

CHAPTER 535. - MU-III—MIXED USE-III

Sec. 535.001. - Purpose.

The purpose of the Mixed Use-III (MU-III) zone is to identify allowed uses and establish development standards that encourage infill development and redevelopment in mixed-use corridors and centers and promote pedestrian access. The MU-III zone generally allows a variety of retail and office uses, commercial services, and multiple family residential uses.

(Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022)

Sec. 535.005. - 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.

(Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022)

Sec. 535.010. - Uses.

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the MU-III zone are set forth in Table 535-1.

TABLE 535-1
USES

Table 535-1: Uses		
Use	Status	Limitations and Qualifications

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	S	Subject to SRC <u>700.081</u> .
Four family	S	Subject to SRC <u>700.081</u> .
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	
Nursing care	P	
Lodging		
Short-term commercial lodging	P	
Long-term commercial lodging	C	
Nonprofit shelters	P	Nonprofit shelters serving 5 or fewer persons.
	C	Nonprofit shelters serving 6 to 75 persons.
	P	Nonprofit shelters serving victims of domestic violence for 10 or fewer persons.
	N	All other nonprofit shelters.
Retail Sales and Service		
Eating and drinking establishments	P	
Retail sales	N	Used merchandise stores, where sales

		and storage of merchandise and equipment is not conducted entirely within a building.
	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	C	
Motor vehicle services	P	Gasoline service stations.
	C	All other motor vehicle services.
Commercial parking	P	

Park-and-ride facilities	P	
Taxicabs and car services	P	
Heavy vehicle and trailer sales	C	Truck rental and leasing.
	N	All other heavy vehicle and trailer sales.
Heavy vehicle and trailer service and storage	C	The following heavy vehicle and trailer service and storage activities: <ul style="list-style-type: none"> ■ Truck stops. ■ Heavy vehicle and equipment operation instruction. ■ Tire retreading and tire repair shops.
	N	All other heavy vehicle and trailer service and storage.
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial entertainment—indoor	C	Nightclubs, located within 200 feet of a residential zone.
	P	All other commercial entertainment—indoor.
Commercial entertainment—outdoor	C	Privately owned camps, campgrounds, and recreational vehicle parks.
	N	The following commercial

		entertainment—outdoor activities: ■ Amusement parks. ■ Drive-in movie theaters.
	P	All other commercial entertainment—outdoor.
Major event entertainment	C	
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	
Education 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	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General repair services	P	
Building and grounds services and construction	P	The following buildings and grounds services and construction contracting

contracting		activities: ■ Landscape, lawn, and garden services. ■ Tree and shrub services.
	C	Carpet and upholstery cleaning establishments.
	N	All other building and grounds services and construction contracting.
Cleaning plants	N	
Industrial services	P	
Wholesale Sales, Storage, and Distribution		
General wholesaling	N	
Heavy wholesaling	N	
Warehousing and distribution	C	Distribution centers for online, mail order, and catalog sales.
	N	All other warehousing and distribution.
Self-service storage	N	
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	<p>The following general manufacturing activities, when exceeding 10,000 square feet of total floor area per development site:</p> <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	N	
Passenger ground transportation facilities	P	
Marine facilities	N	
Utilities		

Basic utilities	C	Reservoirs; water storage facilities.
	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	C	
Power generation facilities	C	
Data center facilities	N	
Fuel dealers	N	
Waste-related facilities	C	The following waste-related facilities are allowed conditionally: <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	P	
Agriculture and forestry services	P	
Keeping of livestock and other animals	N	
Animal services	N	New wildlife rehabilitation facility.
	P	All other animal services.
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>. ■ Safe parking shelter, subject to SRC <u>701.041</u>. ■ Temporary motor vehicle and recreational vehicle sales, subject to SRC <u>701.035</u>.
Home occupations	S	Home occupations, subject to SRC

		<u>700.020.</u>
Accessory dwelling units	S	Accessory dwelling units, subject to SRC 700.007.

- (b) *Continued uses.* Existing, legally-established uses established prior to August 24, 2022, but which would otherwise be made nonconforming by this chapter, are hereby deemed continued uses.
- (1) Building or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the standards set forth in SRC 535.015(f).
 - (2) Cease of occupancy of a building or structure for a continued use shall not preclude future use of the building or structure for that use; provided, however, 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.
- (c) *Adaptive reuse of existing industrial buildings and structures.* In order to allow for greater flexibility in the use of existing industrial buildings and structures within the area shown in Figure 535-1, the adaptive reuse of industrial buildings and structures existing on August 24, 2022, is allowed as set forth in this subsection.
- (1) *Uses.* Any use within the industrial use classification that is a permitted, special, or conditional use within the General Industrial (IG) Zone shall be a permitted, special, or conditional use within an existing industrial building or structure within the area shown in Figure 535-1.
 - (2) *Development standards; design review.* The exterior of the existing industrial building or structure may be altered, but shall not be enlarged. The exterior alteration shall comply with all applicable standards of the IG Zone. The exterior alteration shall not be subject to the development standards, or the design review guidelines or the design review standards, of this chapter.
 - (3) *Termination.* Adaptive reuse of an existing industrial building or structure shall terminate as provided in this subsection. When the adaptive reuse of an existing industrial building or structure has terminated, the property shall thereafter only be used for uses allowed in

the MU-III zone.

- (A) Change of use to any use that is allowed in the MU-III zone shall terminate the adaptive reuse of the building or structure.
- (B) Determination by the Building Official that the building or structure is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the adaptive reuse of the building or structure.
- (C) Substantial damage or destruction of the building or structure 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 the current building codes, shall terminate the adaptive reuse of the building or structure. 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.

(Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022; Ord. No. 22-22, § 1(Exh. A), 11-28-2022; Ord. No. 7-23, § 1(Exh. A), 11-27-2023)

Sec. 535.015. - Development standards.

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

- (a) *Lot standards.* Lots within the MU-III zone shall conform to the standards set forth in Table 535-2.

TABLE 535-2
LOT STANDARDS

Table 535-2: 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.	
	Min. 30 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.
All other uses	Min. 16 ft.	

- (b) *Dwelling unit density.* Development within the MU-III 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 MJU-III zone shall be provided as set forth in Tables 535-3 and 535-4.

TABLE 535-3
SETBACKS

Table 535-3: Setbacks

Requirement	Standard	Limitations and Qualifications
Abutting Street		
Buildings		
Three family, four family, and multiple family	Min. 20 ft No Max.	Applicable to standalone three family, four family, and multiple family uses along arterial streets.
	Min. 5 ft. Max. 30 ft.	<p>Applicable to all other three family, four family, and multiple family.</p> <p>The maximum setback of up to 30 feet is applicable to all new buildings and is permitted, provided the setback area is used for a combination of landscaping and pedestrian amenities and meets the following standards:</p> <ul style="list-style-type: none"> ■ Up to the first 10 ft of the setback area can be used exclusively for pedestrian amenities, and ■ At least 50 percent of the remaining setback area must be landscaped. <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>
All other uses	<p>Min. 5 ft. Max. 30 ft.</p>	<p>The maximum setback of up to 30 feet is applicable to all new buildings and is permitted, provided the setback area is used for a combination of landscaping and pedestrian amenities and meets the following standards:</p> <ul style="list-style-type: none">■ Up to the first 10 ft of the setback area can be used exclusively for pedestrian amenities, and■ At least 50 percent of the remaining setback area must be landscaped. <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</p>

		streets have the same classification, the street designation by the applicant. No minimum or maximum setback is required abutting the other street.
Accessory Structures		
Accessory to single family, three family, four family, and multiple family	None	Applicable to accessory structures not more than 4 ft. in height.
	Min. 5 ft.	Applicable to accessory structures greater than 4 ft. in height.
Accessory to all other uses	Min. 5 ft.	Not applicable to transit stop shelters.
Vehicle Use Areas		
All uses	Per SRC <u>chapter 806</u>	
Interior Front		
Buildings		
Single family, three family, and four family	None	
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC <u>chapter 807</u> .
All other uses	Zone-to-zone	

	setback (Table 535-4)	
Accessory Structures		
Accessory to single family, three family, and four family	Min. 5 ft.	
Accessory to multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC <u>chapter 807</u> .
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
Vehicle Use Areas		
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC <u>chapter 807</u> .
All other uses	Zone-to-zone setback (Table 535-4)	
Interior Side		
Buildings		
Single family	None	

Three family and four family	Min. 5 ft.	
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807 .
All other uses	Zone-to-zone setback (Table 535-4)	
Accessory Structures		
Accessory to single 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 multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807 .
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
Vehicle Use Areas		
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807 .

All other uses	Zone-to-zone setback (Table 535-4)	
Interior Rear		
Buildings		
Single family	None	
Three family and four family	Min. 5 ft.	
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC chapter 807 .
All other uses	Zone-to-zone setback (Table 535-4)	
Accessory Structures		
Accessory to single 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 multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC <u>chapter 807</u> .
Accessory to all other uses	Zone-to-zone setback (Table 535-4)	
Vehicle Use Areas		
Multiple family	Min. 10 ft.	Required landscaping shall meet the Type C standard set forth in SRC <u>chapter 807</u> .
All other uses	Zone-to-zone setback (Table 535-4)	

TABLE 535-4
ZONE-TO-ZONE SETBACKS

Table 535-4: Zone-to-Zone Setbacks			
Abutting Zone	Type of	Setback	Landscaping and Screening

	Improvement		
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, but in no case more than 50 ft ⁽²⁾	Type C
	Vehicle use areas	Min. 5 ft. ⁽¹⁾	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: EC, IC, IBC, and IP	Buildings and accessory structures	Min. 5 ft. ⁽¹⁾	Type A
	Vehicle use areas		
Industrial and Employment Zone: IG	Buildings and accessory structures	Min. 10 ft. ⁽¹⁾	Type C
	Vehicle use areas		
Limitations and 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.* Buildings and accessory structures within the MU-III zone shall conform to the lot coverage and height standards set forth in Table 535-5.

TABLE 535-5
LOT COVERAGE; HEIGHT

Table 535-5: Lot Coverage; Height		
Requirement	Standard	Limitations and Qualifications
LOT COVERAGE		
Buildings and Accessory Structures		
All uses	No Max.	

Rear Yard Coverage		
Buildings		
All uses	N/A	
Accessory Structures		
Accessory to all uses	No Max.	
Height		
Buildings		
All uses	Max. 70 ft.	
Accessory Structures		
Accessory to single family, three family, four family, and multiple family	Max. 15 ft.	
Accessory to all other uses	Max. 70 ft.	

(e) *Landscaping.*

- (1) *Setbacks.* Setbacks, except setback areas abutting a street that provide pedestrian amenities, shall be landscaped to conform to the following standards:
 - (A) The required setback abutting a street for development that is exclusively residential shall meet the standard of a minimum of one plant unit per 16 square feet of landscaped area. Landscaping shall conform to the standards set forth in

SRC chapter 807.

- (B) For all other uses, 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.
- (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.
- (4) *Gasoline stations*. In addition to the landscaping requirements set forth in this section, gasoline stations shall be required to provide a minimum of one plant unit per 16 square feet of landscaped area. The landscaped area shall conform to the standards set forth in SRC chapter 807.
- (f) *Development standards for continued uses*.
- (1) *Buildings*. Buildings housing a continued use and existing accessory structures may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to development standards in this chapter and to all other applicable provisions of the UDC; or
- (2) *Option to rebuild in same location*. Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure and may be enlarged, provided the enlargement does not increase the building or structure's nonconformity to development standards set forth in this chapter and all other applicable provisions of the UDC.
- (g) *Pedestrian-oriented design*. Development within the MU-III zone, excluding development requiring historic design review and multiple family development, shall conform to the pedestrian-oriented design standards set forth in this section. 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.
- (1) *Off-street parking location*. New off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. New off-street surface parking areas and vehicle maneuvering areas shall not be located

between a building or structure and a street.

- (2) *Drive through location.* New drive throughs shall be located behind or beside buildings and structures.
- (3) *Outdoor storage.* Outdoor storage of merchandise located within 50 feet of the right-of-way shall be screened with landscaping or a site-obscuring fence or wall.
- (4) *Building entrances: For buildings within the maximum setback abutting a street, a primary building entrance for each building facade facing a street shall be facing the street.* If a building has frontage on more than one street, a single primary building entrance on the ground floor may be provided at the corner of the building where the streets intersect.
- (5) *Ground-floor windows.* For buildings within the maximum setback abutting a street, ground floor building facades facing that street shall include transparent windows on a minimum of 50 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.

(Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022; Ord. No. 7-23, § 1(Exh. A), 11-27-2023)

Sec. 535.020. - Design review.

Design review under SRC chapter 225 is required for development within the MU-III as follows:

- (a) Multiple family development shall be subject to design review according to the multiple family design review standards set forth in SRC chapter 702.
- (b) 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.

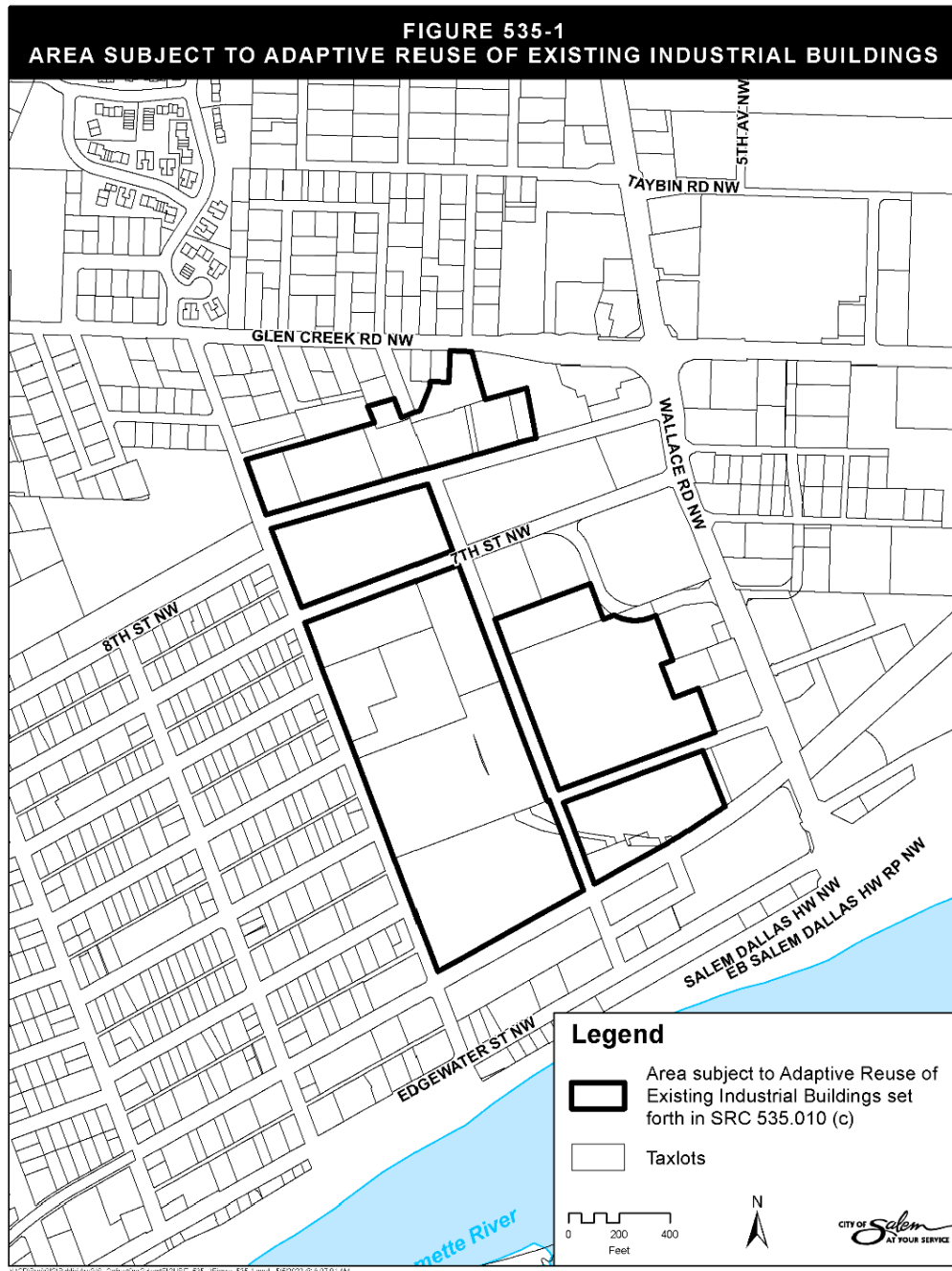
(Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022)

Sec. 535.025. - Other provisions.

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

- (a) Trees and Shrubs: SRC chapter 86.

- (b) Wireless Communications Facilities: SRC chapter 703.
- (c) General Development Standards: SRC chapter 800.
- (d) Public Improvements: SRC chapter 802.
- (e) Streets and Right-of-Way Improvements: SRC chapter 803.
- (f) Driveway Approaches: SRC chapter 804.
- (g) Vision Clearance: SRC chapter 805.
- (h) Off-Street Parking, Loading and Driveways: SRC chapter 806.
- (i) Landscaping and Screening: SRC chapter 807.
- (j) Preservation of Trees and Vegetation: SRC chapter 808.
- (k) Wetlands: SRC chapter 809.
- (l) Landslide Hazards: SRC chapter 810.
- (m) Sign Code: SRC chapter 900.



(Ord. No. 11-22, § 1(Exh. A), 7-25-2022, eff. 8-24-2022)