

Housing Code Project: Potential Code Revisions

Overview

The Housing Code Project is intended to encourage housing development by addressing common barriers to housing in the zoning code. This project implements one of the actions in Salem's Housing Production Strategy adopted by City Council in May 2025 and approved by the State in October 2025. The project aims to promote a variety of housing types that are needed in the community.

City staff initially identified potential barriers to housing production by examining common zoning adjustments and seeking input from the development community and City planners. City staff also researched other Oregon cities' zoning codes to develop potential solutions to the identified barriers. From July through September, staff solicited input on the potential solutions from the public, the Planning Commission, Neighborhood Association chairs and land use chairs, the City's Disability Rights Task Force, and the development community. Through this process, staff refined the list of potential zoning code revisions to promote housing development, which are outlined in this handout. The handout also indicates where ideas align or implement State rules, laws, or guidance.

Next Steps:

- Develop a code amendment and bring it through the adoption process in 2026



Single family house on
Jeremy Valley Drive



Multifamily development
on Sunnyside Road

Single Family and Middle Housing

Issue	Current Standard	Code Revision Idea	Rationale
Maximum units on flag lot accessways	<ul style="list-style-type: none"> Maximum of 4 residential units can be served by a 25-foot-wide flag lot accessway with a paved width of 20 feet. Maximum of 4 lots may be served by a flag lot accessway. 	<ul style="list-style-type: none"> Allow up to 16 units to be served by a flag lot accessway if the accessway easement is 27 feet wide that consists of a 22-foot pavement width and a 5-foot sidewalk along at least one side. 	<ul style="list-style-type: none"> This change would allow more middle housing on flag lots, while ensuring adequate vehicle access and pedestrian safety. Capping the number of units served by a flaglot accessway to 16 responds to neighborhood association concerns.
Infill lots size and setbacks	<ul style="list-style-type: none"> Minimum 5,500 square feet lot size for infill lots for single- and two-family uses, where typically a minimum of 4,000 square feet lot is required. Interior side setback of 10 feet is generally required for infill lots, where typically a minimum of 5 feet is required. 	<ul style="list-style-type: none"> Eliminate larger minimum lot size for infill lots. Eliminate larger minimum setbacks for infill lots. 	<ul style="list-style-type: none"> This change would make the minimum lot size and setbacks consistent between infill and standard lots. It would allow for more infill housing on smaller lots.
Maximum number of attached townhouses	<ul style="list-style-type: none"> Within the RA and RS zones, not more than 4 townhouses on separate lots may be attached. Within any other zone, not more than 6 townhouses on separate lots may be attached. 	<ul style="list-style-type: none"> Allow up to 6 attached townhouses in the RA and RS zones.* Allow townhouses in the Central Business District (CB) zone.* 	<ul style="list-style-type: none"> This change would create more flexibility in the design of townhouses and could result in more townhouse development. Allowing up to 6 attached townhouses aligns with the State's draft model code. Allowing townhouses in the CB zone is required by the State's Climate Friendly and Equitable Communities rules.

* Aligned with State rules or guidance

Issue	Code Revision Idea		Rationale
Cottage clusters maximum units and configuration	<ul style="list-style-type: none">Cottage clusters are defined as 5-12 detached units.Each unit is limited to a building footprint of 900 square feet.	<ul style="list-style-type: none">Allow up to 16 units.Allow detached or attached units*Limit the number of units that can be attached in a building to 4.Establish maximum floor area (attached units).	<ul style="list-style-type: none">These changes would allow greater flexibility in the configuration of cottage clusters, potentially making them more feasible.Limiting the number of attached units to 4 per building responds to community concerns.HB 2138 requires cottage clusters to include subgroupings of up to 4 units.
Accessory dwelling unit (ADU) location	<ul style="list-style-type: none">Accessory dwelling units are required to be in the rear or side yard.	<ul style="list-style-type: none">Eliminate requirement for ADUs to be in the side or rear yard.	<ul style="list-style-type: none">With the allowance of middle housing, two-family uses can now be developed with no location requirements (beyond setbacks).The City has granted adjustments to this requirement. On some lots, there is more room for an ADU in the front yard or extending into the front yard.
Maximum lot depth	<ul style="list-style-type: none">Maximum depth cannot exceed 300% of average lot width.	<ul style="list-style-type: none">Eliminate 300% lot depth to lot width ratio in single family and multifamily zones.	<ul style="list-style-type: none">This is a commonly adjusted standard when lots have significant constraints or unique shapes.Deeper lots no longer result in an inefficient use of land because middle housing is now allowed.

* Aligned with State rules or guidance

Issue	Current Standard	Code Revision Idea	Rationale
Parking location	<ul style="list-style-type: none"> Parking is required to be behind or beside buildings and cannot be located between a building and a street. 	<ul style="list-style-type: none"> Remove the requirement for parking to be behind or beside buildings, but keep prohibition of parking between the building and a street and add graphics. For sites with 3 or more frontages, require the standard to be met along 2 frontages. Exempt parkways from this requirement. 	<ul style="list-style-type: none"> Changing the language would clarify the intent of the standard and result in more consistent implementation. On sites with 3 or more frontages, the parking location requirement is not practical, so it has led to adjustment requests and approvals. Parkways are large, busy streets, so it is not desirable to locate housing close to those streets.
Building frontage	<ul style="list-style-type: none"> On sites with 75 feet or more of buildable width, a minimum of 40% of the buildable width shall be occupied by building placed at the setback line. 	<ul style="list-style-type: none"> Provide an option to decrease the building frontage standard to 20% if a short wall or fence, open space, and/or enhanced landscaping are provided. For double frontage or corner lots, allow a reduced building frontage along one of the streets. Exempt parkways from this requirement. 	<ul style="list-style-type: none"> This change would provide more flexibility in designing development, particularly where there are site constraints or challenges. This is a commonly adjusted standard. Parkways are large, busy streets, so it is not desirable to locate housing close to those streets.
Entrances facing the street	<ul style="list-style-type: none"> Any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have an architecturally defined primary building entrance facing that street, with direct pedestrian access to adjacent sidewalks. 	<ul style="list-style-type: none"> Exempt parkways from this requirement. (See “Building frontage” for related idea.) 	<ul style="list-style-type: none"> Parkways are large, busy streets, so it is not desirable to have housing entrances face those streets.

Issue	Current Standard	Code Revision Idea	Rationale
Cottage clusters in multifamily zones	<ul style="list-style-type: none"> Cottage clusters must meet multifamily design standards in the Multiple Family Residential-II (RM-II) and Multiple Family Residential-III (RM-III) zones. 	<ul style="list-style-type: none"> In the RM-II and RM-III zones, allow cottage clusters with up to 31 units as a special use on lots 1 acre or less. Cottage clusters on larger lots could continue to be built under the City's multifamily design standards. 	<ul style="list-style-type: none"> This change would more easily allow for traditional cottage cluster designs (e.g., around a common courtyard) in the multifamily zones, and they would not be subject to design review. Only allowing this change on smaller lots helps ensure that larger lots are retained for higher-density multifamily housing.
Minimum density for infill projects	<ul style="list-style-type: none"> When adding units to a property with an existing unit, minimum density must still be met. 	<ul style="list-style-type: none"> Exempt lots a quarter acre (10,890 square feet) or less that have an existing unit from meeting the minimum density in the RM-II zone. 	<ul style="list-style-type: none"> The minimum density requirement of 15 units per acre can preclude a property with an existing house from adding another unit because more units are required to meet the density.
Small multifamily	<ul style="list-style-type: none"> Multifamily developments with up to 12 units have fewer design standards than larger developments. 	<ul style="list-style-type: none"> Allow multifamily developments with up to 16 units to have fewer standards. 	<ul style="list-style-type: none"> Fewer design standards makes it easier to build these types of smaller multifamily developments, which are often located on constrained sites.
Setbacks in parking lots	<ul style="list-style-type: none"> Parking lots (vehicle use areas) for multifamily developments are required to be set back at least 10 feet from interior property lines. 	<ul style="list-style-type: none"> Remove the minimum setback for vehicle use areas abutting a property line when multifamily projects are proposed on a development site consisting of multiple properties. 	<ul style="list-style-type: none"> The vehicle use area setback standard is intended to apply to the property lines at the perimeter of the development. This change would eliminate the need for adjustments for development sites extending across multiple properties where there are internal property lines.

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Weather protection	<ul style="list-style-type: none"> In the Mixed Use-I (MU-I) zone, weather protection (awnings or canopies) is required along at least 75% of the ground floor building façade for residential uses. 	<ul style="list-style-type: none"> Reduce the weather protection requirement to 50% for ground-floor residential uses. (This would match the MU-II zone.) 	<ul style="list-style-type: none"> The MU-I zone was intended for buildings with ground-floor commercial uses, but fully residential buildings have been developed in the zone. This change would better accommodate ground-floor units.
Ground floor standards for residential uses	<ul style="list-style-type: none"> In the MU-I zone, ground floor building facades shall include the minimum 65% of transparent windows. In the MU-I zone, the minimum ground floor height is 14 feet, measured from the floor to the ceiling of the first floor. 	<ul style="list-style-type: none"> Reduce the ground floor window requirement to 30% for ground-floor residential uses in the MU-I zone. (This would match the MU-II zone.) Reduce the minimum ground floor height to 10 feet for residential uses in the MU-I zone. (This would match the MU-II zone.) 	<ul style="list-style-type: none"> See above. Specifically, this change - requiring less windows and shorter ceilings - would better accommodate ground-floor residential units.
Maximum setbacks	<ul style="list-style-type: none"> The maximum street abutting setback is 0 to 10 feet in mixed-use zones if the setback area is used for pedestrian amenities. 	<ul style="list-style-type: none"> Allow a maximum setback of 15 feet for ground-floor residential uses, and require specific uses for that space (options). Exclude parkways from the maximum setback requirement 	<ul style="list-style-type: none"> See above. Specifically, this change would better accommodate ground-floor units by allowing housing to be set further back from street. Parkways are large, busy streets, so it is not desirable to locate housing close to those streets.
Small mixed-use projects	<ul style="list-style-type: none"> Small mixed-use projects are not allowed in the Central Business (CB) zone. 	<ul style="list-style-type: none"> Allow single-family and two-family uses in mixed-use buildings in the CB zone. 	<ul style="list-style-type: none"> This would be consistent with the mixed use zones and open up opportunities to add one or two units to largely commercial properties.

Issue	Current Standard	Code Revision Idea	Rationale
Critical root zone	<ul style="list-style-type: none"> Up to 30% of the critical root zone of a tree may be disturbed with an arborist report. 	<ul style="list-style-type: none"> Allow encroachment into up to 25% of the outer ring of the critical root zone without an arborist report. Count existing structures toward the 25% calculation. 	<ul style="list-style-type: none"> This change would add flexibility for development on properties with significant trees. Counting existing structures would help ensure the health of trees. It is a recommendation of the City arborist and responds to a Planning Commission concern.
Tree removal for single family and middle housing	<ul style="list-style-type: none"> To remove trees for single family and middle housing development (not part of land division), a tree variance is required. To remove trees in the riparian corridor for single family and middle housing development, a tree variance is required. 	<ul style="list-style-type: none"> Allow tree removal permits for single family and middle housing, and establish replanting and mitigation requirements, excluding trees in riparian corridors. 	<ul style="list-style-type: none"> This streamlines the process for removing trees in line with the process provided for multifamily and other types of development. Continuing to require a tree variance to remove trees in riparian corridors aligns with the City's current project to better protect riparian corridors.
Tree conservation plans	<ul style="list-style-type: none"> To remove more than 70% of trees as part of a tree conservation plan, mitigation measures must be met for each tree removed in excess of 70 percent. Mitigation measures include increased residential density, solar power off-set, electric vehicle charging, and open space lots. 	<ul style="list-style-type: none"> Add mitigation measures: Preservation of tree groves, development of accessible dwelling units, and tree planting across the development site. Reduce mitigation for non-significant trees: Require mitigation measures at a rate of one mitigation measure for every 2 non-significant trees removed. Establish additional replanting options. 	<ul style="list-style-type: none"> These changes would provide greater flexibility and additional options for mitigating the removal of trees in land divisions.

Issue	Current Standard	Code Revision Idea	Rationale
Tree variances	<ul style="list-style-type: none">City Council may call up a tree variance for review.	<ul style="list-style-type: none">Remove City Council review of tree variances.*	<ul style="list-style-type: none">A tree variance is a limited land use decision, and those decisions cannot be called up by City Council due to new State law.
Trees in large parking lots	<ul style="list-style-type: none">Trees in planting islands only count toward the required climate mitigation for parking areas of more than a half-acre if a minimum of three trees are planted in the planting island.	<ul style="list-style-type: none">Remove the requirement for a minimum of three trees to be planted per island to count toward the tree canopy requirement.	<ul style="list-style-type: none">This change provides more flexibility in where trees can be planted to meet the City's tree canopy requirements.

Other Land Use Standards

Issue	Current Standard	Code Revision Idea	Rationale
Bike Parking	<ul style="list-style-type: none">A minimum of 1 bicycle parking space per unit is required in multifamily developments.Short term bicycle parking must be located within 50 ft of and clearly visible from the building entrance. Bicycle parking areas must have direct access to the street and building entrance, free of barriers.	<ul style="list-style-type: none">Reduce required bicycle parking to one-half space per dwelling unit (covered space).*Location and access standards will be addressed as part of a more comprehensive update to bike parking requirements	<ul style="list-style-type: none">This change would implement the State's rules, and reduce the amount of bicycle parking required.

* Aligned with State rules or guidance

Issue	Current Standard	Code Revision Idea	Rationale
Pedestrian connections in existing parking lots	<ul style="list-style-type: none"> Walkways through parking lots must be visually differentiated through elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet the requirement, except when used in a parking structure or parking garage. 	<ul style="list-style-type: none"> For existing parking lots, add a new option of striping with high visibility paint with the installation of stop signs. 	<ul style="list-style-type: none"> Existing parking lots have been bolting in speed bumps, which are tripping hazards and not favored by the Fire Department. This change would provide another option for retrofitting existing parking lots.
Accessible Housing	<ul style="list-style-type: none"> There are no incentives for accessible housing units in the current code. 	<p>Incentivize affordable and accessible units*:</p> <ul style="list-style-type: none"> Allow one additional unit to a duplex or triplex and up to two additional units to a townhouse, quadplex or cottage cluster when one or more of the units are accessible or affordable (homeownership).* Allow increases to developable area, floor area, height or density requirements to allow for the development of the units.* <p>Incentivize accessible single-family units:</p> <ul style="list-style-type: none"> Increase the maximum lot coverage to 75% Reduce the minimum interior side setback to 3 ft. and interior rear setback to 10 ft. <p>Incentivize accessible ADUs:</p> <ul style="list-style-type: none"> Increase the maximum size to 1,000 square feet 	<ul style="list-style-type: none"> The City is required to allow additional middle housing units for accessible or affordable units under HB 2138. Greater lot coverage and reduced setbacks for single-family units and larger maximum sizes for ADUs would allow for a larger footprint needed to accommodate a mobility accessible design.

* Aligned with State rules or guidance

Issue	Current Standard	Code Revision Idea	Rationale
Utility requirements for middle housing	<ul style="list-style-type: none"> In middle housing land divisions, separate utilities must be provided for each dwelling unit. 	<ul style="list-style-type: none"> Allow middle-housing units created through a middle-housing land division to utilize shared private sewer systems.* 	<ul style="list-style-type: none"> HB 2138 allows cities to determine if separate utilities must be provided to each unit in a middle housing land division. Allowing shared sewer systems could lower the cost of developing middle housing units.
Boundary street improvements	<ul style="list-style-type: none"> The conversion of a single-family unit into a duplex, triplex, or quadplex is exempt from boundary street improvements. Housing that generates less than 20 trips a day is also exempt. 	<ul style="list-style-type: none"> Exempt two, three, and four-family housing from boundary street requirements. 	<ul style="list-style-type: none"> This change would lower the cost of developing two, three, and four-family uses, while retaining boundary street improvements for cottage clusters. Cottage cluster tend to be developed on larger lots with more units, resulting in greater transportation impacts. Retaining boundary street requirements for cottage clusters responds to concerns from neighborhood associations and ensures impacts from larger developments are mitigated adequately.
Alternative street standards	<ul style="list-style-type: none"> There is no land use application process. 	<ul style="list-style-type: none"> Create an application process similar to adjustments for alternative street standards. Right-of-way widths and cross sections will be updated with the Transportation System Plan update. 	<ul style="list-style-type: none"> This change would create a consistent process with clearer criteria for adjusting street standards.

* Aligned with State rules or guidance

In April of 2024, the City Council directed staff to make changes to Appeal and Council Review procedures outlined in SRC Table 300-2 to eliminate Council Review - known as Council Call Ups - for applications that include the development of new housing or where the Council has limited discretion in the application. Since then, State law changed to prohibit the City from applying additional procedures such as Council Call Ups to Limited Land Use decisions.

Issue	Proposed Changes
Council Call Ups for limited land use decisions	Limited Land Use Applications such as Subdivisions, Partitions, Class 3 Site Plan Review, etc. can no longer be subject to Council Review under a change to State law. (Required by HB 1537) *
Council Call Ups for housing applications	Applications that include the development of new housing are recommended to no longer be available for Council call up, per City Council motion in 2024.
Review authority	The review authority for Conditional Use Permits and Historic Adaptive Reuse applications would shift from the Hearings Officer to the Planning Commission and the related appeals would be to the City Council.
Housing-related applications	Zone Changes that allow a denser residential use designation, Planned Unit Developments, and Variances from residential approval standards must be processed as Type II applications (notice, no public hearing, decision issued by the Planning Administrator.) (Required by SB 974)*
Middle housing land divisions	In a Middle Housing Land Division, an applicant can request that the application be processed pursuant to State law, instead of the procedures in SRC Chapter 300. The process in State law exempts public notice and allows only the applicant to file an appeal. (Required by HB 2138)*

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