

CHAPTER 533. - MIXED USE-I

Sec. 533.001. - Purpose.

The purpose of the Mixed Use-I (MU-I) zone is to identify allowed uses and establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, encourage a mix of compatible uses in multi-story buildings, and emphasize active commercial uses on ground floors facing major streets.

(Eng. Ord. No. 4-18, § 2, 8-13-2018, eff. 9-12-2018)

Sec. 533.005. - Definitions.

Unless the context otherwise specifically requires, as used in this chapter, the following mean:

Pedestrian amenities means areas and objects that are intended to serve as places for public use and are closed to motorized vehicles. Examples include plazas, sidewalk extensions, outdoor seating areas, and street furnishings.

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

Secondary street means a street that is classified in the TSP as a local street.

(Eng. Ord. No. 4-18, § 2, 8-13-2018, eff. 9-12-2018)

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 | P | Two family, when located in a mixed-use building. |
| | N | All other two family |
| 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 | |

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|--|---|--|
| 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 | |
| | | |

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|---|---|--|
| Recreation, Entertainment, and Cultural Services and Facilities | | |
| Commercial entertainment | N | Firing ranges |
| —Indoor | | |
| | 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 | |

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|-----------------------------|--------|--|
| Table 533-1: Uses | | |
| | Status | |
| Outpatient medical services | P | |

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| and laboratories | | |
| 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 | N | |

| | | |
|---|---|---|
| services | | |
| 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 <u>chapter 703</u> . |
| Drinking water treatment facilities | N | |
| Power generation facilities | N | |
| Data center facilities | N | |

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|---|---|---|
| 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 | <p>The following temporary uses:</p> <ul style="list-style-type: none"> ■ Construction modular, subject to SRC <u>701.016</u>. ■ Emergency shelter, subject to SRC <u>701.025</u>. ■ Managed temporary village, subject to SRC <u>701.030</u>. |

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|--------------------------|---|---|
| | | ■ Safe parking shelter, subject to SRC <u>701.041</u> . |
| Home occupations | S | Home occupations, subject to SRC <u>700.020</u> . |
| Accessory dwelling units | S | Accessory dwelling units, subject to SRC <u>700.007</u> . |

- (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.

(Eng. Ord. No. 4-18, § 2, 8-13-2018, eff. 9-12-2018; Ord. No. 1-20, § 2(Exh. B), 2-24-2020; Ord. No. 13-21, § 1(Exh. A), 2-14-2022; Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022; Ord. No. 7-23, § 1(Exh. A), 11-27-2023; Ord. No. 8-24, § 1(Exh. A), 9-23-2024)

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

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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] <u>533.015(h)</u> . |
| | | <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> |

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.

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 Front

Buildings

All uses

None

Accessory Structures

All uses

None

Vehicle Use Areas

All uses

Per SRC
chapter

| | | |
|-----------------------------|---------------------------------------|--|
| | <u>806</u> | |
| 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 |

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|---|-------------------|---------------------------|--------|
| | 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

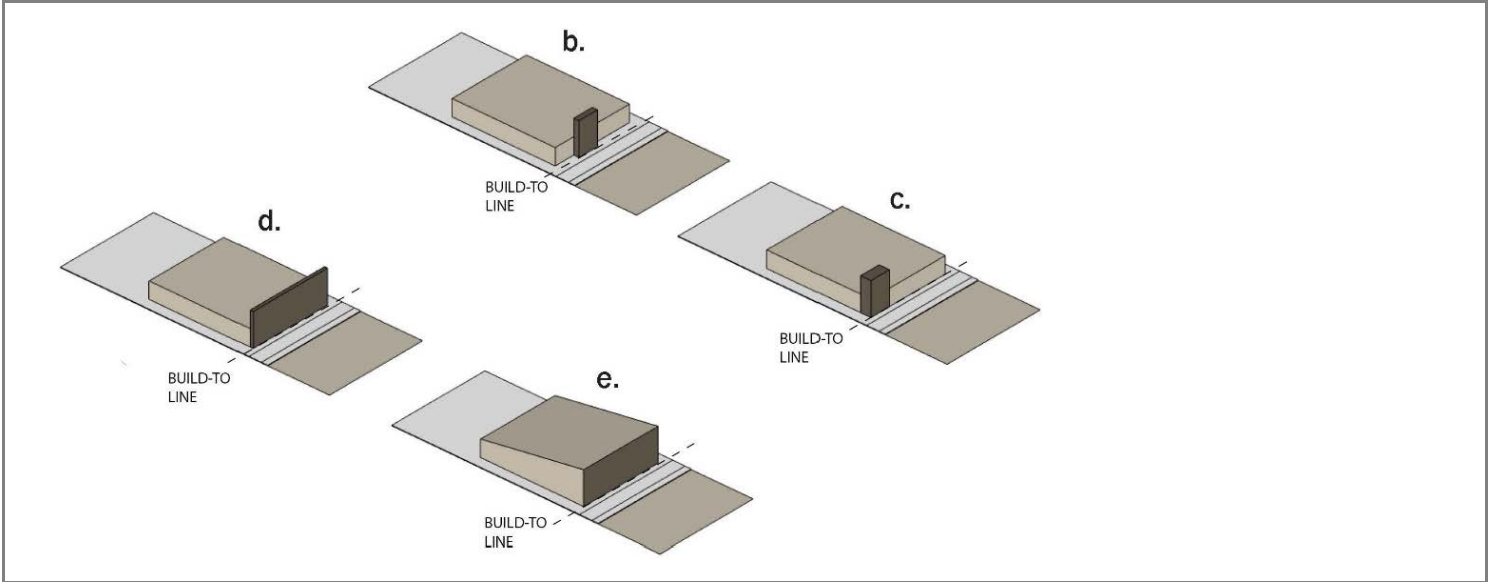
| | | |
|--|----------|------------------------------|
| Table 533-5: Lot Coverage; Height; Building Frontage | | |
| Requirement | Standard | Limitations & Qualifications |
| Lot Coverage | | |
| Buildings and Accessory Structures | | |
| All uses | No Max. | |
| Rear Yard Coverage | | |
| Buildings | | |
| | | |

| | | |
|-----------------------------|-------------|---|
| 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. |
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| | | 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)(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 | Vertical separation shall take the form of |

| | | |
|--|--|---|
| | Min. 1.5 ft. Max. 3 ft. | 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 |
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|--|--|-----|---|
| | | | 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 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