *Off-street parking area striping.* Off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6; provided, however, off-street parking area striping shall not be required for:
 - (1) Vehicle storage areas.
 - (2) Vehicle sales display areas.
 - (3) Temporary and seasonal gravel off-street parking areas, approved pursuant to SRC chapter 701.
 - (4) Gravel off-street parking areas, approved through a conditional use permit.
- (l) *Marking and signage.*
 - (1) *Off-street parking and vehicle use area circulation.* Where directional signs and pavement markings are included within an off-street parking or vehicle use area to control vehicle movement, such signs and marking shall conform to the Manual of Uniform Traffic Control Devices.

- (2) *Compact parking.* Compact parking spaces shall be clearly marked indicating the spaces are reserved for compact parking only.
 - (3) *Carpool and vanpool parking.* Carpool and vanpool parking spaces shall be posted with signs indicating the spaces are reserved for carpool or vanpool use only before 9:00 a.m. on weekdays.
- (m) *Lighting.* Lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street.
- (n) *Additional standards for new off-street surface parking areas more than one-half acre in size.* When a total of more than one-half acre of new off-street surface parking is proposed on one or more lots within a development site, the lot(s) proposed for development shall comply with the additional standards in this subsection. For purposes of these standards, the area of an off-street surface parking area is the sum of all areas within the perimeter of the off-street parking area, including parking spaces, aisles, planting islands, corner areas, and curbed areas, but not including interior driveways and off-street loading areas.
- (1) *Climate mitigation.* Except for development that includes a public building as defined in OAR 330-135-0200 that must otherwise comply with Chapter 330, Division 135 of the Oregon Administrative Rules, development that includes a total of more than one-half acre of new off- street surface parking shall provide one or more of the following climate mitigation measures, which may be used in combination. When used in combination, each climate mitigation measure shall be counted as a proportion of the total amount of mitigation required, as shown in Figure 806-11. (Example: A development with one half acre of new off-street surface parking, including 80 parking spaces, may provide solar power generation infrastructure of 20 kilowatts; thereby meeting 50 percent of the total amount of mitigation required. The remainder may be accomplished by providing tree canopy area covering 20 percent of the new off-street parking and vehicle use areas; thereby meeting the remaining 50 percent of the total amount of mitigation required.) This requirement cannot be adjusted or varied.

FIGURE 806-11. FORMULAS FOR CALCULATING CLIMATE MITIGATION

$$\begin{array}{l}
 \text{Tree canopy:} \\
 \left(\frac{1}{\text{area of the parking lot} \times 0.4} \right) \div \left(\frac{1}{\text{area of tree canopy provided}} \right) \times 100 = \begin{array}{l} \% \text{ of mitigation} \\ \text{requirement met via} \\ \text{tree canopy} \end{array} \\
 \\
 \text{Solar Power Generation:} \\
 \left(\frac{1}{\text{number of parking spaces}} \right) \div \left(\frac{1}{\text{kilowatts of solar} \times 0.5} \right) \times 100 = \begin{array}{l} \% \text{ of mitigation} \\ \text{requirement met via} \\ \text{solar power generation} \end{array} \\
 \\
 \text{Payment in Lieu:} \\
 \left(\frac{1}{\text{number of parking spaces}} \right) \div \left(\frac{1}{\text{number of spaces offset by} \\ \text{payment in lieu}} \right) \times 100 = \begin{array}{l} \% \text{ of mitigation} \\ \text{requirement met via} \\ \text{payment in lieu} \end{array} \\
 \\
 = \\
 \begin{array}{l} \text{Total percentage of} \\ \text{mitigation} \\ \text{requirement met} \end{array}
 \end{array}$$

-
- (A) *Solar power generation.* On-site solar power generation infrastructure shall be provided with a capacity of at least 0.5 kilowatts per new off-street parking space. The solar power generation infrastructure shall be located on the lot(s) proposed for development but need not be located in parking or vehicle use areas.
 - (B) *Payment into city's equitable renewable energy fund.* A payment shall be made into the city's equitable renewable energy fund at a rate of not less than \$1,500.00 per parking space and tied to inflation. The per parking space fee, adopted through Ordinance Bill No. 7-23, effective November 27, 2023, shall increase by an amount equal to any percentage increase in the consumer price index for urban wage earners and clerical workers for the Portland-Salem, Oregon region effective on July 1 of each year, unadjusted for seasonal variations, as determined by the Bureau of Labor Statistics of the Department of Labor.
 - (C) *Increased tree canopy coverage.* Increased on-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section, covering at least 40 percent of new off-street parking and vehicle use areas in no more than 15 years. For purposes of this calculation, paved areas used for loading, outdoor storage of goods and materials, and solid waste services are not included in the off-street parking and vehicle use area.
- (2) *Provision of tree canopy.* Development that includes a total of more than one-half acre of new off-street surface parking shall provide tree canopy in conformance with one or more of the following:
 - (A) *Trees along driveways.* Trees shall be provided along both sides of driveways in conformance with the standards included under subsection (n)(3) of this section; or
 - (B) *Tree canopy coverage.* On-site tree canopy area shall be provided, in conformance with the standards included under subsection (n)(3) of this section, covering at

least 30 percent of new off-street surface parking and vehicle use areas in no more than 15 years. For purposes of this calculation, paved areas used for loading, outdoor storage of goods and materials, and solid waste services are not included in the off-street parking and vehicle use area.

- (3) *Tree canopy standards.* To ensure new off-street surface parking totaling more than one-half acre in size meets minimum tree canopy coverage requirements, new trees shall be planted and/or existing trees shall be preserved in conformance with the following standards:
- (A) *Expected tree canopy area.*
- (i) Expected on-site tree canopy area shall be based on the standards set forth in Table 806-7.
 - (ii) New trees that are planted shall be selected from Table 806-7. When a tree proposed to be planted is not identified in Table 806-7, the tree may be approved by the Planning Administrator if it is a native, drought resistant, species that will provide tree canopy area commensurate with either large or small trees as specified in Table 806-7.
 - (iii) Existing trees that are preserved may be included in expected tree canopy area, regardless of species, so long as they conform to the other standards of this subsection. Mature trees 15 years of age or older may be counted with their existing canopy area at the time of application. Immature trees shall be categorized as either small or large trees based on how their species is identified in Table 806-7. Immature trees of a species not listed in Table 806-7 shall be categorized by the Planning Administrator as either small or large based on the average spread of the species at maturity.
 - (iv) Each tree meeting the requirements of this subsection may be counted toward the total expected tree canopy area so long as the trunk of each tree is located within 10 feet of the parking area.
 - (v) *Exclusions to expected tree canopy area.* The following portions of tree canopy shall not be counted as part of the expected tree canopy area:
 - (aa) Where trees are planted in such proximity that their expected tree canopy area at 15 years will overlap by more than five linear feet, portions of the expected tree canopy area exceeding five feet of overlap shall not count toward the expected tree canopy coverage area.
 - (bb) Portions of expected tree canopy that overlap with any portion of an existing or proposed building shall not be counted for the purposes of meeting tree canopy requirements.
- (B) *Tree planting standards.* Trees provided to meet tree canopy coverage requirements shall be:
- (i) Planted in such proximity that they form a continuous canopy within 15 years of planting based on the expected tree canopy area of the trees set forth in Table 806-7, except where interrupted by vehicle use areas,

solid waste service areas, buildings, power lines, stormwater infrastructure, and children's play areas;

- (ii) Planted in planting islands containing a minimum of three trees per planting island and the minimum required soil amount per tree type specified in Table 806-7;
 - (iii) Planted to ensure that no more than 20 percent of their expected canopy overlaps with existing or proposed buildings;
 - (iv) Not less than 1.5 inch caliper in size at the time of planting; and
 - (v) Planted and maintained to meet, at minimum, the standards in the 2021 ANSI A300 handbook.
- (C) *Tree Location/Utility Coordination.* Coordination shall be demonstrated with the local electric utility to ensure the compatibility of tree canopy and root systems with planned and existing utility infrastructure.

TABLE 806-7. TREE PLANTING STANDARDS FOR CALCULATION OF ON-SITE TREE CANOPY				
Tree Type	Tree Species	Expected 15-Year Tree Canopy Diameter	Soil Requirements	
			Minimum Soil Volume	Minimum Soil Depth
Small Trees	American hornbeam American yellowwood Bald cypress Black gum Bloodgood Japanese maple Casara Chinese pistache Dura heat river birch Eastern redbud European hornbeam Frontier elm Golden rain tree Natchez crape myrtle Oregon white oak Parrotia, Persian ironwood Silver linden Silverleaf oak Yoshino cherry	35 ft.	1,000 cubic feet	2 ft.
Large Trees	Accolade elm Chinese elm Hackberry Holly oak Honey locust London plane tree Ponderosa pine Red oak Scarlet oak Swamp white oak Willow oak Zelkova	50 ft.	1,500 cubic feet	2 ft.

Sec. 806.040. Driveway development standards for uses or activities other than single family, two family, three family, or four family.

Unless otherwise provided under the UDC, driveways for uses or activities other than single family, two family, three family, or four family shall be developed and maintained as provided in this section.

- (a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available, or a loop to the single point of access. The driveway approaches to the driveways shall conform to SRC chapter 804.
- (b) *Location.* Driveways shall not be located within required setbacks except where:
 - (1) The driveway provides direct access to the street, alley, or abutting property.
 - (2) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- (c) *Setbacks and landscaping.*
 - (1) *Perimeter setbacks and landscaping, generally.* Perimeter setbacks and landscaping as set forth in this subsection shall be required for driveways abutting streets and abutting interior front, side, and rear property lines; provided, however, perimeter setbacks and landscaping are not required where:
 - (A) The driveway provides direct access to the street, alley, or abutting property.
 - (B) The driveway is a shared driveway located over the common lot line and providing access to two or more uses.
 - (2) *Perimeter setbacks and landscaping abutting streets.* Unless a greater setback is required elsewhere within the UDC, driveways abutting a street shall be setback and landscaped according to the off-street parking and vehicle use area perimeter setbacks and landscaping standards set forth under SRC 806.035(c)(2).
 - (3) *Perimeter setbacks and landscaping abutting interior front, side, and rear property lines.* Unless a greater setback is required elsewhere within the UDC, driveways abutting an interior front, side, or rear property line shall be setback a minimum of five feet. The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.
- (d) *Dimensions.* Driveways shall conform to the minimum width set forth in Table 806-8.

TABLE 806-8. MINIMUM DRIVEWAY WIDTH		
Type of Driveway	Width	Inside Radius of Curves & Corners
One-way driveway	12 ft.	25 ft., measured at curb or pavement edge
Two-way driveway	22 ft.	25 ft., measured at curb or pavement edge

- (e) *Surfacing.* Except as otherwise provided in this subsection, ~~All~~ driveways, ~~other than access roads required by the Public Works Design Standards to provide access to City utilities,~~ shall be paved with a hard surface material meeting the Public Works Design Standards. ~~Paving is not required for: Access roads required by the Public Works Design Standards to provide access to City utilities shall be an all-weather surface material meeting the Public Works Design Standards; provided, however, the first ten feet of the access road leading into the property, as measured from the property line, shall be paved with a hard surface material.~~
- (1) Access roads required by the Public Works Design Standards to provide access to City utilities; provided:
- (A) The access road is constructed of an all-weather surface material meeting the Public Works Design Standards; and
- (B) The first ten feet of the access road leading into the property, as measured from the property line, is paved with a hard surface material.
- (2) Driveways providing access to gravel outdoor storage areas within the IG zone; provided the first section of the driveway leading into the property from the street, as measured from the property line abutting the street, is paved with a hard surface material to a depth that is equal to the width of the driveway.
- (f) *Drainage.* Driveways shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director.
- (g) *"No Parking" signs.* Driveways shall be posted with one "no parking" sign for every 60 feet of driveway length, but in no event shall less than two signs be posted.