

Sec. 534.001. - Purpose.

The purpose of the Mixed Use-II (MU-II) zone is to identify allowed uses, establish development standards that promote pedestrian-oriented development in vibrant mixed-use districts, and encourage a mix of compatible uses in multi-story buildings.

(Eng. Ord. No. 4-18, § 3, 8-13-2018, eff. 9-12-2018)

Sec. 534.005. - 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, § 3, 8-13-2018, eff. 9-12-2018)

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.
	N	All other single family.
Two family	N	
Three family	P	
Four family	P	
Multiple family	P	
Group Living		
Room and board	P	Room and board serving 5 or fewer persons.
	C	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	N	

trailer sales		
Motor vehicle services	N	
Commercial parking	N	Standalone surface parking lots
	P	All other commercial parking
Park-and-ride facilities	N	
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	P	

assembly		
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 <u>chapter 703</u> .
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		
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 534-1, 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 uses within the MU-II zone established prior to September 12, 2018, 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.
- (Eng. Ord. No. 4-18, § 3, 8-13-2018, eff. 9-12-2018; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

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 shall have a minimum density of 12 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.	(1) Maximum setback of up to 10 feet is permitted if the setback area is used for pedestrian amenities.
		(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 <u>534.015(h)</u> .
Accessory Structures		
All uses	Min. 5 ft.	
Vehicle Use Areas		
All uses	Per SRC <u>chapter 806</u>	The use of a berm under <u>806.035(c)(2)(B)</u> 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 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 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 and Accessory Structures			
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.
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(e) *Parking.* Required 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.* Required 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).

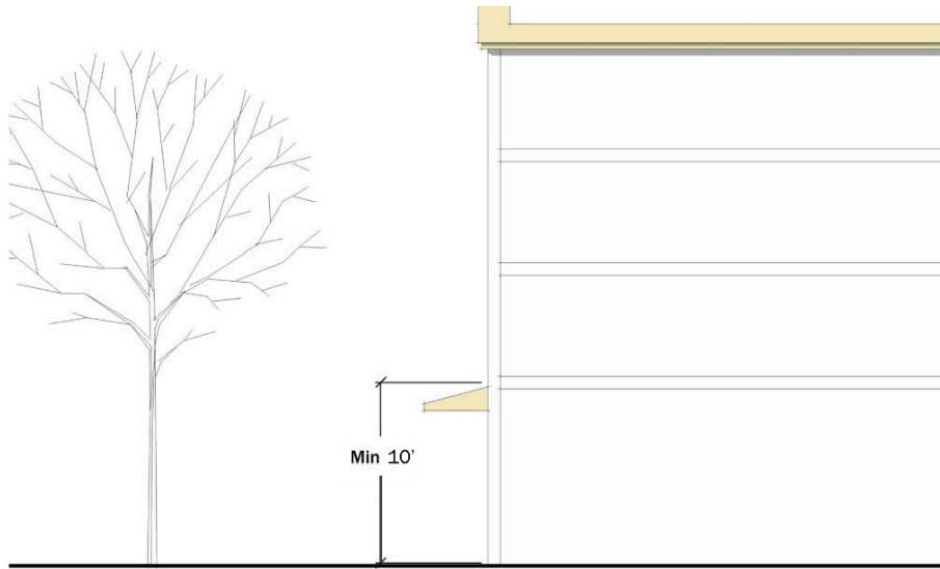
For the purposes of [SRC] 534.015(h)(2)(C)(i) and (ii), the pedestrian-oriented design standards in Table 534-6 shall apply to the addition. Major additions must meet all other development standards in this chapter except for building frontage and

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.
- (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.

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

<p>This standard applies to building ground floors on primary streets.</p>	<p>Residential uses Min. 30%</p>	<p>(1)</p>	<p>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.</p>
	<p>Non-residential uses Min. 65%</p>	<p>(2)</p>	<p>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.</p>

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.

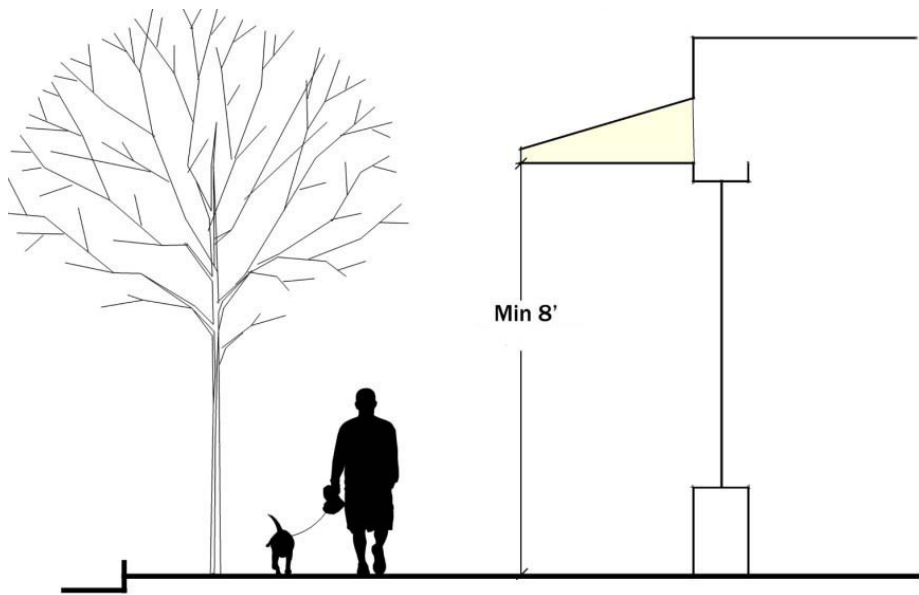
FIGURE 534-5
ENTRANCE AT BUILDING CORNER



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 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 <u>76.160</u> .

FIGURE 534-6
WEATHER PROTECTION



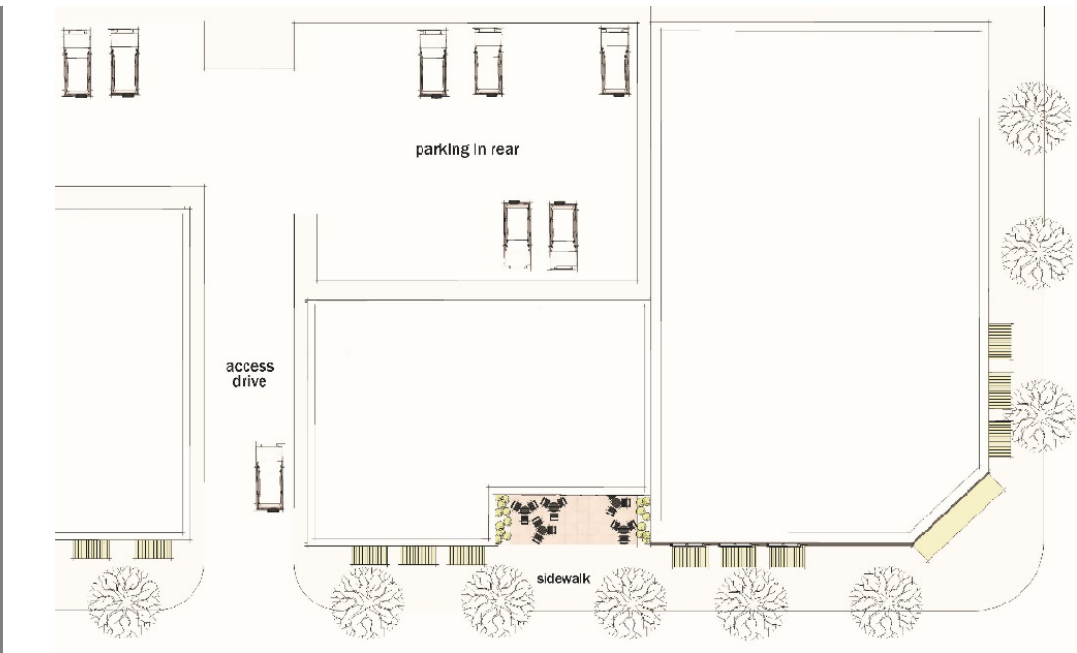
Parking Location

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



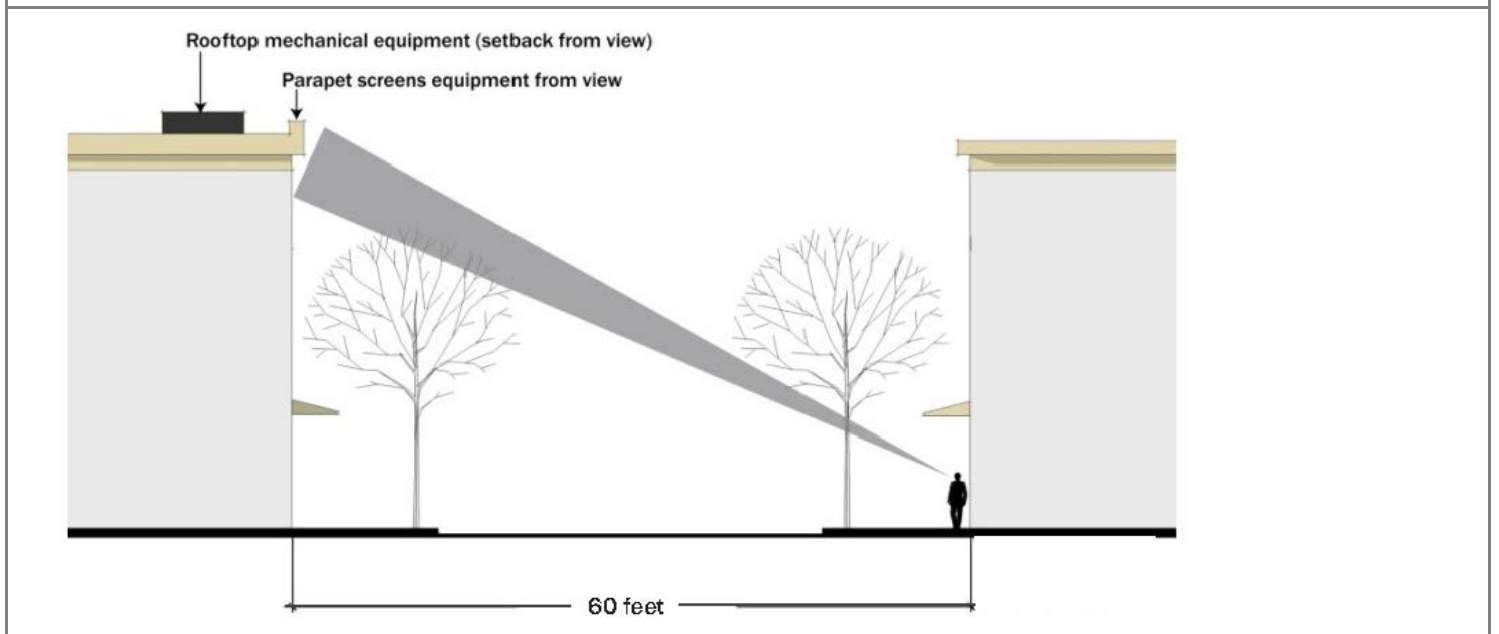
Mechanical and Service Equipment

<p>This standard applies to mechanical and service equipment.</p>	<p>Required</p>	<p>(1)</p>	<p>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)</p>	<p>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



(Eng. Ord. No. 4-18, § 3, 8-13-2018, eff. 9-12-2018; Ord. No. 6-19, § 1(Exh. A), 6-24-2019, eff. 7-24-2019)

Sec. 534.020. - Design review.

Design review under SRC chapter 225 is not required for development within the MU-II zone. Multifamily development within the MU-II zone is not subject to design review according to the multiple family design review standards set forth in SRC chapter 702.

(Eng. Ord. No. 4-18, § 3, 8-13-2018, eff. 9-12-2018; Ord. No. 1-20, § 2(Exh. B), 2-24-2020)

Sec. 534.025. - Other provisions.

In addition to the standards set forth in the chapter, development within the MU-II zone must comply with all other applicable development standards of the UDC, including but not limited to the following chapters:

- (a) Floodplain Overlay Zone SRC chapter 601
- (b) General Development Standards SRC chapter 800
- (c) Public Improvements SRC chapter 802
- (d) Streets and Right-of-Way Improvements SRC chapter 803
- (e) Driveway Approaches SRC chapter 804
- (f) Vision Clearance SRC chapter 805
- (g) Off-Street Parking, Loading, and Driveways SRC chapter 806
- (h) Landscaping and Screening SRC chapter 807
- (i) Preservation of Trees and Vegetation SRC chapter 808
- (j) Wetlands SRC chapter 809
- (k) Landslide Hazards SRC chapter 810
- (l) Sign Code SRC chapter 900

(Eng. Ord. No. 4-18, § 3, 8-13-2018, eff. 9-12-2018)